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JOURNAL

OF

THE SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH-CAROLINA,

AT ITS

SESSION OF 1866-'67.

RALEIGH, N. C.:
WM. E. PELL, STATE PRINTER
1867.

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SENATE---SESSION 1866-'67.

At a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday, the nineteenth day of November, Anno Domini, one thousand eight hundred and sixty-six, and the ninety-first year of the Independence of the United States of America, being the day appointed by law for the meeting of the General Assembly, the following members of the Senate appeared, exhibited their credentials and were qualified according to law, viz :

1st	District,	Pasquotank and Perquimans—R. K. Speed.
2d	"	Camden and Currituck—W. B. Ferebee.
3d	"	Gates and Chowan—H. Willey.
4th	"	Tyrrell and Hyde—Jones Spencer.
5th	"	Northampton, H. C. Edwards.
6th	"	Hertford—James Barnes.
8th	"	Martin and Washington—J. E. Moore.
9th	"	Halifax—Mason L. Wiggins.
10th	"	Edgecombe and Wilson—Henry T. Clark.
11th	"	Pitt—C. Perkins.
12th	"	Beaufort—Isaiah Respass.
13th	"	Craven—M. E. Manly.
14th	"	Carteret and Jones—Calvin Koonce.
15th	"	Greene and Lenoir—John H. Coward.
16th	"	New Hanover—E. D. Hall.
17th	"	Duplin—Isaac B. Kelly.
18th	"	Onslow—Jasper Etheridge.
19th	"	Bladen, Brunswick and Columbus—S. Lloyd.
20th	"	Cumberland—Arch'd McLean.
21st	"	Sampson—John C. Williams.
22d	"	Wayne—W. A. Thompson.
23d	"	Johnston—Thomas D. Snead.
24th	"	Wake—W. D. Jones.

25th District, Nash—L. N. B. Battle.
26th " Franklin—Washington Harris.
27th " Warren—F. A. Thornton.
28th " Granville—J. D. Bullock.
29th " Person—J. W. Cunningham.
30th " Orange—John Berry.
31st " Alamance and Randolph—M. S. Robins.
32d " Chatham—R. B. Paschal.
33d " Moore and Montgomery—W. B. Richardson.
35th " Anson and Union—D. A. Covington.
36th " Guilford—Peter Adams.
37th " Caswell—Livingston Brown.
39th " Mecklenburg—Joseph H. Wilson.
40th " Stanly and Cabarrus—Joseph Marshall.
41st " Rowan and Davie—R. F. Johnston.
42d " Davidson—James M. Leach.
43d " Stokes and Forsythe—James E. Matthews.
44th " Ashe, Surry, Watauga and Yadkin—A. C. Cowles.
45th " Wilkes, Iredell and Alexander—J. H. Hill.
46th " Burke, McDowell and Caldwell—A. C. Avery.
47th " Lincoln, Gaston and Catawba.—M. L. McCorkle,
48th " Rutherford, Polk and Cleaveland—C. L. Harris.
50th " Haywood, Jackson, Cherokee and Macon—Jas. R. Love.

A quorum, consisting of a majority of the whole number of Senators, being present, Mr. Cunningham nominated M. E. Manly, the Senator from Craven, for Speaker.

Mr. Covington nominated J. H. Wilson, the Senator from Mecklenburg.

The Clerk appointed Messrs. Speed and Moore to superintend the election.

The following named Senators voted for Mr. Manly:

Messrs. Battle, Barnes, Clark, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris, of Franklin, Kelly, Koonce, Lloyd, Moore, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams, and Wilson.—21.

The following Senators voted for Mr. Wilson, viz:

Messrs. Adams, Avery, Berry, Brown, Covington, Johnston, Love, Manly, Marshall, McCorkle, McLean, Perkins and Respass.—13.

The following Senators voted for Mr. Leach, viz :

Messrs. Bullock, Coward, Cowles, Hill, Jones, Matthews, Paschall, Richardson, Robins and Snead.—10.

Mr. Leach voted for Mr. Cowles.

Mr. Harris, of Rutherford, voted for Mr. Snead.

The Committee reported that no one having received a majority of the votes, there was no election.

The Senate proceeded to vote again for Speaker, with result as follows :

The following named Senators voted for Mr. Manly, viz :

Messrs. Battle, Barnes, Clark, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris of Franklin, Kelly, Koonce, Lloyd, Moore, Paschal, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams and Wilson.—22.

The following Senators voted for Mr. Wilson, viz :

Messrs. Adams, Avery, Berry, Brown, Covington, Johnston, Love, Manly, Marshall, McCorkle, McLean and Perkins.—12.

The following Senators voted for Mr. Leach, viz :

Messrs. Bullock, Coward, Cowles, Hill, Jones, Matthews, Respass, Richardson, Robins and Snead.—10

Mr. Leach voted for Mr. Cowles.

Mr. Harris, of Rutherford, voted for Mr. Snead.

There was no election.

Mr. Leach stated that his name was not before the Senate as a candidate for Speaker, and hoped his friends would not vote for him.

The Senate proceeded to ballot a third time for Speaker, with result as follows :

The following named Senators voted for Manly, viz :

Messrs. Adams, Avery, Battle, Barnes, Clark, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris of Franklin, Kelly, Koonce, Lloyd, Love, McCorkle, Moore, Paschal, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams and Wilson.—26.

The following Senators voted for Mr. Wilson, viz :

Messrs. Berry, Brown, Bullock, Covington, Cowles, Harris of Rutherford, Hill, Johnston, Jones, Leach, Manly, Marshall, McLean, Perkins, Respass, Richardson, Robins and Snead.—18.

The following Senators voted for Mr. Cowles, viz:

Messrs. Coward and Matthews—2.

The tellers reported to the Senate that forty-six votes had been cast, and Hon. M. E. Manly, having received a majority of them, was duly elected Speaker of the Senate.

The Clerk designated Messrs. Cunningham and Covington, to conduct the Speaker to the chair, who returned his acknowledgments to the Senate in a few graceful and appropriate remarks.

The Senate then proceeded, upon motion of Mr. Leach, to vote for Principal Clerk.

Mr. Wilson nominated Jos. A. Engelhard, of New Hanover.

On motion of Mr. Cunningham,

Mr. Engelhard was elected by acclamation.

On motion of Mr. Avery,

The Senate proceeded to the election of Assistant Clerk.

Mr. Avery nominated Mr. Quentin Busbee, of Wake.

Mr. Hall nominated Mr. Daniel Coleman, Jr., of Cabarrus.

Mr. Adams nominated Mr. H. W. Husted of Wake.

The Speaker designated Messrs. Avery and Hall to superintend the election.

The following named Senators voted for Mr. Busbee, viz:

Messrs. Avery, Battle, Barnes, Brown, Coward, Cunningham, Edwards, Etheridge, Ferebee, Jones, Lloyd, Matthews, Paschal, Richardson, Snead, Thompson and Thornton—17.

The following Senators voted for Mr. Coleman, viz:

Messrs. Bullock, Covington, Cowles, Hall, Harris of Rutherford, Hill, Johnston, Love, Marshall, McCorkle, Moore, Respass, Robins, Speed and Wilson—15.

The following Senators voted for Mr. Husted, viz:

Messrs. Adams, Berry, Clark, Harris of Franklin, Kelly, Koonce, Leach, Manly, McLean, Perkins, Spencer, Wiggins, Willey and Williams—14.

There being no election, a second ballot was had, with the following result, viz:

The following Senators voted for Mr. Busbee, viz:

Messrs. Speaker, Avery, Battle, Barnes, Brown, Bullock, Coward, Cunningham, Edwards, Etheridge, Ferebee, Harris of Franklin, Jones, Koonce, Leaeh, Lloyd, Love, Matthews, Paschal, Perkins, Riehardson, Snead, Speneer, Thompson, Thornton, Willey and Williams—26.

The following Senators voted for Mr. Coleman, viz:

Messrs. Adams, Covington, Cowles, Harris of Rutherford, Hill, Johnston, Marshall, MeCorkle, Moore, Respass, Robins, Speed and Wilson—13.

The following Senators voted for Mr. Husted, viz:

Messrs. Speaker, Berry, Clark, Hall, Kelly, MeLean and Wiggins.—7.

Mr. Quentin Busbee having received a majority of the whole number of votes given in, was declared duly elected Assistant Clerk.

The Speaker administered the oath of offiee to the Clerks.

The Senate proeeded to eleet Principal Doorkeeper.

Mr. Leach nominated Mr. James Page, of Randolph.

Mr. Page was appointed unanimously.

On motion of Mr. Cunningham,

The Senate proeeeded to vote for Assistant Doorkeeper.

Mr. Cunningham nominated Mr. C. C. Tally, of Chatham.

Mr. Jones nominated Mr. Rufus Ruth, of Wake.

Messrs. Cunningham and Jones were appointed to superintend the eleetion.

The following Senators voted for Mr. Tally, viz:

Messrs. Speaker, Adams, Battle, Berry, Brown, Bulloek, Clark, Covington, Coward, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris of Franklin, Harris of Rutherford, Johnston, Leaeh, Lloyd, Marshall, Matthews, McCorkle, MeLean, Pasehal, Perkins, Respass, Richardson, Robins, Snead, Speed, Speneer, Thornton, Wiggins, Willey, Williams, and Wilson.—38.

The following Senators voted for Mr. Ruth, viz:

Messrs. Avery, Barnes, Hill, Jones, Kelly, Koonce, Love, Moore and Thompson.—9.

Mr. Tally, having reeeived a majority of the votes, was deelared duly eleeted.

On motion of Mr. Cowles,

A message was sent to the House of Commons, informing them of the organization of the Senate, and that it was ready to proceed to business.

On motion of Mr. Wiggins,

The rules of the last Senate were adopted for the government of the Senate until the adoption of permanent rules.

On motion of Mr. Cunningham,

The Senate adjourned until to-morrow at 11 o'clock.

TUESDAY, November 20th, 1866.

Prayer by the Rev. J. M. Atkinson,

A message was received from the House of Commons informing the Senate of the organization of that body by the election of Rufus Y. McAden, Speaker; Seaton Gales, Principal Clerk; W. M. Hardy, Assistant Clerk; Wallace Alexander, Principal Doorkeeper; and John H. Hill, Assistant Doorkeeper, and were ready to proceed to the dispatch of public business.

A message was received from the House of Commons, proposing to raise a Joint Select Committee of three on the part of the House and two on the part of the Senate, to wait on his Excellency, the Governor of the State, and inform him of the organization of the two Houses, and their readiness to receive any communication he may have to make.

On motion of Mr. Cowles,

The message was laid on the table.

On further motion of Mr. Cowles,

Ordered, That a message be sent to the House of Commons proposing that a committee of two on the part of each House be appointed for this purpose.

A message was received from the House and concurred in, proposing to go into the election for Public Printer at 1 o'clock. Mr. Wm. E. Pell being in nomination in the House of Commons.

Mr. Jones added to the nomination Messrs. Nichols, Gorman & Neathery.

Mr. Harris, of Franklin, placed in nomination Mr. William B. Smith.

The House was informed of these nominations by message.

Mr. Thomas Badger was recommended for Justice of the Peace for the County of Wake by the House of Commons, and concurred in by the Senate.

The House concurred, by message, in the proposition of the Senate to appoint a Joint Committee of two on the part of each House, to wait on the Governor.

Messrs. Holderby and Russ constitute the House branch of the Committee.

The Speaker designated Messrs. Cowles and McCorkle as the Senate branch of the Committee.

On motion of Mr. Wilson,

Ordered, That a Committee of three be appointed by the Speaker to prepare Rules of Order for the government of the Senate.

Messrs. Wilson, Clark and Hall were appointed as the Committee.

On motion of Mr. Clark,

Ordered, That a message be sent to the House proposing to raise a Joint Committee, of five on the part of the House and three on the part of the Senate, to prepare Joint Rules of Order for the government of the two Houses during the present session.

Mr. Cowles, from the Committee to wait on the Governor, reported that his Excellency would communicate with the General Assembly, in writing, to-day at 12 o'clock.

Mr. Speed introduced the following resolution, viz :

Resolved, That the Committee on the *Judiciary* be instructed to bring in a bill requiring all the printing for the offices of Treasurer, Comptroller, Secretary of State, the Governor's office, and the two Houses of the General Assembly be executed at the printing establishment of the Institution of the Deaf and Dumb and the Blind, and that the Governor be authorized and empowered to procure types and other fixtures necessary for the purpose, and that the execution of

the same be supervised by the Secretary of State under the direction of the Governor, and that the same shall go into effect on the first day of January, 1868.

The resolution was adopted.

A message was received from the House, proposing to go forthwith into an election of three Engrossing Clerks; the names of Messrs. S. B. Taylor of Stokes, John A. Hampton of Yadkin, L. W. Joyner, of Franklin, A. S. Barbee of Orange, R. V. Blackstock of Buncombe, S. M. Stone of Franklin, Perrin Busbee of Wake, T. B. Long of Chatham, W. S. Ramsay, of Chatham, E. B. Freeman of Wake, and George M. Whiting of Wake, being in nomination. Concurred in.

Messrs. Rogers and Baker were appointed to superintend the election in the House.

The Senate, under the superintendence of Messrs. Battle and Wiley, proceeded to vote as follows:

The following Senators voted for Mr. Stone, viz:

Messrs. Speaker, Battle, Barnes, Bullock, Clark, Covington, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris of Franklin, Harris of Rutherford, Jones, Kelly, Love, Lloyd, Marshall, McLean, Richardson, Speed, Spencer, Thompson, Thornton, Wiggins, Willey and Williams.—27.

The following Senators voted for Mr. Ramsay, viz:

Messrs. Adams, Berry, Clark, Covington, Edwards, Etheridge, Hall, Hill, Johnston, Kelly, Koonce, Love Lloyd, McCorkle, McLean, Moore, Paschal, Perkins, Respass, Robins, Speed, Spencer, Thompson, Wiggins, Willey and Williams.—26.

The following Senators voted for Mr. Busbee, viz:

Messrs, Speaker, Adams, Avery, Battle, Barnes, Brown, Coward, Cunningnam, Edwards, Ferebee, Harris, of Franklin, Jones, Koonce, Leach, Matthews, Robins, Snead, and Thornton.—18.

The following Senators voted for Mr. Freeman, viz:

Messrs. Speaker, Adams, Berry, Clark, Etheridge, Jones, Kelly, Lloyd, Matthews, McCorkle, Moore, Perkins, Robins, Speed, Spencer, Wiggins, Willey, Wilson.—18.

The following Senators voted for Mr. Long, viz:

Messrs. Coward, Cowles, Harris, of Rutherford, Hill, Johnston, Leach, Marshall, Paschal, Respass, Richardson, Snead, Thompson, and Williams.—13.

The following Senators voted for Mr. Hampton, viz:

Messrs. Bullock, Covington, Coward, Cowles, Harris, of Rutherford, Hill, Johnston, Koonce, Leach, Respass, Richardson, and Snead.—12.

The following Senators voted for Mr. Joyner, viz:

Messrs. Battle, Barnes, Bullock, Cunningham, Ferebee, Harris, of Franklin, Marshall, Perkins, and Thornton.—9.

The following Senators voted for Mr. Barbee, viz:

Messrs. Avery, Berry, Hall, Paschal and Wilson—5.

The following Senators voted for Mr. Taylor, viz:

Messrs. Brown, Cowles, Matthews, McCorkle and Wilson—5

The following Senators voted for Mr. Whiting, viz:

Messrs. Brown, Love, McLean and Moore—4.

Mr. Avery voted for Mr. Blackstock.

A message was received from the House, transmitting a Report of the Comptroller and Secretary of State, relative to "Confederate and State Securities," in obedience to an Ordinance of the Convention, with a proposition to print, which was concurred in.

Mr. Battle, from the committee to superintend the election for three Engrossing Clerks, reported that the whole number of votes was 162; necessary to a choice 82. Mr. Stone received 99, Mr. Ramsay 97, Mr. Hampton 61, Mr. Long 50, Mr. Freeman 46, Mr. Busbee 37, Mr. Whiting 29, Mr. Joyner 17, Mr. Taylor 17, Mr. Barbee 9, and Mr. Blackstock 7. Messrs. Stone and Ramsay, having each received a majority of the whole number of votes cast, were duly elected. The report was concurred in.

The hour having arrived to execute the joint order, the Senate proceeded to vote for Public Printer, Messrs. Moore and Matthews superintending. Messrs. McNair and Waugh conducted the election on the part of the House.

The following named Senators voted for Mr. Pell, viz:

Messrs. Speaker, Adams, Avery, Battle, Barnes, Berry, Brown, Covington, Cowles, Cunningham, Edwards, Ferebee, Hall, Hill, Johnston, Kelly, Koonce, Leach, Love, Lloyd,

Marshall, Matthews, McCorkle, McLean, Moore, Paschal, Perkins, Robins, Speed, Spencer, Thornton, Wiggins, Willey, Williams and Wilson—35.

The following named Senators voted for Messrs. Nichols, Gorman & Neathery, viz:

Messrs. Coward, Etheridge, Harris of Rutherford, Jones, Respass, Snead and Thompson—7.

The following Senators voted for Mr. Smith, viz:

Messrs. Bullock, Clark, Harris of Franklin, and Richardson—4.

A message was received from the House, transmitting the message of his Exeellency, the Governor, and accompanying documents, with proposition to print ten copies for each member of the General Assembly, and one hundred copies for the use of the Governor.

Mr. Hall moved to dispense with the reading;

And the question being put was

Decided in the negative, { Yeas.....15 / Nays.....30

On motion of Mr. Robins,

The yeas and nays being ordered,

The following Senators voted in the affirmative, viz:

Messrs. Battle, Brown, Hall, Harris of Franklin, Harris of Rutherford, Johnston, Jones, Lloyd, Marshall, Matthews, Paschal, Snead, Speed, Speneer and Thompson—15.

And the following in the negative, viz:

Messrs. Adams, Avery, Barnes, Berry, Bulloek, Clark, Covington, Coward, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Hill, Kelly, Koonce, Leach, Love, McCorkle, McLean Moore, Perkins, Respass, Richardson, Robins, Thornton, Wiggins, Willey, Williams and Wilson.

The message was then read and the proposition concurred in.

Mr. Matthews, from the committee to superintend the election for Public Printer, reported whole number of votes 157; necessary to a choice, 79. Mr. Pell received 115, Messrs. Nichols, Gorman & Neathery, 37, and Mr. Smith 5. Mr. Pell, having received a majority of the whole, was duly elected. The report was concurred in.

A message was received from the House, proposing to go forthwith into an election for one Engrossing Clerk. Laid on the table.

The House concurred in the proposition of the Senate to raise a Joint Committee on Rules of Order for the government of the two Houses. Messrs. Hutchison, Logan, Latham, of Washington, McKay and Richardson, compose the House branch of the Committee.

On motion of Mr. Love,

The Senate adjourned until 11 o'clock to-morrow.

WEDNESDAY, NOVEMBER 21st, 1866.

Mr. Murdock McRae, the Senator from the 34th Senatorial District, composed of the Counties of Richmond and Robeson, appeared, presented his credentials and was qualified.

Messrs. Wiggins and Leach were designated as the Senate branch of the Joint Committee on the Rules of Order for the government of the two Houses.

A message was received from the House, proposing to go into an election for one Engrossing Clerk at 11½ o'clock.

Mr. Love moved that the message be laid on the table, and the question being thereon, was put and

Decided in the negative, { Yeas, ...7. / Nays, ...36.

On motion of Mr. Love,

The yeas and nays being ordered,

The following Senators voted in the affirmative, viz:

Messrs. Berry, Jones, Kelly, Love, McCorkle, Snead and Thompson.

And the following voted in the negative, viz:

Messrs. Avery, Battle, Barnes, Brown, Bullock, Clark, Covington, Coward, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris of Franklin, Harris of Rutherford, Hill, Johnston, Koonce, Leach, Lloyd, Marshall, Matthews, McLean, McRae, Moore, Paschal, Perkins, Richardson, Robins, Spencer, Wiggins, Willey, Williams and Wilson.

The message was then concurred in, and the hour having arrived, the Senate proceeded to vote under the superintendence of Messrs. Cowles and Ferebee.

Messrs. Hutchison and Kenan conducted the election on the part of the House.

The name of Mr. Joyner, of Franklin, was withdrawn.

The following Senators voted for Mr. Hampton, viz :

Messrs. Barnes, Covington, Coward, Cowles, Etheridge, Harris of Rutherford, Hill, Leach, Marshall, McCorkle, Perkins, Speed, Spencer, Wiggins, Willey and Williams.—16.

The following Senators voted for Mr. Busbee, viz :

Messrs. Avery, Battle, Brown, Clark, Cunningham, Edwards, Hall, Jones, Koonce, Matthews, Respass, Robins and Thornton.—13.

The following Senators voted for Mr. Whiting, viz :

Messrs. Speaker, Ferebee, Harris of Franklin, Kelly, Love, McLean, McRae, Moore and Thompson.—9.

The following Senators voted for Mr. Long, viz :

Messrs. Berry, Bullock, Johnston, Lloyd, Paschal, Richardson and Williams.—7.

Mr. Wilson, from the Committee on Rules of Order, reported a series of twenty-eight Rules and asked to be discharged. Discharged accordingly.

Mr. Cowles, from the Committee to superintend the election for one Engrossing Clerk, reported that the whole number of votes cast was 158; necessary to a choice 80. Mr. Hampton received 76 votes ; Mr. Long 41 ; Mr. Whiting 21 ; Mr. Busbee 18. No one having received a majority of the votes cast, there was no election. The report was concurred in.

A message was received from the House proposing to go forthwith into an election for Engrossing Clerk. The names of Messrs. Whiting and Busbee were withdrawn.

The message was concurred in, and the Senate proceeded to vote, with result as follows :

The following named Senators voted for Mr. Hampton, viz:

Messrs. Speaker, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Coward, Cowles, Cunningham, Etheridge, Ferebee, Harris of Franklin, Hill, Jones, Koonce, Leach, Love, Marshall, Matthews, McCorkle, McRae, Moore, Perkins, Res-

pass, Richardson, Speed, Spencer, Wiggins, Willey and Wilson.—32.

The following named Senators voted for Mr. Long, viz :

Messrs. Bullock, Edwards, Harris, of Rutherford, Johnston, Kelly, Lloyd, McLean, Paschal, Robins, Snead, Thompson, Thornton, and Williams.—13.

Mr. Hall voted for Mr. Busbee.

A message was received from the House, proposing to go forthwith into an election for Secretary of State, which was concurred in; Mr. R. W. Best being in nomination.

Messrs. Holderby and Rogers constitute the Committee on the part of the House to superintend the election.

The Senate proceeded to vote, under the superintendence of Messrs. Robins and Lloyd, with result as follows :

The following Senators voted for Mr. Best, viz :

Messrs. Speaker, Avery, Battle, Barnes, Berry, Brown, Bullock, Clark, Covington, Cowrad, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respass, Richardson, Robins, Snead, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams, and Wilson.—44.

Mr. Cowles, from the Committee to superintend the election of one Engrossing Clerk, reported that the whole number of votes cast was 157 ; necessary to a choice, 79. Mr. Hampton received 103, Mr. Long 53. Mr. Hampton having received a majority, was duly elected. Concurred in.

A message was received from the House, proposing to go forthwith into an election for Comptroller, the names of Pulaski Cowper and C. H. Brogden being in nomination.

On motion of Mr. Wilson,

Laid on the table.

Mr. Robins, from the Committee to superintend the election of Secretary of State, reported that the whole of votes cast was 148 ; necessary to a choice 75. Mr. Best received 148, being the whole number cast, and was duly elected.

The report of the Committee to prepare Rules for the government of the Senate was considered, and Rule 15th was

amended, upon motion of Mr. Wiggins, by striking out, in the third line, the word "*considered*" and inserting the word "*introduced*," and the 22d Rule was amended, upon motion of Mr. Leach, by striking out all after the word "*referred*," in the fifth line.

The report as amended was adopted, as follows:

RULES OF ORDER

For the Government of the Senate.

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

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

3. After the reading of the journal of the preceding day, the Senate shall proceed to business in the following order: 1. The receiving of petitions, memorials, pension certificates, and papers addressed either to the General Assembly or to the Senate; 2. The Reports of Standing Committees; 3. The Reports of Select Committees; 4. Resolutions; 5. Bills; 6. Bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table; then, the orders of the day. But motions and messages proposing to elect officers shall always be in order.

4. When any member is about to speak in debate, or deliver any matter to the Senate, he shall rise from his seat, and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality; and when two or more members happen to rise at once, the Speaker is to name the one who is first to speak. No member shall speak more than twice on the same question or nomination for office, without leave from the Senate; and when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing, or by passing between him and the Chair.

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

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

7. When a question is under debate no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or to amend; which several motions shall have precedence in the order they stand arranged; and any motion to adjourn or lay on the table shall be decided without debate; and a motion to adjourn shall always be in order.

8. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators, as many as are of the opinion that, (as the case may be,) say Aye;" and, after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being also reported, he shall state the decision to the Senate and announce the decision. No member who was without the bar of the Senate when any question was put from the Chair, shall enter his yea or nay without leave, unless he shall have been absent on some committee; and the row of pillars shall be the bar of the Senate.

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

10. In all cases of election by the Senate, the Speaker shall vote; and when, on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the decision equal; and when an equal decision is produced by the Speaker's vote, the question shall be lost.

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

12. Petitions, memorials, and other papers addressed to the Senate, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall verbally be made by the introducer, and the petition, memorial, or other paper, shall not be read, unless so ordered by the Senate.

13. Resolutions for the appropriation of public money, and all other resolutions of a public nature, as well as all bills, shall be read the first time for information, and upon this reading shall not be subject to amendment, but may be amended on the second and third readings. And the Clerk shall keep a calendar of all such resolutions and bills, with the order taken on each, in the order in which they are introduced, and they shall be taken up and considered as they stand on the calendar, unless otherwise ordered; and the calendar shall be daily revised and kept on the Speaker's table for the inspection of members, and all bills shall be numbered and dispatched in the order in which they staud upon the calendar.

14. All bills, when ready for the second reading, shall be noted as having been read at least one day previous thereto, and then shall be first read for information, and then paragraph by paragraph, and held open for amendment.

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

16. When a question has been once decided, it shall be in order for any member in the majority to move a reconsideration thereof, on the same or succeeding day, if the bill, resolution or paper, upon which the question has been taken, be in possession of the Senate; and no bill or resolution of a public nature shall be sent from the Senate until 12 o'clock the succeeding day; but when the motion to reconsider is laid on the table, it shall not again be called up.

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

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

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

20. There shall be appointed by the Speaker the following committees, namely:

A Committee of Propositions and Grievances.

A Committee of Privileges and Elections.

A Committee of Claims.

A Committee on the Judiciary.

A Committee on Internal Improvements.

A Committee on Education and the Literary Fund.

A Committee on Banks and Currency.

A Committee on Corporations.

A Committee on Military Affairs, and

A Committee on Agriculture, consisting of seven members each.

21. When the Senate resolves itself into a Committee of the Whole, the Speaker shall leave the chair and appoint a

Chairman ; and when upon any other occasion the Speaker wishes to leave the chair, he shall appoint a Speaker *pro tem ;* but such appointment shall not extend beyond an adjournment.

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

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

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

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

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

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

28. The rules for the government of the Senate shall not be amended or altered without giving at least one day's notice of such amendment or alteration, nor without the consent of two-thirds of the members present; but the rules may be suspended temporarily for a special purpose, by the concurrence of two-thirds of the members present.

On motion of Mr. Jones,

The Senate adjourned until 11 o'clock to-morrow.

THURSDAY, November, 22nd, 1866.

Mr. Gash, the Senator elect from the 49th Senatorial District, composed of the counties of Buncombe, Henderson, Yancy, Transylvania, Madison and Mitchell, appeared, presented his credentials and was qualified.

Bills of the titles following were introduced and disposed of as follows:

By Mr. Jones: Bill (S. 1,) to extend the present term of the Court of Pleas and Quarter Sessions of the county of Wake.

On motion of Mr. Jones,

The rules were suspended, and the bill passed its several readings.

Ordered to be engrossed.

By Mr. Berry: Bill (S. 2,) to establish Freehold Homesteads for the citizens of the State. Ordered to be printed and referred to the committee on the *Judiciary.*

By Mr. Love: Bill (S. 3,) to repeal an Ordinance of the late Convention entitled "An Ordinance for the exchanging the stocks of the State for Bonds issued before the year one thousand eight hundred and sixty-one. Filed on the calendar.

By Mr. Speed: Bill (S. 4,) for the relief of honest debtors. Ordered to be printed.

By Mr. Speed: Bill (S. 5,) to prevent frauds upon the Revenue of the State. Ordered to be printed and referred to the commitee on *Finance.*

From the House: Engrossed Resolution in regard to the Message of the Governor and the Report of the Public Treasurer. Passed and

Ordered to be enrolled.

On motion of Mr. Jones,

The rules were suspended and the engrossed bill (S. 1,) to extend the present term of the Court of Pleas and Quarter Sessions of the county of Wake, was transmitted to the House forthwith.

A message was received from the House, transmitting the following resolution, asking concurrence therein, viz:

Resolved, (the Senate concurring) That the second Saturday in December next be set apart for the election of Justices

of the Peace; and that no motion for that purpose shall be entertained until that day.

On motion of Mr. Leach,

Laid on the table.

On motion of Mr. Leach,

Ordered, That a message be sent to the House of Commons proposing to appoint a joint select committee of five on the part of the Senate and eight on the part of the House, to consider and report upon so much of the Governor's Message as refers to a joint Resolution of Congress, proposing an mendment to the Constitution of the United States.

The House subsequently, by message, concurred in the proposition.

Received a message from the House, proposing to raise a joint select committee of five from the House and three from the Senate, to whom shall be referred so much of the Governor's Message as relates to the African race and to apprentices. The Senate concurred in the proposition and the Speaker designated Messrs. Berry, Thornton and Covington as the Senate branch of the committee. Messrs. Moore of Hertford, Logan, Waugh, Davis and McKay were announced, by message, as the House branch of the committee.

A further message was received from the House, proposing to go into an election for United States Senator on Tuesday next at 12 o'clock M. Concurred in.

Messrs. Etheridge and Harris, of Rutherford were appointed to superintend the election in the Senate. Messrs. Blair and Crawford, of Dowan, superintend the election on the part of the House.

A message was received from the House, in which the Senate concurred, proposing to raise a joint select committee of three on the part of the House and two on the part of the Senate, to whom shall be referred so much of the Governor's Message as relates to the Agricultural and Mechanical College, and that they report by bill or otherwise; and the Speaker appointed Messrs. Clark and Gash as the Senate branch of the committee. Messrs. Foard, Blair and Boyd were announced as the House branch of the committee.

A message was received from the House, proposing to go forthwith into the election for Comptroller, in which the Senate did not concur, but

On motion of Mr. Battle,

Ordered, That a message be sent to the House proposing to go into an election for Comptroller on Monday next at 12 o'clock M.

The House, by message, announced its refusal to concur in this proposition, but again proposed to go into the election forthwith.

The Senate refused to concur.

On motion of Mr. Paschal,

The Senate adjourned until to-morrow at 11 o'clock.

FRIDAY, November 23d.

Leave of absence was granted to Mr. Snead until Tuesday next, on motion of Mr. Cowles.

The Speaker announced the following Standing Committees, viz:

Propositions and Grievances—Messrs. Cunningham, Kelly, Covington, Harris of Franklin, Jones, Brown and Willey.

Claims—Messrs. Gash, Johnston, Bullock, Coward, Ferebee, McRae and Edwards.

Privileges and Elections—Messrs. Battle, Etheridge, Spencer, Harris of Rutherford, Hand, Perkins and Snead.

Judiciary—Messrs. Wilson, Leach, McCorkle, Moore, Brown, Avery and Robins.

Internal Improvements—Messrs. Avery, Hall, Wiggins, Speed, Koonce, McLean and Love.

Education and the Literary Fund—Messrs. Hall, Edwards, Thornton, Williams, Hill, Lloyd and Matthews.

Banks and Currency—Messrs. Cowles, Berry, Marshall, Adams, Matthews, Ferebee and Paschal.

Corporations—Messrs. Clark, Moore, Paschal, Johnston, Willey, Thompson and Respass.

Military Affairs—Messrs. Leach, Battle, Richardson, Bullock, Love, Williams and Kelly.

Agriculture—Messrs. Covington, Barnes, Clark, Thornton, Perkins, Richardson and Koonce.

The following were announced as the Senate branches of the Joint Standing Committees, viz :

Finance—Messrs. Wiggins, Hall, Covington, McLean, Berry, Gash, Adams and Etheridge.

Public Buildings and Grounds—Messrs. Thornton and Barnes.

Cherokee Lands and Western Turnpikes—Messrs. Gash, Love and McCorkle.

Swamp Lands—Messrs. Koonce, Spencer and Coward.

Library—Messrs. Clark, Outlaw and Cunningham.

Insane Asylum—Messrs. Speed, Wilson and Berry.

Deaf, Dumb and Blind Asylum—Messrs. Hall, Harris of Rutherford and Robins.

Messrs. Leach, McLean, Covington, Clark and Jones were designated as the Senate branch of the Committee on so much of the Governor's Message as relates to the Joint Resolution of Congress proposing an amendment to the Constitution of the United States.

Mr. Leach introduced the following resolution, which was adopted, viz :

Resolved, That the Committee on the *Judiciary* be instructed to enquire and report to the Senate, whether in their opinion the General Assembly has not the power and constitutional right to repeal or modify an Ordinance of the Convention "to change the jurisdiction of the Courts, and the rules of pleading therein," especially in regard to the Stay Law, and the jurisdiction of Justices of the Peace, and all other Ordinances of said Convention of a legislative character.

Mr. Speed introduced a resolution in regard to persons owning bonds, notes, bills and other evidences of debt, subject to taxation, who refuse or neglect to list them. Adopted and referred to the Committee on *Finance*.

The House, by message, transmited the following joint

resolution, in which they asked the concurrence of the Senate :

Resolved, That the Secretary of State be authorized and required to furnish each member of this General Assembly with a copy of the Ordinances and Resolutions of the second session of the last State Convention.

On motion of Mr. Leach,

Laid on the table.

A message was received from the House, proposing to raise a Joint Select Committee of two on the part of the Senate, and three on the part of the House, to make the necessary arrangements for the purpose of opening the returns and counting the votes for Governor. The proposition was concurred in, and Messrs. Kelly and Robins designated as the Senate branch of the Committee.

A message was received from the House, announcing Messrs. Harper, Patton, Latham of Washington, Cowan, Lutterloh, Guess, Lowe and Holderby, as the House branch of the Joint Standing Committee on *Finance*.

A further message was received from the House, proposing to raise a Joint Select Committee of three on the part of the House and two on the part of Senate, to whom shall be referred so much of the Governor's Message as relates to a Penitentiary ; which was concurred in, and Messrs. Gash and McCorkle were appointed as the Senate branch of the Committee.

The Speaker designated Messrs. Avery and Wilson as the Committee on *Enrolled Bills* for the week.

A message was received from the House, proposing to go forthwith into an election for Comptroller. The Senate refused to concur.

A message was received from the House announcing Messrs. Perry of Carteret, Davis, Morehead, Kenan, Wilson of Forsythe, Russ, Waugh and Hodnett, as the House branch of the Committee on so much of the Governor's Message as refers to the Joint Resolution of Congress proposing an amendment to the Constitution of the United States.

A message was received from the House, transmitting Joint Rules of Order for the government of the two Houses.

Mr. Clark moved to amend by striking out, in the sixteenth rule, the concluding words, as follows: "*the result of such election to their respective Houses,*" and the following words in the beginning of the seventeenth rule, "*in all elections by joint vote, the balloting committee shall report,*" and combine the two rules as the sixteenth rule. Adopted.

Mr. Wilson moved to amend the sixteenth rule by adding the following proviso:

"*Provided,* That this rule shall not apply to the election of United States Senator, but that such elections take place in conformity to the Act of Congress prescribing the mode of conducting the same." Adopted.

Mr. Clark moved to amend, by adding the following as an additional rule, viz:

"There shall be a Joint Committee of three from the Senate, and five from the House of Commons, to whom all recommendations of Justices of the Peace, in either House, shall be referred; and that committee shall make their report first to the House of Commons, stating the number of Justices in each county, the necessity of the appointment and the worthiness of the candidate; and the House of Commons, after acting upon these recommendations, shall transmit the report of the Committe, with their action on it, to the Senate for concurrence, and the Clerks of the two Houses shall jointly certify to the Governor the names of all persons thus recommended for commission."

And the question being thereon, was put and

Decided in the negative, { Yeas,.....19. / Nays,.....22.

On motion of Mr. Harris, of Rutherford,

The yeas and nays being ordered,

The following Senators voted in the affirmative:

Messrs. Avery, Battle, Barnes, Brown, Clark, Edwards, Etheridge, Gash, Harris, of Franklin, Johnston, Kelly, Koonce, Leach, Marshall, McLean, Moore, Speed, Thompson, and Wilson.

The following Senators voted in the negative:

Messrs. Berry, Bullock, Covington, Coward, Cowles, Cunningham, Ferebee, Harris, of Rutherford, Hill, Jones, Love,

McCorkle, McRae, Paschal, Perkins, Respass, Richardson, Robins, Spencer, Thornton, Willey, and Williams.

The rules, as amended, were then adopted.

Ordered, To be transmitted to the House for concurrence in the amendments.

A message was received from the House, proposing to print one copy of the House and Senate Rules, together with the Joint Rules and the Constitution of this State and of the United States, for the use of each member of the General Assembly.

On motion of Mr. Wilson,

Laid on the table.

A message was received from the House, transmitting a message from his Excellency, the Governor, covering the report of Jacob Siler, Agent of Cherokee Lands, with the proposition to refer the same to the Joint Standing Committee on *Cherokee Lands and Western Turnpikes;* in which the Senate concurred.

The House transmitted a communication from the Governor, covering one from Col. J. V. Bomford, Acting Assistant Commissioner of Refugees, Freedmen and Abandoned Lands for this State, in reference to the continuance of the issue of rations to the destitute of this State, with proposition to refer to a joint select committee of five from the House, and three from the Senate. Concurred in.

On motion of Mr. Wilson,

The Senate adjourned until to-morrow at 11 o'clock.

SATURDAY, November 24th, 1866.

Prayer by the Rev. Mr. Hudson.

Messrs. Cowles, Cunningham and Respass were appointed as the Senate branch of the Committee on the communication of Colonel J. V. Bomford, U. S. A. Assistant Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands on the subject of the issue of rations to the indigent people of the State.

Mr. Covington introduced the following resolution, which was adopted, viz :

Resolved, That the *Judiciary* Committee be requested to take into consideration the expediency of enacting a law which will allow a creditor to indulge his debtor without danger of the Statute of Limitations being a bar to his recovery ; and report by bill or otherwise.

Mr. Wilson introduced the following resolution which was adopted, viz :

Resolved, That the Committee on *Propositions and Grievances* be, and are hereby, instructed to take into consideration the subject of the introduction into our State of Foreign immigration, and digest a practicable plan for such purpose, and report by bill or otherwise.

A circular upon the same subject from Robert Gibson, of Louisville, Kentucky, was read, which was also referred to the Committee on *Propositions and Grievances*.

Mr. Robins introduced the following retolution, which was adopted, viz :

Resolved, That so much of the Governor's Message, as relates to the compensation of Judges holding Courts of Oyer and Terminer, be referred to the Committee on the *Judiciary*, with instructions to report by bill or otherwise.

A message was received from the House, transmitting the House branch of the Joint Standing Committees, viz :

Library—Messrs. Long of Cabarrus, Williams of Martin, and Umstead.

Institution of the Deaf, Dumb and the Blind—Messrs. Hutchison, McGougan, Moore of Hertford, and Woodard.

Public Buildings and Grounds—Messrs. Boyd, Houston, and Freeman.

Insane Asylum—Messrs. Crawford of Rowan, Carson, Shelton, Baker and York.

Cherokee Lands and Western Turnpikes—Messrs. Bryson, Crawford of Macon, Sudderth, Davidson, and Kelsey.

Swamp Lands—Messrs. Latham of Washington, Murrill, Harding, Chadwick and Farrow.

A message was received from the House of Commons, proposing to raise a Joint Select Committee of five on the part

of the House and three on the part of the Senate, to be known as the Committee on *Salaries and Fees*. The Senate refused to concur.

Bills of the titles following being introduced, were disposed of as follows:

By Mr. Gash: Bill (S. 6,) to establish a Penitentiary. Ordered to be printed and referred to the Joint Select Committee on the *Penitentiary*.

By Mr. Hill: Bill (S. 7,) to repeal an ordinance of the Convention. Referred to Committee on *Privileges and Elections*.

By Mr. McRae: Bill (S. 8,) in reference to the appointment of Justices of the Peace. Referred to the *Judiciary*.

By Mr. Spencer: Bill (S. 9,) in relation to the County Courts of the County of Hyde. Filed.

Mr. Robins introduced a resolution, which was adopted, as follows:

Resolved, That so much of the Governor's Message, as relates to the re-printing of a portion of the Reports of the Supreme Court of North Carolina, be referred to the Committee on *Finance*, with instructions to report by bill or otherwise.

A message was received from the House concurring in the amendments to the Joint Rules of Order—the Rules as adopted being as follows:

JOINT RULES OF BOTH HOUSES.

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in which it originated.

2. In any case of amendment of a bill, resolution or order agreed to in one House, and disagreed to in the other, if either House shall request a Conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of

an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the Assistant Clerk of each House, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a bill shall have passed both Houses, it shall be duly enrolled, on suitable paper, by the Engrossing Clerks, before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a Joint Committee of three from the Senate, and five from the House of Commons, whose duty it shall be to carefully compare the enrollment with the Engrossed Bills, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses, first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions and votes of the Houses shall be examined, engrossed and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The Committee in each House shall in all cases make in writing a statement of facts on which their report is founded; which statement, with all other papers on which

any bill or resolution may be formed, shall be transmitted to the other House.

12. The Committee on Finance shall be joint, consisting of eight members from each House; the Committee on Public Buildings and Grounds shall be a joint committee of two from the Senate and three from the House of Commons; the Library Committee shall be a joint standing committee consisting of three members from each House, appointed by the Speakers thereof respectively; the Committees on the Deaf and Dumb, and Blind Asylum, the Insane Asylum, Military Affairs, Swamp Lands, and on Cherokee Lands and Western Turnpikes, shall be joint standing committees, consisting each of three members from the Senate and five from the House of Commons.

13. In all Joint Committees, the member first named on the committee, on the part of the House proposing to raise such committee, shall convene the same, and when convened they shall choose their own Chairman.

14. Either House may make reference to any Joint Committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be pinted, it shall be printed in octavo form, on good paper, and fair type; and those documents ordered to be printed by the Senate, shall be printed as "Senate Documents," and those ordered to be printed by the House of Commons, shall be printed as "House Documents," and numbered in regular order, except when communications are made to either House by the Governor, Treasurer, Comptroller or Secretary of State, and ordered to be printed, they shall be designated "Executive Documents," and said papers and documents shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the Clerks of each House for the use thereof, and two copies shall be deposited in the Public Library, and the Public Librarian required to have them neatly bound.

16. All elections requiring a joint vote shall be *viva voce*, and a Select Committee of two members in each House shall be appointed to superintend the same in their respective

Houses. After the vote shall have been taken, said Select Committee shall confer together, and report, first to the House of Commons, stating the number of votes in each House, and the number given to each person voted for, and the House of Commons, after acting upon it, shall transmit it to the Senate for its concurrence. The Speakers shall make a joint certificate of all elections thus made to the Governor: *Provided*, That this rule shall not apply to the election of United States Senator, but that such elections shall take place in conformity to the Act of Congress, prescribing the mode of conducting the same.

18. The foregoing rules shall be permanent Joint Rules of the Legislature of North Carolina, until altered or amended.

On motion of Mr. Clark,

Ordered, That a message be sent to the House of Commons, proposing to print, in pamphlet form, the Rules of the Senate, the Rules of the House of Commons, the Joint Rules of the two Houses, with the names of the officers and members of the General Assembly, their Counties and post offices, a list of the Standing, Select and Joint Committees of each House of the General Assembly, with a copy of the Constitution of the United States, the Bill of Rights and Constitution of North Carolina; one copy for each officer and member of the General Assembly, two copies for the State Library, and four copies for each of the Libraries of the Senate and House of Commons.

The House subsequently concurred in the proposition.

A message was received from the House transmitting the Report of the State Librarian, and a communication from the Comptroller, with a proposition to print the first. Concurred in.

Bill (S. 3.) to repeal an Ordinance of the late Convention, entitled "An Ordinance for exchanging the Stock of the State for Bonds issued before the year one thousand eight hundred and sixty-one," being read the second time, was referred to the Committee on *Internal Improvements*.

On motion of Mr. Wilson,

The Senate adjourned until to-morrow at 11 o'clock.

MONDAY, NOVEMBER, 26TH, 1866.

Mr. Love presented a memorial from certain citizens of Cherokee county, asking a consolidation of the Atlantic & North Carolina Rail Road, the North Carolina Rail Road, and the Western North Carolina Rail Road, and suggesting a plan to build the unfinished lines from Morganton to Duck Town and to Paint Rock, &c. Referred to the committee on *Internal Improvements*.

Mr. Speed introduced a petition to extend the corporate limits of Elizabeth city in Pasquotank county. Referred to the committee on *Corporations*.

Mr. Paschal introduced the following resolution, which was adopted, viz:

Resolved, That the Committee on the *Judiciary* be requested to enquire whether or not it would be best for the people of North Carolina to pay their private debts, contracted before the war, in Bank bills of the State of North Carolina or their equivalent in current funds, as that was the money, on the faith and credit of which said debts were contracted, and the people have depreciated in pecuniary matters in accordance with said currency; and that the committee report by bill or otherwise.

Mr. Cunningham introduced the following resolution, viz:

Resolved, That the Committee on the *Judiciary* be instructed to take into consideration the whole subject of popular relief against the danger of forced collections of debts, during the passing crisis of general financial embarrassment, having in view the Ordinance of the State Convention on the subject, and the questions arising as to its adaptation to the wants of the times, and its constitutionality, and to report at an early day upon the possibility of some legislation necessary to save the country from the ruin which would inevitably result from a resort to execution sales. Adopted.

Mr. Leach introduced the following resolution, which was adopted, viz:

Resolved, That the Committee on the *Judiciary* be instructed to enquire into the propriety and necessity of report-

ing a bill to protect debtors, and relieve from ruinous sacrifice property sold under execution.

Mr. Wilson introduced a resolution as follows:

Resolved, That the Committee on *Propositions and Grievances* be, and are hereby, instructed to enquire into the propriety of providing by law compensation to Justices of the Peace for official services rendered by them, and that the Committee report by bill or otherwise. Adopted.

Bills of the titles following being introduced, passed their first readings and were referred or otherwise ordered, as follows:

By Mr. Love: Bill (S. 10.) to consolidate the Atlantic & North Carolina Rail Road Company, the North Corolina Rail Boad Company, and the Western North North Carolina Rail Road Company. Ordered to be printed and referred to the Committee on *Internal Improvements*.

By Mr. McRae: (S. 11.) to amend an Act passed at the session of the General Assembly of North Carolina, A. D., 1866, chapter 58. Ordered to be printed and referred to the Committee on the *Judiciary*.

By Mr. Adams: Bill (S. P. 1.) to incorporate the Lexington Mining Company. To *Corporations*.

My Mr. Speed: Bill (S. P. 2.) to incorporate Pasquotank Lodge, No. 103, Ancient Free and Accepted Masons, at Elizabeth City, North Carolina. To *Corporations*.

By Mr. Hall: Bill (S. P. 3.) to incorporate the Hibernian Benevolent Society of the city of Wilmington. To *Corporations*.

By Mr. Avery: Bill (S. 12.) to protect Landlords against Insolvent Debtors. To the *Judiciary*.

From the House: Engrossed Bill (H. 7.) to construe an Act, entitled "An Act to establish a scale of depreciation of Confederate currency." To the *Judiciary*.

A message was received from the House, announcing the following named gentlemen as constituting the House branches on the Joint Select Committees named, viz:

On Communication from the Assistant Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands—Messrs. Moore, of Hertford, Jenkins, of Gaston, Rogers and Blythe.

On the Penitentiary—Messrs. Hutchison, Lowe and Judkins.

To Count and Compare the vote for Governor—Messrs. Kenan, Crawford, of Rowan and Black.

S. 9, bill in relation to the County Courts of the county of Hyde, was read the second time and passed.

On motion of Mr. Spencer,

The rules were suspended and the bill passed its third reading.

Ordered to be engrossed.

On motion of Mr. Covington,

The Senate adjourned until to-morrow, at 11 o'clock.

TUESDAY, November, 27th, 1866.

Prayer by the Rev. Mr. Hardie.

Reports from committees were filed as follows, viz:

By Mr. Wiggins, from the committee on *Finance:*

S. 5, bill to prevent fraud upon the Revenue of the State, with recommendation that it do not pass.

A resolution to prevent Fraud upon the Revenue, asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Robins, from the committee on the *Judiciary:*

A resolution in reference to the Execution of the Public Printing at the Institution of the Deaf, Dumb and the Blind, reporting that the legislation contemplated by the resolution is inexpedient and ask to be discharged from its further consideration. Discharged.

By Mr. Cunningham, from the committee on *Propositions and Grievances:*

Resolution upon the subject of the introduction of Foreign Immigration into the State of North, Carolina with special report, as follows:

The committee on *Propositions and Grievances*, to whom was referred "A resolution upon the subject of the introduction of Foreign Immigration into the State of North Carolina,"

report that they have had the subject under consideration, and that they regard it as one of importance, and when the way is open, worthy of the serious attention of our people and authorities. The committee, however, are of opinion that the present is not a favorable time for the State to engage in this enterprise, unless it could do so without appropriations from the Public Treasury. In view of our embarrassed financial condition and the unsettled state of political affairs, the committee do not feel at liberty to recommend any policy which will commit the faith of the State to engagements which subsequent events may compel her to abandon, and thereby impair her character, and possibly embarrass parties interested in such engagements.

Mr. Robins introduced a resolution as follows, which was adopted, viz :

Resolved, That so much of the Governor's Message as relates to the repairing of the Governor's Palace, be referred to the committee on Public Buildings and Grounds, with instructions to report by bill or otherwise.

On motion of Mr. Clark,

Ordered, That a message be sent to the House, proposing that a joint committee of three from each House be appointed to take into consideration the proper construction of the Act of Congress directing the mode of electing United States Senator, and prepare suitable regulations for conducting the same, in conformity to said Act, and that they have leave to sit during the session of each House, and report as early as possible.

The House concurred in the proposition, and Messrs. Dargan, Kenan and Beasley were announced as the House branch of the committee.

The Speaker designated Messrs. Clark, Wilson and Love as the Senate branch of the committee.

Bills of the titles following passed their first reading, were referred and ordered as follows :

By Mr. Jones : Bill (S. 14,) to grant aid to the Cheraw & Coalfields Rail Road Company. Ordered to be printed and referred to the committee on *Internal Improvements*. Accom-

panying the bill was a petition from the President and Directors of the Company asking aid.

By Mr. Robins: Bill (S. 15,) to amend an act passed by the General Assembly, and ratified on the 27th day February, 1866, entitled "An Act to regulate Salaries and Fees." To *Propositions and Grievances.*

By Mr. Avery: Bill (S. 16,) to enhance the value of the Bonds to be issued for the completion of the Western North Carolina Rail Road and for other purposes. Ordered to be printed and referred to the committee on *Internal Improvements.*

By Mr. Berry: Bill (S. 17,) for the better suppression of the crime of stealing Horses and Mules. Ordered to be printed and referred to the committee on the *Judiciary.*

By Mr. Richardson: Bill (S. 18) to authorize certain counties to subscribe to the capital stock of the Cheraw & Coalfields Rail Road Company. Referred to the *Judiciary.*

A message was received from the House, announcing that the hour had arrived for the execution of the joint order to go into the election for United States Senator, and that the House would proceed to vote upon the return of the messenger, Hons. John Pool, M. E. Manly, Thomas S. Ashe, W. N. H. Smith, George Howard, and P. H. Winston, M. L. Wiggins and D. D. Ferebee, Esqrs., being in nomination.

An election was then held, in conformity to the Act of Congress to regulate the times and manner of holding elections for Senators in Congress, Approved July 25th, 1866, for United States Senator, under the superintendence of Messrs. Harris of Rutherford, and Etheridge, with result as follows:

The following named Senators voted for Mr. Manly, viz:

Messrs. Cunningham, Etheridge, Harris of Franklin, Kelly, Koonce, McLean, McRae, Thompson and Thornton—9.

The following Senators voted for Mr. Pool, viz:

Messrs. Bullock, Cowles, Gash, Harris, of Rutherford, Jones, Leach, Respass, and Richardson.—8.

The following Senators voted for Mr. Howard, viz:

Messrs. Speaker, Clark, Hall, Moore and Paschal.—5.

The following Senators voted for Mr. Smith, viz:

Messrs. Barnes, Perkins, Spencer, Willey and Williams.—5.

The following Senators voted for Mr. Ashe, viz:

Messrs. Covington, Lloyd, Marshall, McCorkle and Wilson.—5.

The following Senators voted for Mr. Ferebee, viz:

Messrs. Ferebee, Speed and Wiggins.—3.

The following Senators voted for Mr. Wiggins, viz:

Messrs. Adams and Battle.—2.

The following Senators voted for Mr. M. W. Ransom, viz:

Messrs. Edwards and Love.—2.

Mr. Hill voted for Mr. S. F. Phillips.

Mr. Johnston voted for Mr. A. J. Mitchell.

Mr. Robins voted for Mr. P. H. Winston.

Mr. Avery voted for Mr. Z. B. Vance.

Mr. Berry voted for Mr. Josiah Turner.

Mr. Brown voted for Mr. E. G. Reade.

Mr. Harris, of Rutherford, reported that Mr. Manly received 9 votes, Mr. Pool 8, Mr. Smith 5, Mr. Howard 5, Mr Ashe 5, Mr. Ferebee 3, Mr. Wiggins 2, Mr. Ransom 2, Mr. Winston 1, Mr. Vance 1, Mr. Turner 1, Mr. Reade 1, Mr. Phillips 1, Mr. Mitchell 1. The whole number of votes cast was 45; 23 being a majority.

Whereupon it was declared that no one person had received a majority of the votes given in the Senate.

Mr. Clark moved that the Senate proceed to vote again for United States Senator, and the question being thereon, was put and

Decided in the affirmative, { Yeas, ...31. / Nays, ...12.

On motion of Mr. Wilson,

The yeas and nays being ordered,

The following Senators voted in the affirmative, viz:

Messrs. Avery, Battle, Barnes, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Kelly, Koonce, Leach, Lloyd, Marshall, McCorkle, McLean, McRae, Paschal Perkins, Respass, Richardson, Spencer, Thompson, Thornton, Willey and Williams.

The following Senators voted in the negative, viz:

Messrs. Adams, Berry, Brown, Bullock, Hill, Johnston, Love, Moore, Robins, Wiggins and Wilson.

The Senate then proceeded to vote again for United States Senator, the name of M. W. Ransom being added to, and M. L. Wiggins withdrawn from, the names in nomination, with result as follows:

The following Senators voted for Mr. Manly, viz:

Messrs. Avery, Battle, Clark, Cunningham, Etheridge, Hall, Harris of Franklin, Kelly, Koonce, Moore, Thompson, Thornton and Williams—13.

The following Senators voted for Mr. Pool, viz:

Messrs. Bullock, Cowles, Gash, Harris of Rutherford, Jones, Leach, Paschal, Respass and Richardson—9.

The following Senators voted for Mr. Ashe, viz:

Messrs. Covington, Johnston, Lloyd, Marshall, McCorkle, McLean, McRae and Wilson—8.

The following Senators voted for Mr. Smith, viz:

Messrs. Barnes, Perkins, Spencer and Willey—4.

The followwing Senators voted for Mr. Ransom, viz:

Messrs. Edwards, Love and Wiggins—3.

The following Senators voted for Mr. Gilmer, viz:

Messrs. Adams and Berry—2.

The following Senators voted for Mr. Phillips, viz:

Messrs. Hill and Robins—2.

Mr. Brown voted for Mr. Reade.

Mr. Speaker voted for Mr. Howard.

Mr. Ferebee voted for Mr. D. D. Ferebee.

Mr. Harris, of Rutherford, from the Committee to superintend the election on the part of the Senate, reported that Mr. Manly received 13 votes; Mr. Pool 9; Mr. Ashe 8; Mr. Smith 4; Mr. Ransom 3; Mr. Gilmer 2; Mr. Phillips 2; Mr. Howard 1; Mr. Reade 1; Mr. Ferebee 1. The whole number of votes cast was 43, twenty-two being a majority.

Whereupon it was declared that no one person had received a majority of the votes given in the Senate.

Mr. Cowles introduced a resolution, proposing to send a message to the House of Commons to raise a Joint Select Committee of five on the part of the Senate and seven on the part of the House, to be called the Committee on *Stay Laws*,

whose duty it shall be to consider, and report upon, all measures for the relief of the people and all propositions to amend or alter the existing Stay Law.

And the question being thereon was put and,

Decided in the negative, { Yeas, ... 19. Nays, ... 22.

On motion of Mr. Wilson,

The yeas and nays being ordered.

Those who voted in the affirmative, are:

Messrs. Adams, Brown, Bulloek, Cowles, Cunningham, Ferebee, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Kelly, Koonce, Pasehal, Perkins, Respass, Richardson, Speneer, Thompson and Thornton.

Those who voted in the negative, are:

Messrs. Avery, Battle, Barnes, Berry, Clark, Covington, Edwards, Etheridge, Hall, Hill, Leach, Love, Lloyd, McCorkle, MeLean, McRae, Moore, Robins, Wiggins, Willey, Williams and Wilson.

A message was reeeived from the House, transmitting a message from his Excellency, the Governor, covering a report from the Public Treasurer, with a copy of a Revenue Bill prepared by him in eomplianee with an act of the General Assembly, with a proposition to print five copies of the report for eaeh member of the General Assembly, and two hundred copies for the use of the Treasurer's Offiee, and that the usual number of eopies of the Revenue Bill be printed. Coneurred in.

A message was reeeived from the House, transmitting a message from his Exeelleney, the Governor, covering reports from the Seeretary of State and the Comptroller, with a proposition to print. Coneurred in.

A message was received from the House, proposing that when the two Houses adjourn to-morrow, they adjourn until 11 o'clock, A. M. on Friday, that the members may have the privilege of observing Thanksgiving Day, as recommended by the Governor, and the President of the United States. The Senate refused to concur.

A further message was reeeived from the House, proposing to raise a Joint Seleet Committee of three from the House

and two from the Senate, to whom shall be referred that part of the Governor's Message relative to Weights and Measures. Not concurred in.

The Senate adopted the report of the committee to compare and count the votes for Governor, that the two Houses shall meet in Joint Convention on Tuesday, the 4th of December next, in the Hall of the House of Commons, at 12 M., for the purpose of comparing and counting the votes cast at the late election for Governor of the State, which was transmitted from the House by message.

On motion of Mr. Paschal,

The Senate adjourned until 11 o'clock to-morrow.

WEDNESDAY, November, 28th 1866.

Prayer by Rev. Mr. Skinner, D. D.

Mr. McRae presented a petition from certain citizens of the county of Richmond, commending the petition of the Directors of the Cheraw & Coalfields Rail Road Company to the attention of the General Assembly. Referred to the Committee on *Internal Improvements*.

Reports from Standing and Select Committees were received and filed as follows:

By Mr. Cunningham, from the Committee on *Propositions and Grievances*:

Resolution in relation to allowing compensation to Justices of the Peace for the performance of official duties, asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Wilson, from the Committee on the *Judiciary:*

H. 7, Engrossed bill to construe an Act, entitled "An Act to establish a scale of depreciation of Confederate currency," with favorable recommendation.

By Mr. McCorkle, from the same Committee:

S. 8, bill in reference to the appointment of Justices of the Peace, with recommendation that it do not pass.

By Mr. Battle, from the Committee on *Privileges and Elections:*

S. 7, bill to repeal an Ordinance of the Convention, recommending that it do pass.

By Mr. Cowles, from the Joint Select Committee on the Communication of Col. J. V. Bumford, in relation to the relief of the people:

S. R. 19, resolutions instructing the Governor to accept the aid proffered by the Government, with a report recommending their adoption.

Mr. Wilson, from the Committee to take into consideration the proper construction of the Act of Congress regulating the manner of electing Senators in that body, and also to report rules for the government of the Joint Assembly in carrying out the provisions of said Act, reported that as each House proceeded to vote before it was practicable for the Committee to consider and report the proper construction thereof, they asked to be discharged from the further consideration of that duty.

That as to the mode of proceeding in Joint Assembly, the Committee ask leave to report the following Rules for the government of the Joint Assembly, and recommend their adoption, to wit:

1st. That provision be made for the accommodation of the Senate in the Hall of the House of Commons, where the Joint Assembly shall be held.

2d. That at 12 o'clock, Meridian, on this day, the Senate, with its officers, shall proceed to the Hall of the House of Commons; that the Speaker of each House occupy the Speaker's rostrum, the Speaker of the Senate occupying the position to the right of the Speaker of the House; that the Speaker of the Senate shall be the President of the Joint Assembly; that the Clerks of each House shall occupy the Clerks' desk; that so much of the Journals of each House as relates to the election of Senator on yesterday shall be read. If it is ascertained that no person voted for has received a majority of all the votes in each House, such result to be ascertained by the appointment of a committee of four members consisting of two on the part of the Senate and a like

number on the part of the House, to be appointed by the President of the Joint Assembly, then it shall be the duty of the President to announce such result. Whereupon the Joint Assembly shall then proceed to elect in the following manner, to wit:

The roll of the Seneate shall be first called by the Clerk thereof, and Senators required to vote; that after such call is completed, the roll of the House of Commons shall be called by the Clerk thereof, and the members of that House required to vote; that the Committee, appointed as aforesaid, shall superintend the election, and report the result to the Joint Assembly; that in case any person thus voted for shall have received a majority of all the votes thus given, the President shall announce such person duly elected. In case of a failure to give such majority, the Joint Assembly shall proceed to vote in conformity to the provisions of said Act until such election is completed; that when such election is completed, the President of the Joint Assembly shall certify the result to the Governor of the State.

3d. That any question which may arise in relation to the duty or duties required of the Joint Assembly by virtue of said act, shall be considered by each House in their respective Halls, and the result of such consideration communicated to each House by message from one to the other.

4th. That motions necessary to be made in Joint Assembly, in discharge of the objects thereof, accompanied by a statement on the part of the mover, shall be in order, but it shall not be in order to discuss the same in Joint Assembly.

5th. That the proceedings of the Joint Assembly shall be recorded by the Clerks of each House, upon the respective Journals thereof.

The report was adopted and transmitted to the House, which subsequently concurred therein, by message.

Mr. Cunningham introduced the following resolution, viz:

Resolved, (The House concurring) That this Assembly will adjourn, *sine die*, on Saturday, the 22d day of December next. Filed.

Mr. Cowles introduced the following resolution, which was adopted, to wit:

Resolved, That so much of the Governor's message as relates to making compensation to W. S. Mason, for the services rendered to the State, be referred to the Committee on *Claims*.

The resolution of the title following, was read the first time, passed and referred as follows:

By Mr. Edwards: Resolution (S. P. 4.) in favor of the Hon. David A. Barnes. To *Claims*.

On motion of Mr. Wilson,

Ordered, That a message be sent to the House, announcing that the hour having arrived, the Senate was prepared to meet in Joint Assembly to ascertain the result of the voting for United States Senator on yesterday.

The House announced, by message, its readiness to receive the Senate.

Whereupon, the members of the Senate, preceded by the Speaker and Clerks, repaired to the hall of the House of Commons for the purpose of comparing the result of the votes for United States Senator given on yesterday.

The Joint Assembly was organized by the Speaker of the Senate, being the President thereof, who announced the purposes of the Assembly. The Clerk of the House of Commons read the Journal of that body containing the proceedings in relation to the voting for United States Senator. The Clerk of the Senate read the Journal of the Senate embracing the action of that body in the voting for United States Senator on yesterday.

The President appointed Messrs. Peebles and Beasley on the part of the House of Commons, and Harris of Rutherford, and Etheridge on the part of the Senate, to ascertain the result of the vote on yesterday.

Mr. Harris, of Rutherford, from this committee, reported that Hon. W. N. H. Smith had received a majority of all the votes cast in the House of Commons, and that no person had received a majority of the whole number of votes cast in the Senate. No person had therefore been elected. The report was concurred in.

The Joint Assembly, in accordance with the Act of Congress to regulate the times and manner of holding elections for

Senators in Congress, Approved July 25th, 1866, proceeded to vote for a United States Senator, with result as follows:

The following Senators voted for Mr. Manly, viz:

Messrs. Avery, Battle, Brown, Clark, Cunningham, Edwards, Hall, Harris of Franklin, Kelly, Koonce, Love, Moore, Thompson, Thornton and Wiggins—15.

The following Senators voted for Mr. Smith, viz:

Messrs. Adams, Barnes, Berry, Perebee, Hill, Matthews, Paschal, Perkins, Robins, Spencer, Willey and Williams—12.

The following Senators voted for Mr. Pool, viz:

Messrs. Bullock, Cowles, Etheridge, Gash, Harris of Rutherford, Jones, Respass, Richardson and Snead—9.

The following Senators voted for Mr. Ashe, viz:

Messrs. Speaker, Covington, Johnston, Lloyd, Marshall, McCorkle, McLean and McRae.—8.

Mr. Speed voted for Hon. John A. Gilmer.

Mr. Wilson voted for Mr. W. A. Wright.

The following members of the House of Commons voted for Mr. Manly, viz:

Messrs. Speaker, Allen, Autry, Baker, Barden, Clark, Cowan, Daniel, Durham, Everett, Foard, Garriss, Granberry, Hutchison, Judkins, Kenan, Latham, of Craven, Long, Martin, McClammy, McGougan, Murrill, Peebles, Perry, of Carteret, Richardson, Scott, Simpson, Smith, of Duplin, Stone, Turnbull, Waugh, Westmoreland, Whitfield, Woodard and York.—34.

The following voted for Mr. Smith, viz:

Messrs. Black, Bowe, Bradsher, Brown, Crawford, of Macon, Davis, Davidson, Galloway, Gorham, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Houston, Jones, Kelsey, Latham, of Washington, Lee, Lowe, Lutterloh, McArthur, McKay, Moore, of Hertford, Morehead, Neal, Patton, Reinhardt, Rosebro, Shelton, Smith, of Guilford, Sudderth, Umsted, Walker, Whitley, Williams, of Harnett, and Williams, of Pitt.—38.

The following voted for Mr. Pool, viz:

Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Gambril, Garrett, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins,

of Granville, Jordan, Logan, Lyon, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Rountree, Russ, Scoggin, Stevenson, Teague, Vestal, Wilson, of Forsyth, Williams, of Yaney, Womble and York.—33.

The following voted for Mr. Ashe, viz:

Messrs. Boyd, Clement, Crawford, of Rowan, Dargan, Kendall, May, McRae and Trull.—8.

Mr. Peebles reported that the whole number of votes cast were 159. Necessary to a choice 80. Of which Mr. Smith received 50, Mr. Manly 49, Mr. Pool 42, Mr. Ashe 16, Messrs. Gilmer and Wright 1 each. There was no election.

The Joint Assembly proceeded to vote again for a Senator in Congress, with result as follows:

The following Senators voted for Mr. Manly, viz:

Messrs. Avery, Battle, Brown, Clark, Covington, Cunninghim, Edwards, Hall, Harris of Franklin, Kelly, Koonce, Love, Lloyd, Marshall, McRae, Moore, Thompson, Thornton, Wiggins and Wilson—20.

The following Senators voted for Mr. Smith, viz:

Messrs. Adams, Barnes, Berry, Ferebee, Hill, Johnston, Matthews, McCorkle, McLean, Paschal, Perkins, Robins, Spencer, Willey and Williams—15.

The following Senators voted for Mr. Pool, viz:

Messrs. Bullock, Cowles, Etheridge, Gash, Harris of Ruthford, Jones, Respass, Richardson and Snead—9.

For Mr. Ashe: Mr. Speaker.

The following members of the House of Commons voted for Mr. Manly, viz:

Messrs. Speaker, Allen, Autry, Baker, Barden, Brown, Chadwick, Clark, Cowan, Crawford of Rowan, Dargan, Daniel, Durham, Everett, Foard, Garriss, Granberry, Hutchison, Judkins, Kenan, Kendall, Latham of Craven, Long, Martin, McClammy, McRae, Murrill, Peebles, Perry of Carteret, Richardson, Scott, Simpson, Smith of Duplin, Stone, Sudderth, Turnbull, Waugh, Westmoreland, Whitfield, Woodard and York—40.

The following voted for Mr. Smith, viz:

Messrs. Boyd, Bowe, Bradsher, Clement, Crawford of Macon, Davis, Davidson, Galloway, Gorham, Guess, Harding, Harper,

Henderson, Hodnett, Holderby, Houston, Jones, Kelsey, Latham of Washington, Lee, Lowe, Lutterloh, May, McArthur, McGougan, McKay, Moore of Hertford, Morehead, Neal, Patton, Reinhardt, Rosebro, Shelton, Smith of Guilford, Stevenson, Trull, Umsted, Walker, Whitley, Williams of Harnett, and Williams of Pitt—41.

The following voted for Mr. Pool, viz :

Messrs. Ashworth, Beasley, Black, Blythe, Bright, Bryson, Carson, Freeman, Gambril, Garrett, Godwin, Hinnant, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Jenkins of Granville, Jordan, Logan, Lyon, Moore of Chatham, Morton, Morrissett, Perry of Wake, Rogers, Rountree, Russ, Scoggin, Teague, Vestal, Wilson of Forsyth, Williams of Yancey, Womble and York—33.

Mr. Peebles, from the committee to superintend the election, reported that the whole vote cast was 159. Necessary to a choice 80. Mr. Manly received 60, Mr. Smith 56, Mr. Pool 42 and Mr. Ashe 1. No one having received a majority of the whole, there was no election.

The Joint Assembly proceeded to vote again with the following result :

The following Senators voted for Mr. Manly, viz :

Messrs. Adams, Avery, Battle, Brown, Clark, Covington, Cunningham, Edwards, Hall, Harris of Franklin, Johnston, Kelly, Koonce, Love, Lloyd, Marshall, McCorkle, McRae, Moore, Paschal, Thompson, Thornton, Wiggins and Wilson—24.

The following voted for Mr. Smith, viz :

Messrs. Speaker, Barnes, Berry, Ferebee, Hill, McLean, Perkins, Robins, Willey and Williams.—11.

The following Senators voted for Mr. Pool, viz :

Messrs. Bullock, Cowles, Etheridge, Gash, Harris, of Rutherford, Jones, Matthews, Respass, Richardson and Snead.—10.

The following members of the House of Commons voted for Mr. Manly, viz :

Messrs. Speaker, Allen, Autry, Baker, Barden, Boyd, Brown, Chadwick, Clark, Clements, Cowan, Crawford, of Rowan, Dargan, Daniel, Davis, Durham, Everett, Foard, Garriss, Granberry, Hutchison, Judkins, Kenan, Kendall, Latham, of

Craven, Long, Martin, McClammy, McGougan, McRae. Murrill, Patton, Peebles, Reinhardt, Richardson, Scott, Simpson, Smith, of Duplin, Stone, Turnbull, Waugh, Westmoreland, Whitfield, Williams, of Martin, and Woodard.—45.

The following voted for Mr. Smith, viz:

Messrs. Black, Bowe, Bradsher, Crawford, of Macon, Davidson, Galloway, Gorham, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Houston, Jones, Kelsey, Latham, of Washington, Lee, Lowe, Lutterloh, May, McArthur, McKay, Moore, of Hertford, Morehead, Neal, Rosebro, Shelton, Smith, of Guilford, Stevenson, Sudderth, Trull, Umsted, Walker, Whitley, Williams, of Harnett, Williams, of Pitt, and York.—37.

The following voted for Mr. Pool, viz:

Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Gambril, Garrett, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Lyon, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Rountree, Russ, Scoggin, Teague, Vestal, Wilson, of Forsyth, Williams, of Yancey, Womble and York.—31.

Mr. Logan voted for Mr. R. W. Lassiter.

Mr. Peebles, from the Superintending Committee, reported the whole vote to be 159. Necessary to a choice 80. Mr. Manly received 69; Mr. Smith 48; Mr. Pool 41; Mr. R. W. Lassiter 1. There was no election.

The Joint Assembly proceeded to vote the fourth time for Senator.

The following Senators voted for Mr. Manly, viz:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris, of Franklin, Johnston, Kelly, Koonce, Love, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Paschal, Thompson, Thornton, Wiggins, Williams and Wilson—30.

The following Senators voted for Mr. Smith, viz:

Messrs. Speaker, Hill, Perkins, Robins, Spencer and Willey—6.

The following Senators voted for Mr. Pool, viz:

Messrs. Bullock, Cowles, Gash, Harris, of Rutherford, Jones, Matthews, Respass, Richardson and Snead—9.

The following members of the House of Commons voted for Mr. Manly, viz :

Messrs. Speaker, Allen, Autry, Baker, Barden, Boyd, Bowe, Bradsher, Brown, Chadwick, Clark, Clement, Cowan, Crawford, of Rowan, Dargan, Daniel, Davis, Durham, Everett Foard, Garris, Granberry, Henderson, Hodnett, Holderby, Hutchison, Jones, Judkins, Kenan, Kendall, Latham, of Craven, Lee, Long, Lutterloh, Martin, McClammy, McGougan McKay, McRae, Moore, of Hertford, Murrill, Neal, Patton Peebles, Perry, of Carteret, Reinhardt, Richardson, Scott, Simpson, Smith, of Duplin, Stone, Sudderth, Trull, Turnbull, Waugh, Westmoreland, Whitfield, Whitley, Williams, of Martin, Williams, of Pitt, Woodard and York—61.

The following voted for Mr. Smith, viz :

Messrs. Black, Crawford, of Macon, Davidson, Gorham, Guess, Harding, Harper, Houston, Kelsey, Latham, of Washington, Lowe, May, McArthur, Morehead, Rosebro, Shelton Smith, of Guilford, Stevenson, Umsted, Walker and Williams, of Harnett—21.

The following voted for Mr. Pool, viz :

Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Galloway, Gambril, Garrett, Godwin, Himant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Lyon, Moore, of Chatham, Morton, Morrisett, Perry, of Wake, Rogers, Rountree, Russ, Scoggin, Teague, Vestal, Wilson, of Forsyth, Williams, of Yancey, Womble and York—32.

Mr. Logan voted for Mr. C. R. Thomas.

Mr. Peebles, from the Superintending Committee, reported that 160 votes had been given, and that 81 was necessary to a choice. Of these Mr. Manly received 91 ; Mr. Pool 41 ; Mr. Smith 27, and Mr. Thomas 1. Mr. Manly having received a majority of all the votes cast, was duly elected.

The report was concurred in.

The President, thereupon, declared the purposes for which the two Houses had convened in Joint Assembly accom-

plished, dissolved the same, and the Senators returned to their Hall.

A message was received from the House of Commons, proposing that when the two Houses adjourn to-day, they adjoun to meet Friday morning at 11 o'clock. Concurred in.

On motion of Mr. Matthews,

The Senate adjourned.

FRIDAY, November 30th, 1866.

Prayer by Rev. Dr. Craven, D. D.

Mr. Cunningham, from the committee on *Propositions and Grievances*, reported favorably upon

S. 15, bill to amend an act passed by the General Assembly, and ratified on the 27th day of February, 1866, entitled "An Act to regulate Salaries and Fees."

Mr. Gash introduced the following resolution, which was adopted, as follows:

Resolved, That the committee on *Internal Improvements* be instructed to enquire into the tariff of passage and freights charged on all the Rail Roads in the State, where the State is part owner, between the different points on said Roads, as well as the through passage and freights, and ascertain whether any or all of them are discriminating injuriously against the interests of each other or of the citizens of the State, by irregular or exorbitant charges, and report by bill or otherwise a remedy for that and all other abuses of power or neglect of duty on the part of said Rail Road managers and agents.

Mr. Clark introduced a resolution as follows:

Resolved, That the committee on the *Public Library* enquire into any loss of Books, Papers or Documents, in any of the Departments at Raleigh, from the late invasion or any other cause, and report any means for their restoration. Adopted.

Bills and resolution of the titles following were introduced, passed first reading and referred and ordered as follows:

By Mr. Wiggins: Resolution (S. 20,) concerning the *per*

diem and mileage of the Officers and Members of this Legislature. Filed.

By Mr. Adams: Bill (S. P. 5,) to encourage Immigration. Referred to committee on *Corporations.*

By Mr. Cowles: Bill (S. 21,) to amend an act for the relief of such persons as may suffer from the destruction of the records and other papers of the several counties of this State, and for other purposes. To the *Judiciary.*

By Mr. Love: Bill (S. 22,) to amend the Law of Evidence. Ordered to be printed and referred to the *Judiciary.*

The resolution concerning the adjournment of the General Assembly, *sine die*, came up as the unfinished business.

The resolution is as follows:

Resolved, (the House concurring) That this Assembly will adjourn, *sine die*, on Saturday, the 22nd day of December next.

Mr. Covington moved to lay the resolution on the table, and the question being thereon was put and

Decided in the negative, { Yeas.....10 / Nays.....34

On motion of Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Covington, Ferebee, Harris of Franklin, Johnston, Love, Marshall, Robins and Wilson.

Those who voted in the negative are:

Messrs. Battle, Barnes, Berry, Brown, Bullock, Clark, Coward, Cowles, Cunningham, Etheridge, Gash, Hall, Harris of Rutherford, Hill, Jones, Koonce, Leach, Lloyd, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respass, Richardson, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Williams.

Mr. Leach moved to postpone its further consideration until 12 M. on to-morrow, Saturday.

Mr. Wilson moved to amend the amendment by striking out Saturday and inserting Monday, 10th day of December.

And the question was put and

Decided in the negative, { Yeas.....16 / Nays.....28

On motion of Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Bullock, Covington, Etheridge, Ferebee, Harris of Franklin, Harris of Rutherford, Hill, Love, Marshall, Matthews, Moore, Paschal, Robins and Wilson.

Those who voted in the negative, are,

Messrs. Battle, Barnes, Berry, Brown, Clark, Coward, Cowles, Cunningham, Gash, Hall, Johnston, Jones, Koonce, Leach, Lloyd, McCorkle, McLean, McRae, Perkins, Respass, Richardson, Snead, Speed, Spencer, Thornton, Wiggins Willey, and Williams.

The question now recurring upon the amendment offered by Mr. Leach, was put and

Decided in the negative, { Yeas.....17 / Nays.....27

On motion of Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Adams, Avery, Bullock, Covington, Etheridge, Harris, of Franklin, Harris, of Rutherford, Hill, Leach, Love, Marshall, Matthews, Moore, Respass, Robins, Wiggins and Wilson.

Those who voted in the negative are,

Messrs. Battle, Barnes, Berry, Brown, Clark, Coward, Cowles, Cunningham, Ferebee, Gash, Hall, Johnston, Jones, Koonce, Lloyd, McCorkle, McLean, McRae, Paschal, Perkins, Richardson, Snead, Speed, Spencer, Thornton, Willey and Williams.

Mr. McLean moved to amend by striking out "Saturday 22d," and insert Friday 21st, at 6 A. M.

Mr. Cunningham accepted the amendment.

Mr. Love moved to strike out "Friday 21st," and insert "Monday 24th."

And the question thereon was put and

Decided in the negative, { Yeas, ...16 / Nays, ...28

On motion of Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Adams, Avery, Berry, Bullock, Clark, Covington, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Love, Matthews, Moore, Paschal, Wiggins and Wilson.

Those who voted in the negative are,

Messrs. Battle, Barnes, Brown, Coward, Cowles, Cunningham, Etheridge, Ferebee, Hall, Hill, Johnston, Koonce, Leach, Lloyd, Marshall, McCorkle, McLean, McRae, Perkins, Respass, Richardson, Robins, Snead, Speed, Spencer, Thornton, Willey, and Williams.

Mr. Jones moved to amend by striking out Friday 21st," and insert "Monday 17th."

And the question was put and

Decided in the affirmative, { Yeas, ...25 / Nays, ...19

On motion of Mr. Jones,

The yeas and nays being ordered,

The following Senators voted in the affirmative, viz:

Messrs. Avery, Battle, Barnes, Brown Bullock, Covington, Coward, Cowles, Cunningham, Etheridge, Ferebee, Harris, of Rutherford, Hill, Jones, Leach, Love, Marshall, McRae, Moore, Respass, Richardson, Robins, Speed, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Adams, Berry, Clark, Gash, Hall, Johnston, Koonce, Lloyd, Matthews, McCorkle, McLean, Paschal, Perkins, Snead, Spencer, Thornton and Williams.

The question now recurring upon the passage of the resolution as amended, was put and

Decided in the affirmative, { Yeas.....35. / Nays.....9.

On motion of Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Barnes, Berry, Brown, Bullock, Clark, Coward, Cowles, Cunningham, Etheridge, Ferebee, Hall, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Lloyd, Matthews, McLean, McRae, Moore, Paschal, Perkins, Respass, Richardson, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Adams, Covington, Gash, Harris, of Franklin, Love, Marshall, McCorkle, Robins and Wilson.

The Senate refused to make proposition to the House to go forthwith into the election of Comptroller, as moved by Mr. Matthews.

S. 4, bill for the relief of honest debtors, was read second time and

On motion of Mr. Leach,

Made the special order for Monday next at 12 o'clock M.

On motion of Mr. Cowles,

The rules were suspended and a bill (S. 15.) to amend an Act passed by the General Assembly and ratified on the 27th day of February, 1866, entitled "An Act to regulate Salaries and Fees," was read a second time.

Mr. Hall moved to lay on the table, which was put and

Decided in the affirmative, { Yeas, ...22. / Nays, ...21.

On motion of Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Coward, Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Johnston, Jones, Koonce, Lloyd, Marshall, McLean, Moore, Respass, Snead, Spencer, Thornton, Wiggins, Williams and Wilson.

Those who voted in the negative are:

Messrs. Adams, Barnes, Berry, Brown, Bullock, Clark, Covington, Cowles, Cunningham, Gash, Hill, Love, Matthews, McCorkle, McRae, Paschal, Perkins, Richardson, Robins, Speed and Willey.

On motion of Mr. Johnston,

Ordered, That a message be sent to the House, proposing to go into the election of seven Councillors of State to-morrow at 12 M.

On motion of Mr. Harris, of Rutherford,

The Senate adjourned until to-morrow at 11 o'clock.

SATURDAY, DECEMBER 1ST, 1866.

Prayer by Rev. A. Smedes, D. D.

Reports from committees received and filed as follows:

By Mr. Gash, from the Committee on *Cherokee Lands and Western Turnpikes:*

Financial Report of Jacob Siler, Agent of the State for the Sale of the Cherokee Lands, asking to be discharged from its further consideration. Discharged.

By Mr. Wilson, from the *Judiciary:*

S. 18, bill to authorize certain counties to subscribe to the Capital Stock of the Cheraw and Coalfields Rail Road Company, with favorable recommendation.

By Mr. McCorkle, from the same Committee:

S. 17, bill for the better suppression of the crime of stealing Horses and Mules, recommending the passage of a substitute.

By Mr. Avery, from the same Committee:

S. 12, bill to protect Landlords against Insolvent Tenants, with an amendment, recommending its passage.

Mr. Leach introduced a resolution, which was adopted, instructing the *Judiciary* Committee to inquire into the propriety and expediency of repealing or modifying the Act of the last General Assembly, imprisoning defendants for costs in State cases, and report by bill or otherwise.

Mr. Hall introduced a resolution, referring so much of the Governor's Message as relates to the "Hillsboro' Military Academy," to the Committee on *Education and the Literary Fund.* Adopted.

Bills of the titles following being introduced, were referred as follows, having passed their first reading:

By Mr. Covington: Bill (S. 23.) authorizing a majority of the Justices of the several counties to fix the rates of jailor's fees. To *Propositions and Grievances.*

By Mr. McLean: Bill (S. P. 6.) to incorporare the Fayetteville Street Railway Company. To *Corporations.*

By the same: Bill (S. P. 7.) to incorporate the McLean Fire Engine Company No. 1, in the town of Fayetteville. To *Corporations.*

By the same : Bill (S. 24.) to authorize the Justices of the county of Cumberland to fund the interest due on the Bonds issued in payment of its stock in the Western Rail Road. To *Propositions and Grievances.*

By the same: Bill (S. 25.) to authorize the Mayor and Commissioners of Fayetteville to fund the interest due on their Bonds in payment for stock in the Western Rail Road. *To Propositions and Grievances.*

From the House: Engrossed bill (H. 46) granting a General Amnesty and Pardon to all Officers and Soldiers of the State of North Carolina, or of the late Confederate States armies or of the United States, for offences committed against the criminal laws of the State of North Carolina. To the *Judiciary.*

Engrossed resolution (H. P. 6,) in favor of Rufus H. Jones. To the *Judiciary.*

Engrossed resolution (H. P. 9,) for the relief of Seth Jones' Estate. To the *Judiciary.*

Engrossed bill (H. P. 65,) to change the times of holding the Courts of Pleas and Quarter Sessions of Yadkin. Filed.

Engrossed bill (H. 62,) to postpone the Special Term appointed for Chowan county, on the second Monday in December.

On motion of Mr. Willey,

The rules were suspended, and the bill placed upon its second and third readings.

Mr. Willey moved to amend, by adding the following as an additional section, viz :

Be it further enacted, That this Act shall be in force from and after its ratification. Adopted.

The bill as amended passed, and was transmitted to the House for concurrence. The House concurred in the amendment.

Ordered to be enrolled.

By Mr. Cunningham : Bill (S. 29,) to abolish imprisonment for Debt. To the *Judiciary.*

A message was received from the House, transmitting a message from the Governor, covering correspondence with

the United States Treasury Department, with a proposition to print. Concurred in.

The House of Commons refused to concur in the resolution of the Senate to adjourn, *sine die*, on Monday, 17th December next, of which the Senate was informed by message.

A message from the House announced the concurrence of that body in the proposition to go into the election of seven Councillors of State to-day, at 12 o'clock.

Messrs. Gilbreath Dickson, of Cleaveland, W. A. Wright, of New Hanover, Giles Mebane, of Alamance, Eugene Grissom, of Granville, John F. Foard, of Iredell, Samuel S. Rankin of Guilford, John F. Poindexter, of Stokes, R. F. Simonton, of Iredell, W. O. Wadsworth, of Craven, J. A. Leak, of Anson, Tod. R. Caldwell, of Burke, Jesse J. Yeates, of Hertford, T. D. McDowell, of Bladen, Samuel F. Phillips, of Orange, W. F. Martin, of Pasquotank, D. L. Russell, of Brunswick, W. W. Peebles, of Northampton, John L. Bridges, of Edgecombe, Richard H. Smith, of Halifax, J. F. Hoke, of Lincoln, D. W. Bagley, of Martin, Jasper Stowe, of Gaston, P. H. Winston, of Bertie, W. J. Yates, of Mecklenburg, Ainey Burgin, of McDowell, E. W. Jones, of Caldwell, Henry Joyner, of Halifax, C. B. Root, of Wake, and R. B. Vance, of Buncombe, were announced as in nomination in the House.

Mr. Cowles added the name of Mr. N. L. Williams, of Yadkin.

Mr. Johnston nominated Mr. F. E. Shober, of Rowan.

Mr. McLean nominated Mr. J. G. Shepherd, of Cumberland.

Mr. Thornton nominated Wm. Eaton, Jr., of Warren.

Mr. Berry nominated Thomas Ruffin, of Orange.

Mr. Avery nominated Samuel Love, of Haywood.

Messrs. Allen and Latham, of Craven, were announced as the committee to superintend the election on the part of the House.

An election was then held for seven Councillors of State, under the superintendence of Messrs. Love and Moore, with result as follows:

The following Senators voted for Mr. Eaton, viz:

Messrs. Speaker, Barnes, Berry, Brown, Bullock, Covington, Cunningham, Etheridge, Ferebee, Hall, Harris, of Franklin, Hill, Johnston, Koonce, Leach, Marshall, Matthews, McCorkle, McLean, Moore, Perkins, Richardson, Robins, Speed, Spencer, Thornton, Wiggins, Willey, Williams and Wilson—30.

For Mr. Wright:

Messrs. Adams, Avery, Clark, Covington, Cunningham, Etheridge, Ferebee, Hall, Harris, of Franklin, Koonce, Marshall, Matthews, McCorkle, McLean, Perkins, Speed, Spencer, Thornton, Wiggins, Willey, Williams and Wilson.—22.

For Mr. Shober:

Messrs. Adams, Bullock, Covington, Cowles, Gash, Hill, Johnston, Koonee, Leach, Love, Marshall, Matthews, McCorkle, McRae, Paschal, Perkins, Robins and Wilson—18.

For Mr. Ruffin:

Messrs. Speaker, Berry, Bullock, Covington, Hall, Harris, of Franklin, Love, Marshall, Matthews, McCorkle, Moore, Paschal, Richardson, Wiggins, Williams and Wilson—16.

For Mr. Shepherd:

Messrs. Clark, Covington, Etheridge, Ferebee, Harris, of Franklin, Koonee, Marshall, McLean, MeRae, Moore, Richardson, Williams and Wilson—13.

For Mr. Rankin:

Messrs. Adams, Barnes, Brown, Bullock, Johnston, Love, Moore, Perkins, Speneer, Wiggins and Williams.—12.

For Mr. Joyner:

Messrs. Adams, Avery, Barnes, Cowles, Gash, Hill, Johnston, Matthews, McCorkle, McLean, Spencer and Wiley.—12.

For Mr. Simonton:

Messrs. Adams, Barnes, Berry, Ferebee, Harris, of Franklin, Love, Pasehal, Robins, Speed, Thornton, Wiggins and Willey.—12.

For Mr. Jones:

Messrs. Cowles, Gash, Hall, Harris, of Franklin, Hill, Johnston, Love, Moore, Pasehal, Richardson and Robins.—11.

For Mr. Phillips:

Messrs. Berry, Coward, Cowles, Etheridge, Gash, Hill, Leaeh, McRae, Pasehal, Respass and Richardson.—11.

For Mr. Mebane:

Messrs. Avery, Berry, Brown, Cunningham, Hall, Harris, of Franklin, McRae, Robins, Spencer, Thornton and Willey—11.

For Mr. Love:

Messrs. Speaker, Adams, Avery, Clark, Hill, Koonce, Love, Paschal, Perkins, Spencer and Wiggins—11.

For Mr. W. J. Yates:

Messrs. Brown, Covington, Cowles, Cunningham, Johnston, Marshall, McLean, Williams and Wilson—9.

For Mr. J. A. Leak:

Messrs. Covington, Marshall, Matthews, McCorkle, McRae, Thornton and Wilson—7.

For Mr. Martin:

Messrs. Speaker, Avery, Clark, Etheridge, Ferebee, Moore and Speed—7.

For Mr. Vance:

Messrs. Berry, Ferebee, Gash, Hall, Leach, McLean, McRae, and Williams—8.

For Mr. J. J. Yeates:

Messrs. Barnes, Ferebee, Gash, Hill, Leach, Spencer and Willey—7.

For Mr. Winston:

Messrs. Barnes, Berry, Bullock, Leach, Robins, Wiggins and Willey—7.

For Mr. Poindexter:

Messrs. Adams, Coward, Leach, Perkins and Respass—5.

For Mr. Wadsworth:

Messrs. Speaker, Koonce, McLean, McRae and Richardson—5.

For Mr. Bridges:

Messrs. Speaker, Brown, Clark, Cunningham and Thornton—5.

For Mr. Caldwell:

Messrs. Brown, Coward, Etheridge, Harris, of Rutherford, and Respass—5.

For Mr. McDowell:

Messrs. Cunningham, Hall, Koonce and Thornton—4.

For Mr. Russell:

Messrs. Barnes, Etheridge, Gash and Perkins—4.

For Mr. Grisson:

Messrs. Bullock, Cowles, Harris, of Rutherford and Paschal—4.

For Mr. Hoke:

Messrs. Cunningham, Matthews and McCorkle—3.

For Mr. Williams:

Messrs. Brown, Cowles and Richardson—3.

For Mr. G. W. Logan:

Messrs. Coward, Harris, of Rutherford and Respass—3.

For Mr. Peebles:

Messrs. Speaker and Love—2.

For Mr. Burgin:

Messrs. Avery and Clark—2.

For Mr. Smith:

Messrs. Bullock and Clark—2.

For Mr. Bagley:

Messrs. Avery and Moore—2.

For Mr. R. P. Dick:

Messrs. Coward and Respass—2.

For Mr. Lewis Thompson:

Messrs. Coward and Respass—2.

For Mr. L. Brown:

Mr. Harris, of Rutherford.

For Mr. Foard:

Mr. Johnston.

For Mr. W. D. Jones:

Mr. Harris, of Rutherford.

For Mr. C. J. Cowles:

Mr. Harris, of Rutherford.

For Mr. J. M. Parrott:

Mr. Coward.

For Mr. J. M. Leach:

Mr. Speed.

For Mr. J. S. Dancy:

Mr. Speed.

For Mr. M. F. Arendell:

Mr. Harris, of Rutherford.

For Mr. R. C. Puryear:

Mr. Speed.

A message was received from the House, transmitting the report of the President and Directors of the Western North Carolina Rail Road, with a proposition to print. Concurred in.

On motion of Mr. Cowles,

The rules were suspended, and S. 19, resolutions instructing the Governor to accept the aid proffered by the United States Government, read the second time.

On motion of Mr. Wilson,

The resolutions were re-committed.

S. 20, resolution concerning the *per diem* and mileage of the Members and Officers of this Legislature, was read the second time and passed.

On motion of Mr. Wilson,

The rules were suspended and the resolution placed upon its passage.

Mr. Robins moved to amend by fixing the pay of the members at four dollars instead of six.

Mr. Hall moved to amend by fixing the *per diem* at three dollars.

The amendment to the amendment did not prevail.

The question recurring upon the amendment was

Decided in the negative, { Yeas, ...10. Nays, ...29.

On motion of Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Berry, Brown, Cowles, Cunningham, Johnston, Leach, Love, Perkins, Richardson and Robins.

Those who voted in the negative are:

Messrs. Adams, Avery, Barnes, Bullock, Clark, Covington, Coward, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Koonce, Marshall, McCorkle, McLean, Moore, Paschal, Respass, Speed, Spencer, Thornton, Wiggins, Willey, Williams and Wilson.

The resolutions then passed the third reading.

Ordered, To be engrossed.

A message was received from the House, asking concurrence in the following resolution, viz:

Resolved, That a Joint Select Committee of three on the part of each House be appointed, to take into consideration and report the earliest practicable day on which this General Assembly can adjourn, and whether this adjournment shall be *sine die*.

Concurred in.

On motion of Mr. Bullock,

The Senate adjourned until Monday at 11 o'clock.

MONDAY, DECEMBER 3d, 1866.

Prayer by the Rev. Mr. Hudson.

Mr. Hand, Senator elect from the County of Rockingham, being the 38th Senatorial Disirict, appeared, presented his credentials and was duly qualified.

Messrs. Adams, Battle and Williams were designated as the Senate branch of the Committee on *Enrolled Bills* for the week.

Messrs. Clark, Adams and Love were designated as the Senate branch of the Committee on *Adjournment*.

Messrs. McClammy, Crawford, of Rowan, and Carson were announced as the House branch of the Committee.

Reports from committees were read and filed as follows, viz :

By Mr. Gash, from the Committee on *Claims :*

S. P. 4, resolution in favor of the Hon. David A. Barnes, recommending its passage.

By Mr. Avery, from the Committee on *Internal Improvements :*

S. 3, bill to repeal an Ordinance of the late Convention, entitled "An Ordinance for exchanging the Stocks of the State for Bonds issued before the year one thousand eight hundred and sixty one," with favorable recommendation.

By Mr. Cowles, from the Special Committee on the communication of Col. Bomford on the distribution of rations to the destitute people of the State.

S. 19, resolutions authorizing the Governor to accept the aid proffered by the United States Government, with special report embracing the resolutions, as follows:

The Committee to whom was referred the communication of the Governor, covering an enquiry of Col. Bomford, Chief Assistant of the Freedman's Bureau in this State, as to the ability of the State to supply all her needy people who ought to receive charitable assistance in the way of food, have had the same under consideration, and report that in many of the Counties of the State, owing to unpropitious seasons, the crops of wheat and corn were very short, and in those portions of the State where the crops were most deficient, other marketable products are not made at all or to a small extent, whereby there is an extreme scarcity of money. So that the people are unable to pay taxes to purchase needful supplies for the poor white and black. We therefore deem it expedient to accept the proposed assistance, and, to carry the same into effect, we recommend the adoption of the following resolutions:

Resolved, That the Governor be instructed, in order to ascertain the extent of the destitution in the several Counties of the State, to open correspondence with the Chairmen of the Wardens Courts in their respective Counties, and report the result of such inquiry to the Chief Assistant Commissioner of the Freedman's Bureau in this State.

Resolved, further, That the Governor be authorized to do all acts necessary to carry out the objects contemplated by the foregoing resolution, and that each county shall make provision to pay the expenses of transportation and all other expenses upon such supplies as may be received for the benefit of the poor of such counties respectively.

A message was received from the House, proposing to go forthwith into an election for Comptroller; which was concurred in.

Messrs. Brogden, Cowper, Holderby and Collins were in nomination in the House.

Messrs. Boyd and Lowe were announced as the House branch of the committee to superintend the election.

The Senate then proceeded to vote for Comptroller, under the superintendence of Messrs. Brown and Spencer, with result as follows :

For Mr. Cowper :

Messrs. Avery, Barnes, Clark, Cunningham, Hall, Kelly, Love, McLean, McRae, Moore, Perkins, Robins, Spencer and Willey—14.

For Mr. Holderby :

Messrs. Adams, Brown, Covington, Cowles, Hand, Harris of Rutherford, Hill, Leach, Matthews, Respass and Wilson—11

For Mr. Brogden :

Messrs. Speaker, Berry, Etheridge, Harris of Franklin, Johnston, Koonce, McCorkle, Paschal, Richardson and Williams—10.

For Mr. Collins :

Messrs. Coward, Ferebee, Gash, Lloyd, Speed, Thornton and Wiggins—7.

Subsequently, a message was received from the House, transmitting a report of the committee to superintend the election of Comptroller, as follows, which had been concurred in by the House, viz: House vote 101. Senate 42. Whole number 143. Necessary to a choice 72. Of which Mr. Brogden received 50, Mr. Cowper 36, Mr. Holderby 28, Mr. Collins 29. Mr. Love 7 and Mr. Root 1. As no one person had received a majority of the whole vote, there was no election. Concurred in.

A further message was received from the House, transmitting the report of the joint committee to superintend the election for seven Councillors of State, which had been concurred in by the House, as follows :

House vote 101; Senate vote 41. Whole vote 142. Necessary to a choice 72. Mr. Wright received 84, Mr. Eaton 70, Mr. Jones 50, Mr. Phillips 43, Mr. Simonton 42, Mr. Rankin 39, Mr. Leak 34, Mr. Poindexter 33, Mr. Mebane 32, Mr. Foard 30, Mr. Grissom 29, Mr. Wadsworth 29, Mr. McDowell 27, Mr. W. J. Yates 27, Mr. J. J. Yeates 27, Mr. R. B. Vance 27, Mr. Winston 25, Mr. Caldwell 24, Mr. Bridges 23, Mr. Martin 22, Mr. Hoke 20, Mr. Joyner 20, Mr. Shober 18, Mr. Ruffin 17, Mr. Peebles 17, Mr. Burgin 16, Mr. Dickson 13,

Mr. Root 13, Mr. Russell 12, Mr. Love 12, Mr. Shepherd 19, Mr. Dick 11, Mr. Thompson 10, Mr. Stowe 7, Mr. Logan 8, Mr. Smith 7, Mr. Lemly 5, Mr. Williams 5, Mr. Parrott 4, Mr. J. J. Leak 3, Mr. Eldridge 3, Mr. Bagley 3, Messrs. Z. B. Vance, Cowles and W. D. Jones, 2 each, and Messrs. Settle, Lassiter, Carson, Carter, Galloway, Arendell, Brown, J. M. Leach, Dancy and Burgin 1 each. Mr. Wright having received a majority of the whole number was duly elected. Concurred in.

Bills of the titles following, being introduced, passed their first reading, and were ordered as follows, viz:

By Mr. Hall: Bill (S. P. 10,) to incorporate the Merchants and Planter's Mutual Benefit Company. Ordered to be printed and referred to the *Judiciary*.

From the House: Engrossed bill (H. P. 1,) to incorporate Union Camp Ground, in the county of Cleaveland. To *Corporations*.

The Senate concurred in a proposition from the House to go forthwith into the election for Comptroller, and voted as follows, Mr. D. W. Bain having been added to the names in nomination.

For Mr. Cowper,

Messrs. Avery, Barnes, Clark, Cunningham, Hall, Kelly, McLean, Moore, Perkins, Speed, Spencer, and Willey.—12.

For Mr. Brogden:

Messrs. Speaker, Berry, Etheridge, Harris, of Franklin, Johnston, Koonce, Marshall, McCorkle, Paschal, Richardson, and Williams.—11.

For Mr. Holderby:

Messrs. Adams, Brown, Covington, Hand, Leach, Matthews and Wilson.—7.

For Mr. Collins:

Messrs. Ferebee, Lloyd, Thornton and Wiggins—4.

For Mr. Bain: Messrs. Cowles, Gash, Hill and Robins.—4

For Mr. J. G. Martin: Mr. Love.

Subsequently the report of the superintending committee was received from the House as follows:

House vote 100, Senate 39. Whole vote 139. Necessary

to a choice 70. Mr. Brogden received 56, Cowper 32, Holderby 23, Collins 17, Bain 10 and Martin 1.

There was no election. Concurred in.

S. 4, bill for the relief of Honest Debtors, was considered upon its second reading.

Mr. Speed moved to amend by striking out all after the enacting clause and insert the following, viz :

SECTION 1. That any citizen of this State owing debts, which he is unable to discharge, may file his petition in the Court of Equity in the county in which he resides, stating that he is unable to pay all his liabilities ; and offering to deliver up for the benefit of his creditors *pro rata* all of his property, real, personal and mixed, and exhibiting a schedule of his property and a list of all the debts due from and owing to him with the names of his debtors and creditors, as nearly as may be, all of which he shall verify upon oath, and shall annex to his petition an affidavit that he will deliver up for the benefit of his creditors *pro rata* all the property, estate, rights and claims of any and every description to which he is in any manner entitled, (saving and excepting such articles as shall be hereinafter specified) and that he has not at any time since the passage of this act, sold, lessened, transferred or disposed of all or any part of his property for the use or benefit of any person or persons, or entrusted all or any part of his money or other property, debts, rights or claims, thereby to delay or defraud his creditors or any of them, or to secure the same so as to receive or expect to receive any profit or advantage to himself therefrom.

SEC. 2. *Be it further enacted*, That upon the filing of the said petition as hereinbefore specified, the court shall appoint a commissioner, who shall give bond to *the State* for the faithful discharge of his duties as commissioner aforesaid, with security in such sum as the court may direct, and the petitioner shall convey to the commissioner all his property and estate of every description; and upon the approval by the court of the bond and security, all the property, rights and claims of every description of the petitioner shall vest in said commissioner, as well such as are enumerated and described in his schedule as property, rights and claims, as those which

are not so described and enumerated, save and except such property as is now exempt by law from execution.

Sec. 3. *Be it further enacted*, That the commissioner in whom said property is vested, shall, under the direction of the court, summons three discreet, disinterested freeholders, unconcerned, either with the petitioner or any one of the creditors named in the petition, who, after first being duly sworn to do justice between the petitioner and his creditors named in the petition, shall, in addition to the articles now exempt by law from execution, lay off and set apart to the petitioner one horse or mule, one-horse cart or waggon and harness, one cow and calf, one bed, bedstead and necessary furniture for every two members of the petitioner's family, himself included, all the wearing apparel of the petitioner and his family, the necessary farming implements for a one-horse farm, a reasonable allowance in provisions for the support of the petitioner and his family for one year, necessary household and kitchen furniture, and, if the petitioner be an artizan, mechanic or professional man, such articles as are necessary for the proper conducting of his art, trade or profession; which award the said commissioner shall cause to be set forth in writing, under the hands and seals of the freeholders aforesaid and attested by himself, and said award shall be by said commissioner returned to court, which award, when approved by the court, shall be registered by the clerk, and shall vest the title to the property in said petitioner, and the court shall enjoin the issuing or execution of any *capias ad satisfaciendum* or *fieri facias* against the person of the petitioner or the property so set apart and allotted to the said petitioner for any debt mentioned in said petition.

Sec. 4. *Be it further enacted*, That the Court shall, prior to the setting apart to the petitioner, as directed in the preceding section, any portion of the property surrendered fix, a day for the petitioner to appear and answer such interrogations or allegations as his creditors, endorsers or securities, or any of them, shall propose or allege in writing against him, and shall order not less than forty days' notice to be given of said day, either by the Commissioner or petitioner

to the Creditors named in the petition in such manner as it may direct.

SEC. 5. *Be it further enacted*, That if the creditors, endorsers or securities shall fail to make any allegations or propose any interrogations in writing, or if being proposed shall be answered satisfactorily or determined in favor of the petitioner, the Court shall discharge the petitioner from all debts, liabilities and contracts made before the filing of his petition, and he shall be forever released from all such debts, liabilities and contracts, and such discharge and release shall embrace all cases where he is endorser, security or joint contractor, and he shall not be liable to pay any joint contractor, security or endorser who may pay any debt or perform any contract after the filing of his petition, which was entered into before the filing of said petition: *Provided*, That the release of any person under the act shall not release any other person who may be liable as endorser, security or otherwise, for the petitioner.

SEC. 6. *Be it further enacted*, That no person shall be released under this act, who has conveyed, concealed, lessened or disposed of his property or any of it, to delay or defraud his creditors, or to prevent the same from being applied to the payment of his debts, and any confession of judgment, or any conveyance, or assignment made by any petitioner under this act, for the purpose of defrauding his creditors, or giving any undue preference, shall be void, and the property or thing conveyed shall vest in the Commissioner, and all acts done by the petitioner before the filing of his petition, when he shall have had no reasonable expectation of being exempt from liability to execution on account of his debts or responsibilities, without petitioning for the benefit of this act, shall be deemed to be within the meaning and purview thereof.

SEC. 7. *Be it further enacted*, That any creditor who shall collude with any petitioner, under this act, for the purpose of making his debt appear larger than is justly due, shall forfeit his whole claim for the benefit of the other creditors, and any judgment or decree confessed to give any undue preference to any creditor or creditors, for the purpose of defrauding any

other creditor or creditors, shall be void and excluded in the distribution under this act.

SEC. 8. *Be it further enacted*, That the petitioner may, at the discretion of the Court, retain the possession of the property conveyed to the Commissioner for the benefit of his creditors, until such time as the Court shall order the Commissioner to sell the same, or to collect such claims as are mentioned in the petition, and the Court may order the property sold for cash or upon time, and at such time and place as may be for the mutual interest of the parties, and order the Commissioner to bring the proceeds of such sale into Court, with a detailed statement thereof; and when so brought into Court, the Court shall order the same distributed among the creditors named in the petition, *pro rata*, and in its final decree ordering a *pro rata* distribution of said estate, the Court shall perpetually enjoin the issuing or execution of any *capias ad satisfaciendum* or *fieri facias* against the person or property of said petitioner for any debt mentioned in said final decree.

SEC. 9. *Be it further enacted*, That any property or debts of the petitioner not mentioned in his schedule may be taken under a *fieri facias* or attachment at the suit of any creditor, (except such articles as are or may be by law exempt from execution,) but nothing in this section shall be construed to impair the right or title of the Commissioner to such property or debts as provided by this act, but shall only operate to give the judgment creditor who shall discover such property or debts a priority to be paid out of the receipts thereof.

SEC. 10. *Be it further enacted*, That no deed or conveyance to a trustee for creditors generally, shall be deemed fraudulent, or a fraudulent and undue preference, because of a condition requiring the creditors to release the debtor, and depriving any creditor who refuses to release from all benefit of property so conveyed in trust. But all such deeds of trust are declared to be valid, and shall not be set aside at the suit of any Commissioner under this act, or at the suit of any creditor: *Provided, also*, That five years shall not be considered and adjudged an unreasonable time for a deed of trust

to run before it can be foreclosed, unless by the unanimous consent of the creditors named therein.

Sec. 11. *Be it further enacted*, That any creditor may examine orally or in writing, any petitioner in open Court, or any one to whom he may have conveyed property or may have issue, joined and tried by a jury at any time before final decree, and if the jury find that any fraud has been practiced the Court shall dismiss the petition, and any creditor may file allegations of fraud at any time within two years after final decree, and have issue made thereon, and tried by a jury, and if such issue be found against the petitioner, his discharge and release shall be annulled and rescinded, and in any case of objection to the release of a petitioner under this act, whether by interrogatories or otherwise, the party against whom the decision is made shall pay the costs.

Sec. 12. *Be it further enacted*, That any person interested may appeal from the decision, provided the application for an appeal be made within the term of the Court at which final decree is made, and provided that bond and security be given to prosecute the appeal with effect, or to pay the costs.

Sec. 13. *Be it further enacted*, That this Act is not to apply to fines or forfeitures for violations of the laws of the State or the ordinances of municipal corporations, but any person having remained in jail for thirty days for non-payment of fines and forfeitures may be released as now prescribed by law.

Sec. 14. *Be it further enacted*, That the costs of proceedings under this Act shall be paid out of the estate surrendered to the Commissioner, and the Court shall make the Commissioner a reasonable allowance for the execution of his trust; *Provided*, That not more than six per cent. upon the estate surrendered shall be allowed any Commissioner, unless, in the opinion of the Court, the execution of any particular trust required extraordinary pains and diligence, in which case a commission of ten per cent may be allowed.

Sec. 15. *Be it further enacted*, That this Act shall be in force from and after its ratification.

The amendment was adopted, and

On motion by Mr. Speed,

Ordered, To be printed and referred to the *Judiciary*.

S. 5, bill, to prevent frauds upon the Revenue of the State was considered on its second reading.

Mr. Speed moved to amend by striking out all after the enacting clause and insert as follows:

That any person holding money, bonds, notes or other evidences of debt, whether in their own right or as guardian, attorney, agent or trustee, subject to taxation by any of the Statutes of this State, shall list the same *separately*, specifying the amount of principal money due upon such.

Be it further enacted, That in any action that may be brought in any court of record in this State, or on any warrant that may be returned before any Justice of the Peace, it shall be competent for the defendant to plead and show upon trial, that there has been a failure on the part of the plaintiff or any person to whom the evidence of debt upon which the action is based, to list the same for taxation, as required by law; and upon such fact being made to appear, the Court or Justice before which said action is pending shall dismiss the same at the cost of the plaintiff.

And the question thereon was put and

Decided in the affirmative, { Yeas, ... 28 / Nays, ... 9

On motion of Mr. Speed,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Berry, Clark, Cunningham, Ferebee, Harris, of Franklin, Harris. of Rutherford, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Richardson, Speed, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Barnes, Covington, Cowles, Gash, Hill, Perkins, Respass and Wilson.

So the amendment was adopted.

On motion of Mr. Covington,

Ordered To be referred to the Committee on *Finance*.

A message was received from the House, proposing to go

forthwith into the election for Public Treasurer, Mr. Kemp P. Battle being in nomination in the House.

The question being, "Shall the Senate concur?" was put and

Decided in the affirmative, { Yeas,.....24 / Nays,.....17

On motion of Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Avery, Barnes, Brown, Covington, Cunningham, Ferebee, Gash, Hand, Hill, Johnston, Jones, Leach, Lloyd, Marshall, McCorkle, McLean, McRae, Paschal, Perkins, Robins, Spencer, Wiggins, Willey and Williams.

Those who voted in the negative are,

Messrs. Adams, Berry, Clark, Cowles, Etheridge, Hall, Harris, of Franklin, Harris, of Rutherford, Kelly, Koonce, Love, Matthews, Moore, Richardson, Speed, Thornton and Wilson.

An election was then held for Public Treasurer. Messrs. Dargan and Long superintending on the part of the House, and Messrs. Lloyd and Hill on the part of the Senate.

And Senators voted as follows:

For Mr. Battle:

Messrs. Speaker, Adams, Avery, Barnes, Berry, Brown, Clark, Covington, Cowles, Cunningham, Etheridge, Ferebee, Gash, Hand, Harris, of Franklin, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respass, Richardson, Robins, Speed, Spencer, Thornton, Wiggins, Willey and Williams.

For Mr. G. W. Mordecai:

Messrs. Hall and Wilson.—2.

For Mr. D. W. Bain:

Mr. Harris, of Rutherford.

The report of the joint committee on this election was transmitted from the House with the concurrence of that body, as follows, viz:

House vote 97. Senate 40. Whole vote 137. Necessary to a choice 67. Mr. Battle received 134, Mr. Mordecai 2, Mr.

Bain 1. Mr. Battle having received a majority of the whole vote, was duly elected. The report was concurred in.

The Senate refused to concur in a proposition, transmitted from the House, to go into an election of six Councillors of State.

S. 7, bill to repeal an Ordinance of the Convention, was considered on its second reading.

Mr. Wilson moved to amend by adding an additional section, as follows:

Be it further enacted, That so much of the provisions of Chapter 52, Revised Code, prescribing the time and mode of conducting said elections, as were changed by said Ordinance, are hereby declared to be in full force and effect. Adopted.

As amended the bill passed its second reading.

On motion, by Mr. Love,

The rules were suspended, and the bill passed its third reading.

Ordered to be engrossed.

On motion, by Mr. Cowles,

The Senate adjourned until 10 o'clock to-morrow.

THURSDAY, DECEMBER, 4th, 1866.

Prayer by the Rev. Mr. Skinner, D. D.

Reports from standing committees were read and filed, as follows:

By Mr. Cunningham, from the Committee on *Propositions and Grievances:*

S. 23, bill authorizing a majority of Justices of the several counties to fix the rates of Jailor's Fees, recommending its passage.

By Mr. Wilson, from the *Judiciary:*

S. 2, bill to establish Freehold Homesteads for the citizens of the State, recommending its rejection.

S. 11, bill to amend an act passed at the session of the General Assembly of North Carolina, A. D. 1866, Chapter

58, recommending the adoption of a substitute accompanying the report.

By Mr. Robins, from the same Committee:

S. 33, resolutions allowing compensation to Judges holding Courts of Oyer and Terminer, reported in obedience to a resolution referring so much of the Governor's Message as relates to this subject, recommending their passage.

By Mr. Gash, from the Committee on *Claims:*

S. P. R. 12, resolution in favor of W. S. Mason, with favorable recommendation.

On motion, by Mr. Clark,

Ordered, That a message be sent to the House of Commons, preposing that the daily sessions of each body shall begin at 10½ o'clock A. M., until otherwise ordered.

The House, by message, concurred in the proposition.

On motion, by Mr. Clark,

Ordered, That a message be sent to the House of Commons, proposing to increase the Joint Select Committee on the Agricultural and Mechanical College to five in each House.

The House concurred in the proposition.

On motion, by Mr. Cowles,

Resolved, That so much of the Governor's Message as refers to Maimed Soldiers and Artificial Limbs, be referred to the Committee on Military affairs.

Bills and resolutions of the titles following, being introduced, were referred or otherwise acted upon, as follows:

By Mr. Love: Resolution (S. 30,) with regard to Confederate Soldiers from North Carolina detained in Northern prisons.

On motion, by Mr Love,

The rules were suspended and the resolution passed its several readings.

Ordered to be engrossed.

By Mr. Leach: Bill (S. 31,) to protect property sold under execution from sacrifice. Ordered to be printed and referred to the *Judiciary*.

By Mr. Paschal: Bill (S. 32,) to declare valid an Act of the General Assembly, amending the Charter of the Chatham

Rail Road Company. Ordered to be printed and referred to the Committee on *Internal Improvements*.

Bills and resolutions of the titles following, being considered on their second reading, were disposed of as follows:

S. 3, bill to repeal an Ordinance of the late Convention, entitled "An Ordinance for exchanging the Stocks of the State for Bonds, issued before the year one thousand eight hundred and sixty-one." Passed.

S. 8, bill in reference to the appointment of Justices of the Peace.

On motion, by Mr. McRae,

Ordered, That it lie on the table.

S. 12, bill to protect Landlords against Insolvent Tenants.

The amendments proposed by the Committee on the *Judiciary* were severally adopted, and the amended bill passed to a third reading.

H. 7, engrossed bill to construe an act, entitled "An Act to establish a scale of depreciation of Confederate Currency." Passed to a third reading.

A message was received from the House of Commons, stating that the hour had arrived, which had been agreed upon for counting and comparing the votes cast for Governor on the 18th of October last, and that the House of Commons were ready to receive the Senate for that purpose.

The Senate repaired to the Commons Hall, and the Speaker of the Senate made the following announcement to the Convention of the two Houses:

Gentleman of the House of Commons and Senate:

We are assembled, on this occasion, in Joint Convention, in obedience to the laws of the State, to open, examine and sum up the votes given at the late election for Governor and to declare the result.

The returns were then opened, and the vote compared in the presence of the Convention of the two Houses, under the inspection of Messrs. Marshall and Bullock on the part of the Senate and Mesers. Kenan and Crawford, of Rowan, on the part of the House, as Tellers.

Mr. Kenan, in behalf of the Tellers, reported the result as follows:

VOTE FOR GOVERNOR.

Counties.	Worth.	Dockery.	Holden.	Rogers.	Vance.	Scat'ring.
Alemance,	563	120				
Alexander,	393	31				
Allaghany,	220	67				
Anson,	513	9				
Ashe,	512	199				
Beaufort,	413	178				
Bertie,	260	155				
Bladen,	427				3	19
Brunswick,	335					
Buncombe,	582	334				
Burke,	577	56				
Cabarrus,	349	25				
Caldwell,	308	44				
Camden,	294					1
Carteret,	327	79				
Caswell.	342	20				
Catawba,	449	178				
Chatham,	884	211				
Cherokee,	299	147				
Chowan,	124	60			1	
Clay,	129	95				
Cleaveland,	619	85				
Columbus,	259	9			8	
Craven,	362	8				
Cumberland,	590	17				
Currituck,	316	5				8
Davidson,	735	598				
Davie,	476	50				
Duplin,	433	4				
Edgecombe,	340	17				
Forsyth,	544	263				
Franklin,	300	3				
Gaston,	252	258				
Gates,	119	4				
Granville,	534	137				
Greene,	179	122				
Guilford,	882	438				
Halifax,	391	9				

VOTE FOR GOVERNOR.—CONTINUED.

COUNTIES.	Worth.	Dockery.	Holden.	Rogers.	Vance.	Scat'ring.
Harnett,	300	36				
Haywood,	378	207				
Henderson,	423	482				
Hertford,	126	2				
Hyde,	320	21				
Iredell,	870	109				
Jackson,	404	28				
Johnston,	189	280				
Jones,	166	5				
Lenoir,	290	120				
Lincoln,	208	29			8	
Macon,	334	47				
Madison,	271	49				
Martin,	130	2				
McDowell,	440	109				
Mecklenburg,	334	10				
Mitchell,	116	153				
Montgomery,	235	386				
Moore,	433	364				
Nash,	389	10				
New Hanover,	498	2				
Northampton,	453				2	
Onslow,	190	5				
Orange,	916	37				
Pasquotank,	347	19				
Perquimans,	221	84				
Person,	479	3				
Pitt,	297	41			7	13
Polk,	172	173				
Randolph,	566	793				
Richmond,	250	113				
Robeson,	309	69				
Rockingham,	616	4				
Rowan,	592	2	1			
Rutherford	382	648				
Sampson,	465	38				
Stanly,	407	130				
Stokes,	500	216				

VOTE FOR GOVERNOR.—CONTINUED.

COUNTIES.	Worth.	Dockery.	Holden.	Rogers.	Vance.	Scat'ring.
Surry,	474	153				
Transylvania, (see Henderson,						
Tyrrell,	169	2				
Union,	432	51				
Wake,	718	341				
Warren,	383	7				
Washington,	203	175				
Watauga,	282	68				
Wayne,	492	59				
Wilkes,	530	462				
Wilson,	201	70				
Yadkin,	486	459				
Yancey,	333	83	48			
	34,250	10,759				

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

Gentlemen of the House of Commons and Senate:

The returns of votes given at the election on the 18th of October, for Governor of the State, have been opened and published according to law.

The tellers appointed on the part of both Houses, to examine the returns and make a list of the votes, have reported that JONATHAN WORTH received 34,250 votes, being the highest number of votes given; that ALFRED DOCKERY received 10,759 votes, and that there were 117 scattering.

No objection having been made to said report, I do declare that Jonathan Worth, of the county of Randolph, is duly elected Governor of North Carolina, for two years from the first day of January next.

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

A message was received from the House, proposing to go forthwith into the election for Comptroller. The Senate concurred, and the Speaker appointed Messrs. Coward and Matthews to superintend it. Messrs. Perry, of Carteret and Williams, of Martin, constitute the House branch.

The Senate voted as follows:

For Mr. Brogden:

Messrs. Speaker, Berry, Covington, Etheridge, Harris, of Franklin, Johnston, Leach, McCorkle, McRae, Paschal, Richardson and Williams.—12.

For Mr. Cowper:

Messrs. Avery, Barnes, Clark, Cunningham, Kelly, McLean, Moore, Perkins, Spencer and Willey.—10.

For Mr. Collins:

Messrs. Battle, Bullock, Coward, Ferebee, Gash, Koonce, Lloyd, Matthews, Speed, Thornton and Wiggins.—10.

For Mr. Holderby:

Messrs. Brown, Cowles, Hand, Harris, of Rutherford, Respass and Wilson.—6.

For Mr. Bain:

Messrs. Adams, Hill, Jones and Robins.—4.

For Mr. J. G. Martin:

Mr. Love.

A message was received from the House, transmitting the report of the committee to superintend the election of Comptroller, as follows:

House vote, 106. Senate 44. Whole vote 150. Necessary to a choice 76. Mr. Brogden received 59. Mr. Cowper 32. Mr. Holderby 27. Mr. Collins 29. Mr. Bain 4. Messrs. Boyd and Martin one each.

The report having already been concurred in by the House was also concurred by the Senate.

A message was received from the House, proposing to vote again for Comptroller, which was concurred in. Messrs. Daniel and Morehead were announced as the House branch of the committee to superintend the election.

The Senate voted as follows for Comptroller under the superintendence of Messrs. Coward and Matthews.

For Mr. Brogden:

Messrs. Speaker, Besry, Bullock, Covington, Etheridge, Harris, of Franklin, Hill, Leach, McCorkle, McRae, Paschal, Richardson, Spencer and Williams.—14.

For Mr. Cowper:

Messrs. Avery, Barnes, Clark, Cunningham, Johnston, Kelly, Koonce, Love, McLean, Moore, Perkins, Speed and Willey.—13.

For Mr. Holderby:

Messrs. Adams, Brown, Cowles, Gash, Hand, Harris, of Rutherford, Jones, Lloyd, Matthews, Respass and Wilson.—11.

For Mr. Collins:

Messrs. Battle, Coward, Ferebee, Thornton and Wiggins.—5.

For Mr. Bain:

Mr. Robins.

A message was received from the House, proposing to increase the number of the Committee on *Public Buildings and Grounds* to five on the part of the House and three on the part of the Senate.

Ordered, That it lie on the table.

S. 17, bill for the better suppression of the crime of stealing horses and mules was considered on its second reading.

The question was on the substitute presented by the Committee on the *Judiciary*, and pending its adoption

A debate arose; and

On motion by Mr. Covington.

The Senate adjourned.

WEDNESDAY, December 5th 1866.

Prayer by the Rev. J. M. Atkinson.

Reports from standing committees were read and filed, as follows:

By Mr. Robins, from the *Judiciary:*

S. 29, bill to abolish imprisonment for debt, with recommendation adverse to its passage.

By Mr. Moore, from the same committee:

S. 22, bill to amend the law of Evidence, with report adverse to its passage.

By Mr. McCorkle, from the same committee:

S. 21, bill to amend an act for the relief of such persons as may suffer from the destruction of the records and other papers of the several Counties of this State, and for other purposes, with an amendment, recommending its passage.

By Mr. Cunningham, from the Committee on *Propositions and Grievances:*

S. 25, bill to authorize the Mayor and Commissioners of Fayetteville to fund the interest due on their Bonds issued in payment for Stocks in the Western Rail Road Company, with an amendment, recommending its passage.

By Mr. Speed, from the Committee on *Internal Improvements:*

S. 14, bill to grant aid to the Cheraw and Coalfields Rail Road Company, asking to be discharged from its further consideration. Discharged.

On motion of Mr. Robins,

Resolved, That so much of the Governor's message as relates to Weights and Measures be referred to the Committee on *Propositions and Grievances*, with instructions to report by bill or otherwise.

On motion by Mr. Love,

Ordered, That a message be sent to the House, proposing that a committee of two on the part of each House be appointed to wait on Jonathan Worth, and inform him of his election as Governor of North Carolina, for two years from the first day of January next, and to ascertain from him when it will suit his convenience to appear before the two Houses of this General Assembly and take the oaths of office.

The House concurred in the proposition, and Messrs. Morehead and Vestal were announced as the House branch of the committee.

Messrs. Love and Moore were appointed on the part of the Senate.

Bills and resolutions of the titles following were intro-

duced, passed their first reading, filed or referred as follows:

By Mr. Gash: Resolution (S. 34,) providing for the payment of Sheriffs holding elections.

By Mr. Harris, of Rutherford: bill (S. 35,) to repeal that portion of an Act passed at the session of 1865–'66, as relates to persons committed for fine and cost of criminal prosecution.

By Mr. Hall: Bill (S. 36,) to amend an Act passed in 1833, to incorporate the Wilmington & Raleigh Rail Road Company. To *Internal Improvements.*

By Mr. Clark: Bill (S. 37,) to extend the time for the registration of deeds, grants, &c.,

From the House: Engrossed bill (H. 33,) to extend the time for the collection and return of taxes in certain Counties.

Engrossed bill, (H. 84,) to enable the County Courts of Craven and Cumberland to extend their sessions.

On motion by Mr. Clark,

The rules were suspended and the bill passed its several readings.

Ordered, To be enrolled.

Engrossed bill (H. 86,) to change the time of holding the Courts of Pleas and Quarter Sessions of Alexander County.

By Mr. Avery: Bill (S. 41,) to repeal part of the 14th section of the 26th chapter of the Revised Code. To *Corporations.*

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows:

House vote 108. Senate vote 44. Whole vote 152. Necessary to a choice, 77. Mr. Brogden received 65; Mr. Cowper 34; Mr. Holderby 33; Mr. Collins 18; Mr. Bain 1; Mr. Boyd 1. No election. Concurred in.

A message was received from the House, proposing to go forthwith into the election of Comptroller. Concurred in. Messrs. Kelsey and Davidson were announced as the House branch of the committee to superintend the election. Messrs. McRae and Hill were appointed on the part of the Senate.

The Senate then voted as follows:

For Mr. Cowper:

Messrs. Avery, Barnes, Clark, Cunningham, Edwards, Ferebee, Gash, Hall, Johnston, Koonce, McLean, Moore, Perkins, Robins, Speed, Spencer, Willey and Wilson.—18.

For Mr. Brogden:

Messrs. Speaker, Berry, Bullock, Covington, Etheridge, Harris, of Franklin, Hill, Kelly, Marshall, McCorkle, McRae, Paschal, Respass, Richardson and Williams—15.

For Mr. Holderby:

Messrs. Adams, Brown, Cowles, Hand, Harris, of Rutherford, Jones and Lloyd—7.

For Mr. Collins:

Messrs. Battle, Coward, Thornton and Wiggins—4.

For Mr. W. W. Lenoir:

Mr. Love—1.

The Speaker laid before the Senate a message from the Governor, covering a communication from the Public Treasurer.

On motion of Mr. Clark,

Ordered, To be referred to the Committee on the *Judiciary*.

S. 17, bill for the better suppression of the crime of stealing Horses and Mules, was considered on its second reading, as the unfinished business.

The question being on the amendment proposed by the Committee on the *Judiciary*, as a substitute, as follows:

WHEREAS, The crime of stealing Horses and Mules hath of late, notwithstanding the punishment provided by law, become much more common than formerly, to the great loss of many persons and the injury of public morals, for remedy whereof:

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That every person who shall steal any horse, mare, gelding or mule, and shall thereof be convicted, according to due course of law, shall for the first offence receive two or more public whippings, and may also be put in the stocks and pillory, and imprisoned at the discretion of the

Court for a term not exceeding twelve months; and for the second offence shall suffer death.

Sec. 2. *Be it further enacted*, That any accessory before the fact to any such felony and stealing as aforesaid, also on due conviction thereof, shall suffer the like punishment, as the principal, for the first offence; and for the second offence, shall suffer death.

Sec. 3. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this act, are hereby repealed.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

Mr. Clark moved to amend the amendment by striking out the preamble. Adopted.

Mr. Paschal moved to amend the amendment by striking out so much of the first section as prescribes the punishment and insert the following:

"For the first offence the culprit shall be branded with a hot piece of iron in the shape of a small horse-shoe, and receive thirty-nine lashes on his bare-back at the public whipping post, and for the second offence he shall suffer death." Not adopted.

Mr. Wilson moved to amend the amendment by striking out the last section. Adopted.

The question being upon the amendment as amended, it was

Decided in the negative, { Yeas, ... 18. Nays, ... 26.

On motion of Mr. Berry,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Brown, Clark, Edwards, Ferebee, Gash, Hall, Hand, Hill, Johnston, Koonce, Leach, Love, McCorkle, Moore, Paschal, Respass, Wiggins and Willey.

And the following in the negative:

Messrs. Adams, Avery, Battle, Barnes, Berry, Bullock, Covington, Coward, Cowles, Cunningham, Etheridge, Harris, of Franklin, Harris, of Rutherford, Jones, Kelly, Lloyd, Marshall, McRae, Perkins, Richardson, Robins, Speed, Spencer, Thornton, Williams and Wilson.

So the amendment did not prevail.

The question recurring upon the original bill,

Mr. Love moved to amend by striking out "*first day of February*," as the time for the Act to go into operation, and insert *first day of March*. Rejected.

The question again recurring upon the passage of the bill, it was

Decided in the affirmative, { Yeas, ...30. / Nays, ...12.

On motion of Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Bullock, Covington, Coward, Cowles, Cunningham, Etheridge, Ferebee, Hand, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Lloyd, Marshall, McLean, McRae, Perkins, Richardson, Robins, Speed, Spencer, Thornton, Williams and Wilson.

Those who voted in the negative, are:

Messrs. Clark, Edwards, Gash, Hall, Koonce, Leach, Love, McCorkle, Moore, Respass, Wiggins and Willey.

So the bill passed to a third reading.

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows:

House vote 106. Senate 45. Whole vote 151. Necessary to a choice 76. Mr. Brogden received 62, Mr. Cowper 37, Mr. Holderby 31, Mr. Collins 19, Mr. Boyd 1, Mr, Lenoir 1. No election.

Concurred in.

A Message was received from the House, proposing to go into the election for Comptroller forthwith. The Senate concurred, Messrs. McRae and Hill being appointed to superintend on the part of the Senate. Messrs. Bright and Clark were announced as the House branch of the committee.

The Senate voted as follows:

For Mr. Brogden:

Messrs. Speaker, Battle, Berry, Bullock, Covington, Etheridge, Gash, Harris of Franklin, Hill, Johnston, Koonce, Mar-

shall, McCorkle, McRae, Paschal, Respass, Richardson, Wiggins and Williams—19.

For Mr. Cowper:

Messrs. Avery, Barnes, Clark, Cunningham, Edwards, Ferebee, Hall, Jones, Kelly, McLean, Moore, Perkins, Robins, Speed, Spencer and Willey—16.

For Mr. Holderby:

Messrs. Adams, Brown, Cowles, Hand, Harris of Rutherford, Leach, Lloyd and Wilson—8.

For Mr. Collins:

Messrs. Coward and Thornton.

For Mr. Lenoir:

Mr. Love.

S. 2, bill to establish Freehold Homesteads for the citizens of the State, being considered on its second reading,

On motion of Mr. Berry,

Ordered, That the further consideration thereof be postponed to, and be the order for the day of Wednesday, the 12th instant at 12 o'clock M.

S. 11, bill to amend an act passed at the session of the General Assembly of North Carolina, A. D. 1866, Chapter 58, was considered on its second reading, the question being upon the substitute offered by the Committee on the *Judiciary*, viz: A Bill to amend an act passed at the session of the General Assembly A. D. 1866, chapter 58, entitled "An Act to prevent enticing servants from fulfilling their contracts or harboring them."

The amendment was adopted and the bill passed to a third reading.

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows: House vote 106. Senate 46. Whole vote 152. Necessary to a choice 77. Mr. Brogden received 69; Mr. Cower 35; Mr. Holderby 34; Mr. Collins 12; Mr. Boyd 1; Mr. Lenoir 1.

No election. Concurred in.

A message was received from the House, proposing to go forthwith into the election for Comptroller. The Senate concurred. Messrs. McRae and Hill were appointed to superin-

tend in the Senate. Messrs. Turnbull and Harding were announced on the part of the House.

The name of Mr. Collins was withdrawn.

Mr. Avery added the name of Mr. Love to those in nomination.

The Senate voted as follows:

For Mr. Brogden:

Messrs. Speaker, Berry, Bullock, Covington, Etheridge, Harris of Franklin, Hill, Marshall, McCorkle, McRae, Paschal, Respass, Richardson, Wiggins and Williams—15.

For Mr. Cowper:

Messrs. Barnes, Clark, Cunningham, Edwards, Ferebee Kelly, Love, McLean, Moore, Perkins, Speed, Spencer, Thornton and Willey—14.

For Mr. Love:

Messrs. Avery, Battle, Gash, Johnston, Koonce, Leach, Robins and Wilson—8.

For Mr. Holderby:

Messrs. Adams, Brown, Cowles, Hand, Harris, of Rutherford and Lloyd—6.

For Mr. Bain:

Mr. Coward—1.

The committee reported, which was transmitted from the House by message, that the House vote was 105. Senate 44. Whole vote 149. Necessary to a choice 75. Mr. Brogden received 62; Mr. Cowper 47; Mr. Holderby 33; Mr. Love 15; Mr. Boyd 1; Mr. Bain 1. No election.

Report concurred in.

On motion by Mr. Clark,

The proposition of the House of Commons, to increase the number of the Committee on *Public Buildings and Grounds* to five on the part of the House, and three on the part of the Senate, was taken from the table and considered.

Ordered, That it lie on the table.

On motion by Mr. Cowles,

The rules were suspended and,

S. 19, resolutions instructing the Governor to accept the aid proffered by the Government, were read the second time.

The substitute offered by the Special Committee on the subject was adopted, and, as amended, the resolutions were passed, and, under a further suspension of the rules, they were read the third time and passed.

Ordered, To be engrossed.

A message was received from the House, proposing to go forthwith into the election for six Councillors of State. The Senate concurred.

Messrs. Garriss and Russ were announced as a Committee, on the part of the House, to superintend the election. The Speaker designated Messrs. Edwards and Marshall on the part of the Senate.

The Senate voted as follows:

For Mr. Eaton:

Messrs. Speaker, Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris, of Franklin, Hill, Johnston, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Richardson, Robins, Speed, Spencer, Thornton, Wiggins, Willey, Williams and Wilson—41.

For Mr. Joyner:

Messrs. Adams, Battle, Barnes, Berry, Clark, Covington, Coward, Cunningham, Etheridge, Ferebee, Harris, of Franklin, Hill, Johnston, Jones, Koonce, Leach, Lloyd, McCorkle, Moore, Paschal, Perkins, Speed, Thornton, Wiggins, Willey and Wilson—26.

For M Jones:

Messrs. Avery, Battle, Brown, Clark, Covington, Cowles, Edwards, Etheridge, Hall, Hand, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Love, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Richardson, Speed, Williams and Wilson.—26.

For Mr. Ruffin:

Messrs. Speaker, Battle, Berry, Brown, Covington, Edwards, Harris, of Franklin, Kelly, Koonce, Love, Lloyd, Marshall, McCorkle, McLean, Moore, Paschal, Richardson, Wiggins, Williams and Wilson.—20.

For Mr. Shepherd:

Messrs. Speaker, Edwards, Etheridge, Ferebee, Hand, Harris, of Franklin, Hill, Johnston, Kelly, Lloyd, Marshall, Matthews, McLean, McRae, Richardson and Williams.—16.

For Mr. J. J. Yeates :

Messrs. Speaker, Adams, Barnes, Gash, Jones, Marshall, McCorkle, Paschal, Perkins, Robins, Spencer, Wiggins, Willey and Wilson.—14.

For Mr. Mebane :

Messrs. Berry, Brown, Clark, Cunningham, Ferebee, Hall, Harris, of Franklin, McLean, Robins, Spencer, Thornton and Willey.—12.

For Mr. Phillips :

Messrs. Berry, Coward, Cowles, Cunningham, Etheridge, Gash, Jones, Leach, Paschal, Perkins, Richardson and Spencer.—12.

For Mr. Shober :

Messrs. Covington, Etheridge, Gash, Hand, Johnston, Koonce, Leach, Love, Marshall, Matthews and McRae.—11.

For Mr. Simonton :

Messrs. Adams, Avery, Barnes, Coward, Cowles, Hill, McCorkle, Robins, Speed and Willey.—10.

For Mr. Vance :

Messrs. Avery, Berry, Clark, Ferebee, Gash, Hall, Kelly and Love.—8.

For Mr. Leak :

Messrs. Battle, Covington, Lloyd, Marshall, Matthews, McRae, Thornton and Wilson.—8.

For Mr. Rankin :

Messrs. Adams, Barnes, Perkins, Robins, Speed, Spencer and Willey—7.

For Mr. Martin :

Messrs. Avery, Battle, Edwards, Ferebee, Speed and Thornton—6.

For Mr. Wadsworth :

Messrs. Speaker, Kelly, McLean, Perkins, Richardson and Spencer—6.

For Mr. Parrott :

Messrs. Avery, Coward, Cowles, Koonce, Leach and Love—6

For Mr. Caldwell :

Messrs. Brown, Bullock, Harris of Rutherford and Williams—4.

For Mr. McDowell:

Messrs. Clark, Hall, Kelly and Thornton—4.

For Mr. Foard:

Messrs. Hill, Johnston, Leach and McRae—4.

For Mr. Winston:

Messrs. Barnes, Moore and Wiggins—3.

For Mr. Williams:

Messrs. Speaker, Coward and Cowles—3.

For Mr. Grissom:

Messrs. Bullock, Harris of Rutherford, and Jones—3.

For Mr. W. J. Yates:

Messrs. Coward, Cowles and Williams—3.

For Mr. Poindexter:

Messrs. Brown, Hand and Matthews—3.

For Mr. Arendell:

Messrs. Bullock and Harris of Rutherford—2.

For Mr. W. D. Jones:

Messrs. Bullock and Harris of Rutherford—2.

For Mr. Cowles:

Messrs. Bullock and Harris of Rutherford—2.

For Mr. Logan:

Messrs. Bullock and Harris of Rutherford—2.

For Mr. Thomas Wilson:

Messrs. Adams and Robins—2.

For Mr. J. M. Leach:

Messrs. Hand and Wiggins—2.

For Mr. Peebles:

Messrs. Cunningham and Edwards—2.

For Mr. C. B. Root:

Messrs. Cunningham and Jones—2.

For Mr. Bagley:

Mr. Moore.

For Mr. Russell:

Mr. Lloyd.

For Mr. R. H. Smith:

Mr. Hall.

For Mr. Burgin:

Mr. Gash.

On motion, by Mr. Kelly,

The Senate adjourned.

THURSDAY, December 6th, 1866.

Prayer by the Rev. R. S. Mason, D. D.

Reports from standing and select committees were submitted and filed as follows, viz :

By Mr. Cunningham, from the Committee on *Propositions and Grievances :*

S. 24, bill to authorize the Justices of the County of Cumberland to fund the interest due on its Bonds issued in payment of its Stock in the Western Rail Road, with an amendment, recommending its passage.

By Mr. Gash, from the Select Committee on the *Penitentiary* :

S. 42, bill to establish a Penitentiary, recommending its passage. Ordered to be printed.

By Mr. Leach, from the Joint Select Committee on the *Constitutional Amendment :*

S. 43, resolution rejecting the Amendment to the Constitution of the United States, submitted as Article 14th, with special report, as follows :

The Joint Select Committee on Federal Relations to which was referred that part of the Governor's message relating to a communication from the Honorable Wm. H. Seward, Secretary of State for the United States, covering an attested copy of a Joint Resolution of Congress, proposing a fourteenth Article as an Amendment to the Constitution of the United States, to be submitted to this General Assembly for ratification or rejection, have had the same under consideration, and ask leave to report :

The Committee, impressed with the importance of the subjects embraced in the proposed Constitutional Amendment, as affecting the Commonwealth of North Carolina not merely

for the present, but, in all human probability, for ages to come, have given the whole matter a careful and respectful consideration, and now offer the reasons for the conclusions at which they have arrived.

A number of radical changes in the fundamental law of the country are proposed to be embraced in one Article, and to be accepted or rejected together, and if but one of these Amendments is disapproved, this General Assembly will be under the necessity of rejecting all; leaving no alternative of accepting some of the Sections in the proposed Article and rejecting others; and it is submitted that this mode of amending the Constitution of the United States is unwise, and without precedent, and ought not to find favor in any portion of this great nation.

The Committee entertain the opinion that this proposition has not been submitted in a constitutional manner, and in pursuance of the forms prescribed by the Constitution. North Carolina, and her ten sister seceding States, have been repeatedly recognized *as States in the Union*, by all the Departments of the Federal Government, both during and since the war. *Congress* did this by the Resolutions of July, 1861, which declared that "the object of the war was not for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired." And again: by an Act apportioning taxation among the States; by an Act assigning them their respective numbers of Representatives; by an Act at the last session re-adjusting the Federal Judicial Circuits; by accepting as valid the assent of Virginia to the division of that State, and thereupon establishing the State of West Virginia; and by other Acts. The *Judiciary* has recognized them by hearing and deciding causes carried up from their Courts. The *Executive* has done so by approving the aforesaid Acts of Congress. This recognition of them as States in the Union is *now repeated* by the Federal Government, in submitting to them for ratification the pending proposition of Amendment,

since only States in the Union can vote on such a question.

The Federal Constitution declares, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And in the Article which concerns Amendments, it is expressly provided that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." The contemplated Amendment was not proposed to the States by a Congress thus constituted. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence of this, these States had no voice on the important question of *proposing the Amendment*. Had they been allowed to give their votes, the proposition would doubtless have failed to command the required two-thirds majority. Had they voluntarily relinquished the exercise of their right and privilege in this matter, as they had done in the case of the late Amendment respecting slavery, they would, perhaps, be estopped from objecting to the regularity of the proceeding. But as their Senators and Representatives elect were seeking admission to their seats and were deprived of them against their consent, the subject is presented in a different light.

If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence could arrive at a different conclusion. And it is submitted that this irregularity, in the initiative step, would make the amendment of doubtful validity, even if ratified. It would certainly constitute a dangerous precedent, give rise to troublesome questions hereafter, remove the landmarks established by the fathers, and greatly tend to diminish that regard for the sacredness of the Constitution, which all our people ought ever to cherish.

The Committee are of the opinion that the Constitution was not complied with in *another particular*, in the manner of proposing this Amendment. The third clause of section second, article first, provides that "*every* order, resolution, or *vote*, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, *and before the same shall take effect* it shall be approved by him, or being disapproved by him, shall be *repassed* by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill." A proposition to amend the Constitution is certainly included in the terms of that provision, as being a matter requiring the concurrent action of both Houses. The pending Amendment, however, was never presented to the President, for his approval or disapproval, but sent directly to the Department of State, to be transmitted thence to the respective States.

And it is far from a satisfactory answer to this, to say that because the proposition was originally passed by a two-thirds majority it need not be presented to the President, since his disapproval could not affect it; for his disapproval might affect it when put upon its *re-passage*, after he had returned it with his objection—an occurrence not remarkable in the past history of the government. And this *re-passage* over his *veto* by the two-thirds majority is required before any "order resolution or vote" of Congress can "*take effect*," even though on its original passage it may have received an unanimous support.

If it should be said that any doubts as to the validity of the proposed Amendment, whether ratified or rejected, under present circumstances, will be obviated by the strong arm of power which will validate it at all hazards, the ready answer is, that if the strong arm can give validity to an amendment adopted in disregard and defiance of *some* of the prescriptions of the organic law, it can, with the same propriety, set them *all* aside. On that supposition, the Constitution would be at the mercy of the strongest, and could at any time be moulded according to the will of a mere majority, however unscrupu-

lous or despotic that majority might be. It would thus become the plaything of politicians and parties—its sanctity profaned and its glory departed.

The Committee do not present these views in any spirit of captiousness, nor as the advocates of mere sectional interests, notwithstanding the amendment proposed is unquestionably designed to operate on the Southern States of this Union; indeed, such are the avowals of its advocates. But the question of its ratification, under existing auspices, is of the gravest import to the whole country, and to the cause of free constitutional government. In the mutations of human affairs, and the conflict of intetest and opinion that may arise in the future history of this great and wide-spread nation, the time may come when changes in the Federal Constitution may be made in derogation of the rights and interests of *other parts of the Union*. In so grave a matter too much precaution cannot be used. The Constitution is the basis of our liberties. No true American has ever ceased to regard it as peculiarly sacred, as well or for its own intrinsic excelle ce, as for the exalted character of its patriotic founders. And it should never be forgotten that those good and great men, inspired by lofty deeds, in a spirit of forbearance, conciliation and compromise, and in the exercise of an enlightened statesmanship, framed this great bulwark of civil and religious liberty. Even those, who are called "rebels," have never spoken lightly of it. The affections of all sincere lovers of liberty twine around it, like ivy around some hallowed shrine where the heart pours fourth its profoundest devotions.

Many of the prominent questions of the present time are of temporary interest only, and will soon be forgotten; and with them will pass away the passions and hate which they have engendered. But the Constitution was made for all ages—for peace and for war. All patriots will unite in the hope that its majesty and symmetry may not be marred by the incorporation of Amendments, shaped amid the excitement of these tempestuous days, and made a part of it through methods of proceeding which are hasty and ill-considered, and unwarranted by the provisions of the instrument itself.

Proceeding more in detail to the merits of the proposed Amendment, the Committee have confined themselves to its most prominent features.

In the first section it is provided that "no State shall make or enforce any law which shall abridge the *privilege or immunities* of citizens of the United States." What those privileges and immunities are, is not defined. Whether reference is had only to such privileges and immunities as may be supposed now to exist, or to all others which the Federal Government may hereafter declare to belong to it, or may choose to grant to citizens, is left in doubt, though the latter construction seems the more natural, and is one which that Government could at any time insist upon as correct and entirely consistent with the language used. With this construction placed upon it, what limit would remain to the power of that Government to interfere in the internal affairs of the States? And what becomes of the right of a State to regulate its domestic concerns in its own way? Whatever restrictions any State might think proper, for the general good, to impose upon any or all its citizens, upon a declaration by the Federal Government that such restrictions were an abridgement of the privileges or immunities of the citizens of the Union, such State laws would at once be annulled. For instance: the laws of North Carolina forbid the inter-marriage of white persons and negroes. But if this Amendment be ratified, the Government of the United States could declare that this law abridged the privileges of citizens, and must not be enforced; and miscegenation would thereupon be legalized in this Commonwealth. Grant that such action on the part of the Government would not be probable, still it would be possible; and its bare possibility sufficiently exemplifies the boundlessness of the powers which the Amendment would confer on the Federal Government.

The power to regulate suffrage has always been claimed to belong to the several States, and it is thought by some, that this point is securely guarded by the provisions of the second section of the proposed Amendment; but a slight inspection will reveal the fact that the power of the States to regulate suffrage is by no means *expressly* recognized therein; nor is

their right to "deny" or "abridge" the franchise distinctly set forth. The provision touching the matter merely declares that when the right to vote, of any male citizen twenty-one years old, is "denied" or "abridged," the basis of representation shall be reduced in any State where that shall occur. It is not said who shall have the power to deny or abridge the right to vote. If the power of a State, over this subject, is recognized at all, it is only by implication, and an implication, too, which is conveyed solely in the language used for fixing a penalty upon the exercise of such power, and without saying whether its exercise may not hereafter be prohibited. No *exclusive* right, nor even a limited right of a State in the premises, is *expressly* admitted, but all is allowed to rest on a doubtful inference. With the right of a State thus left doubtful, suppose the Federal Government, in the exercise of the power already spoken of as conferred by the first section of the Amendment, should think proper to declare that the right to vote is one of the "privileges" and "immunities" of the citizen, what could a State do except to yield the point, and what would prevent universal suffrage from being at once inaugurated? Nothing.

The founders of our polity left the management of municipal affairs, and the protection of the ordinary personal and property interests of the citizens of the States, to the States themselves, uncontrolled by the supervision or interference of the Federal authorities; because they rightly judged that as the welfare of the individual citizen was most intimately connected with the welfare of his State, his interest could be most safely trusted to the protection of his State. The dangerous innovation involved in the clause of the Amendment now under review, coupled with the final section, giving Congress "power to enforce all the provisions of this Article by appropriate legislation," consists in the fact that it authorizes the Federal Government to come in, as an intermeddler, between a State, and the citizens of a State, in almost all conceivable cases;—to supervise and interfere with the ordinary administration of justice in the State Courts, and to provide tribunals,—as has to some extent been already done in the Civil Rights Bill,—to which an unsuccessful litigant, or a

criminal convicted in the Courts of the State, can make complaint that justice and the equal protection of the laws have been denied him, and however groundless may be his complaint, can obtain a rehearing of his cause. The tendency of all this to break down and bring into contempt the judicial tribunals of the States, and ultimately to transfer the administration of justice both in criminal and civil causes, to Courts of Federal jurisdiction, is too manifest to require illustration.

A serious objection to the second section, if it should be understood as implying the power of a State to regulate the question of suffrage, is, that it imposes a penalty upon any restriction of the franchise, and offers a premium for its extension: the representation of a State, and its consequent political importance, being diminished in the one event, and increased in the other. The manifest design of this provision is, to bring about, by indirect means, the adoption of universal suffrage, irrespective of race or color. And thus a premium is offered for the prostitution of the franchise. Nothing could be more threatening to the stability of our republican institutions. There can scarcely be a doubt that if the question of negro suffrage could be calmly considered purely on its own merits, and aside from the prejudices of the times, all thoughtful and well-informed men would unite in condemning it as in the highest degree impolitic and unwise.

A leading feature of this second section is, that, virtually, it makes the basis of representation to consist of the voters only, which is manifestly inconsistent with the theory of our political system. The voters are merely the appointing power, whose function is to select the representative; but his true constituency is the whole population. It is a great fallacy to maintain that an officer represents only those who vote for him. Senators are chosen by the State Legislature, but they represent not the Legislature merely, but all classes of the State population with their varied interests. But it is urged by the advocates of the policy of basing representation on the voters only, that this is necessary in order to give equal weight to a voter in different States, and yet there is neither justice on the one hand, nor any practical im-

portance on the other, in this idea. Say two States have equal population, equal voting strength, and equal representation; and suppose one of them should choose to restrict the franchise so that its quota of Representatives would be selected by half its former number of voters; this, indeed, would be a matter of interest to its own citizens, but of what possible concern could it be to the citizens of the other State? A complaint that the *weight* of voters was not equal, would come with bad grace from a State, which, by extending widely the franchise, had thereby diminished the relative importance of its individual voters. If two States had equal population, but one of them should allow twice as many voters as the other, then, according to the pending Amendment, one would be entitled to twice as many Representatives as the other. This might be giving equal weight to voters, but would certainly be giving very unequal weight to the respective non-voting populations; so that no consideration is given to the non-voters who must always constitute the great majority of the people, and bear a large share of the public burdens. And while the negroes, who form so large an element in the population of this Commonwealth, cannot wisely exercise the right of suffrage, and should not, therefore, be allowed to do so, yet if there ever was a time when that race should be counted in the basis of representation, it is *now;* for they are thrown as an immense burden on a few States, and will for many years demand the utmost exercise of every moral agency for their advancement in the scale of being.

The third section of the Amendment is designed solely to affect the South. It virtually disfranchises a large portion of the people of North Carolina. It is well known that most of our able-bodied men were Confederate soldiers during some part of the late war; and of those of our people who were not in the army, scarcely an individual can truthfully say that he rendered "no aid or comfort" to the Southern cause; and all who had ever previously taken an oath to support the Federal Constitution, either as a Member of Congress, or as an officer of the United States, or as a member of a State Legislature, or Executive or Judicial officer of any State, are excluded from, forever hereafter, holding any office, either in the

State or Federal Government, unless the disability is removed by a two-thirds vote of both Houses of Congress. And it may be added, in this connexion, that Congress, by providing for the removal of disabilities by its action upon a two-thirds vote, infringes the Constitutional right of the President to grant pardons.

Very few, indeed, of the men of this State, of mature years, and capable of filling such positions, have not at some time held one or more of the aforesaid offices, and taken the oath specified. The immediate practical effect, therefore, of the Amendment, if ratified, will be to destroy the whole machinery of our State Government, and reduce all our affairs to complete chaos, by throwing out nearly every public officer, even to Justices of the Peace and Constables, and it would be hardly possible to find enough of men qualified to fill those various offices, and re-organize our State Government.

And besides this, all experience proves that men rising to power on the ruin of their fellows, and expecting success only by the suppression of the popular will, are generally the worst of all the enemies of their own people; and the great mass of the people of this Commonwealth would, in the opinion of the Committee, prefer to commit themselves, their honor, and their interests to Congress, as now composed, rather than to those, whose only hope of ruling lies in the disfranchisement and oppression of more loyal and better men.

The impolicy of imposing this general disability upon those who, in any way, took part in the late conflict, is shown also by the indubitable fact that the most of them are now as conservative, as loyal, and as well affected towards the General Government as any class of citizens. Those who personally participated in the great trial of arms, are perhaps more thoroughly convinced than any others, of the finality of the decision, and the utter folly of any future appeal to the arbitrament of war; and hence have, with few exceptions, readily acquiesced in the settlement which has been made of the questions in dispute. Many of those who would be disabled from holding office, are among the most prominent and excellent citizens of the State, who always opposed secession; and their

services and co-operation would be greatly needed in the important work of restoring her prosperity.

But if this, and other degrading disabilities, must be imposed upon so many of her citizens, how can North Carolina herself, while she retains any sense of honor or self-respect, assist in imposing it? How can those now controlling the destinies of the Union, ask or expect her to do so, and thus set the seal to her own disgrace? How can they expect or even desire that her Representatives, either now or hereafter shall assist in the work of her own degradation?

What her people have done, they have done in obedience to her own behests. Must she now punish them for obeying her own commands? If penalties have been incurred, and punishments must be inflicted, is it magnanimous, is it reasonable, nay, is it honorable, to require us to become our own executioners? Must we, as a State, be regarded as unfit for fraternal association with our fellow citizens of other States, until after we shall have sacrificed our manhood and tarnished our honor? Surely not. North Carolina feels that she is still one of the daughters of the great American family. Wayward and wilful, perhaps, she has been; but honor and virtue still are hers. If her errors have been great, her sufferings have been greater. Like a stricken mother, she now stands leaning in silent grief over the bloody graves of her slain children. The mementos of former glory lie in ruins around her. The majesty of sorrow sits enthroned on her brow. Proud of her sons who have died for her, she cherishes, in her heart of hearts, the living children who were ready to die for her; and she loves them with a mother's warm affection. Can she be expected to repudiate them? No! it would be the act of an unnatural mother. She can never consent to it,—*Never!*

It is said, however, that Congress can easily remove the disabilities which this section imposes; but is it likely that Congress will do so? If they can be so readily removed, why impose them at all? And it should not be forgotten that Congress could, through this dispensing power, manage to fill the State offices of every grade, almost entirely according o its own choice and dictation, by relieving from disabilities

only such as might serve its purposes: and thus the freedom of elections would be virtually destroyed, and the State governments might become the willing and subservient tools of grasping ambition and usurping tyrrany.

All that need be said of the fourth section of the proposed Amendment is, that it is useless. The Federal debt is already sufficiently secured by the honest intention of the people to pay it. And a noticeable fact is, with what cheerfulness the people of this Commonwealth, taxed without representation, and depressed and impoverished by the war, pay their Internal Revenue taxes. By seeking to bind the people of the whole country further to the payment of the public debt, by means of a Constitutional provision, the government betrays a lack of confidence, not perhaps more in the people of the *South* than in those of the *North*. The Confederate debt is equally certain to remain unpaid. Indeed, most of it can never fall due, by the terms on which it was contracted, and the impoverishment of the whole South, and the Acts of repudiation which have already been passed, will doubtless secure the non-payment of the remainder.

The refusal to pay for our slaves emancipated is doubtless a great injustice, especially to those citizens who did not favor *secession;* but the Committee entertain the opinion that the people have never hoped, seriously, for its reparation.

In the final section, power is given to Congress "to enforce by appropriate legislation, all the provisions of this Article." How wide a door is hereby opened for the interference of Congress, with subjects hitherto regarded beyond its range, it is impossible adequately to conceive, until experience shall have tested the matter. As the Committee have already submitted, one of the most serious evils to be apprehended from this Amendment, consists in the vast addition it makes, in so many ways, to the powers of the General Government. No enlightened patriot, who has studied carefully our system of government, and has realized how much of its excellence lies in the due division of its powers, between the Federal and State authorities, can have failed to witness, with the profoundest alarm, the tendency to centralization and consolidation, which has in late years been developed. The

exercise of the mighty energies, and the assumption of new and unusual prerogatives, required to prosecute successfully the recent war, in the nature of things gave to the General Government an overshadowing influence and prestige beyond what it had ever before possessed. And this result was increased by the overwhelming defeat of those States which had always stood forth as the peculiar advocates of State Rights. Every one must perceive, therefore, that even without new Constitutional grants of authority, the Federal Government is no longer what it once was, but that it has expanded into a mighty giant, threatening to swallow up the States, and to concentrate all power and dignity in itself. In the interests of liberty, it appears to the Committee, that this centralizing tendency, instead of being fostered, needs to be checked. The American people ought not, by new grants of power, to seem to authorize the continual exercise of extraordinary prerogatives, undreamed of in the purer and happier days of the Republic. The Constitution, as it stands, was good enough for our fathers; if administered in its true spirit it will also be good enough for ourselves and our posterity.

But suppose North Carolina were to accept the Amendment, thus yielding up her honest convictions of duty and of principle, in her most anxious desire for the restoration of her former relations with the General Government, and the admission of her Representatives into Congress, what guarantee, nay, even what hope, is there that such ratification would thus restore her? So far from it, the unmistakable record of the last Congress, as well as all the indications since exhibited, of tone and temper, are, that this humiliation and surrender of right and principle would not, in the opinion of the Committee, be likely to facilitate restoration, much less effect it.

The Committee having, at some length, gone into an analysis of the different sections of the proposed Article of Amendment, ought, perhaps, in closing, to say a word in regard to the intimations sometimes thrown out, that if the Southern States refuse to ratify the pending Amendment, harder terms and deeper humiliation will be imposed upon them. These are deemed only as the intemperate declarations of heated

individual partizans. No responsible body of our country men has dishonored itself, or us, by making such t reats. It would, indeed, be mockery to submit a question so grave and important to this Commonwealth, and then place her under duress to compel her to vote in the affirmative. No humiliation could be deeper, no degradation more profound, than that which she would impose upon herself by yielding to intim dation, and ratifying, under the influence of base fear, a measure which she disapproved. The Committee are sure, that this Honorable Legislature will not do an act so inconsistent with its own dignity, and the dignity of the State. A question of such vital concern to the entire Union and to the cause of liberty itself, will surely be calmly and seriously considered, with the impartiality and wisdom that should characterize the conduct of Statesmen, and with the manly independence of freemen; and it is therefore confidently believed, that the action this body shal take upon this grave question, will be worthy of the State of North Carolina.

For the reasons submitted in this report, the Committee respectfully recommend the adoption of the following reso u-tion, to wit:

Resolved, That the General Assembly of the State of North Carolina do not ratify the Amendment proposed as the fourteenth Article of the Constitution of the United States.

J. M. LEACH, *Chairman*,
HENRY T. CLARK,
H. M. WAUGH,
JOS. J. DAVIS,
THOS. S. KENAN,
J. P. H. RUSS,
ARCH. McLEAN,
PHILLIP HODNETT,
JOHN M. PERRY,
J. MOREHEAD, JR.,
D. A. COVINGTON,
W. D. JONES.

The undersigned, a member of the Joint Select Committee on the "Howard Amendment," dissents from the report of the Committee, believing it would be to the interest of the State of North Carolina, considering all the circumstances, to ratify the Amendment proposed as the fourteenth Article of the Constitution of the United States.

P. A. WILSON.

Mr. Harris, of Rutherford, moved that the Report and Resolution be printed and made the special order for Thursday, 13th instant, at 12 o'clock, M.

Mr. Love moved to amend by striking out *Thursday* 13th, and inserting *Friday* 7th, which did not prevail, there being counted seventeen ayes and twenty-one nays.

Mr. Harris' motion then prevailed.

A message was received from the House, transmitting the report of the committee to superintend the election for six Councillors of the State, as follows, viz :

House vote 108. Senate 46. Whole vote 154. Necessary to a choice 78. Mr. Eaton received 99 votes ; Mr Joyner 74; Mr. Jones 73 ; Mr. Mebane 45 ; Mr. Simonton 39 ; Mr. Shepherd 33 ; Mr. Parrott 33 ; Mr. Phillips 32 ; Mr. J. J. Yeates 32 ; Mr. Rankin 32 ; Mr. Martin 30 ; Mr. Root 31 ; Mr. Foard 29 ; Mr. Poindexter 29 ; Mr. Grissom 26 ; Mr. Caldwell 26 ; Mr. McDowell 26 ; Mr. Shober 23 ; Mr. Ruffin 20 ; Mr. Vance 20 ; Mr. Leak 19 ; Mr. Winston 14 ; Mr. W. J. Yates 13 ; Mr. Wadsworth 13; Mr. Dickson 31; Mr. Dick 11; Mr. Hoke 9 ; Mr. Barringer 8 ; Messrs. Logan, Russell, Hood, Thompson and Williams 7 each ; Messrs. Peebles and Bridges 5 each ; Messrs. J. J. Davis and J. T. Leach 3 each ; Messrs. Arendell, W. D. Jones, Cowles, J. M. Leach, T. Wilson, Stowe, Lamb, Eldridge, J. D. Williams and Settle 2 each ; Messrs. Burgin, R. H. Smith, Bagley, W. F. Green, R. M. Henry, R. Don Wilson, Dockery and Carter 1 each. Mr. Eaton having received a majority of the whole number was duly elected. The report was concurred in.

A message was received from the House, proposing to go forthwith into the election for Comptroller. The names of Messrs. Cowper and Holderby being withdrawn from, and

those of Mr. Winslow Burgin, of Buncombe, and Mr. William Cowles, being added to those in nomination.

The Senate concurred, and the name of Mr. Love was withdrawn.

Messrs. Lowe and Crawford, of Macon, were announced as the House branch of the Committee to superintend the election. The Speaker designated Messrs. Richardson and Snead on the part of the Senate.

The Senate voted as follows:

For Mr. Cowles:

Messrs. Adams, Battle, Barnes, Berry, Coward, Cowles, Ferebee, Hall, Hand, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Leach, Matthews, McRae, Moore, Perkins, Respass, Robins, Snead, Speed, Spencer, Thornton, Willey and Wilson—27.

For Mr. Brogden:

Messrs. Speaker, Brown, Bullock, Covington, Cunningham, Etheridge, Kelly, Koonce, Marshall, Paschal, Richardson, Wiggins and Williams—13.

For Mr. Burgin:

Messrs. Avery, Clark, Edwards, Gash, Love, Lloyd, McLean, and Thompson—8.

A message was received from the House, transmitting the names of Messrs. Dargan, and Latham, of Washington, as constituting the additional members of the House branch of the Committee on Agricultural and Mechanical College.

On motion of Mr. Cunningham,

Leave of absence was granted to Mr. Perkins until Tuesday next.

Mr. Thornton introduced the following resolution, viz:

Resolved, (The House of Commons concurring,) That the twelfth Joint Rule of the two Houses be altered so as to place four members of each House on the Committee on *Public Buildings and Grounds*. Lies over.

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller as follows:

House vote 110. Senate 48. Whole vote 158. Necessary to a choice 80. Mr. Burgin received 62, Mr. Brogden 60,

Mr. Cowles 36. No election. The report was concurred in.

A message was received from the House, proposing to vote again for Comptroller, which was concurred in. Messrs. Durham and Dargan from the House, and Messrs. Snead and Richardson from the Senate, superintending.

The Senate voted as follows :

For Mr. Cowles :

Messrs. Adams, Barnes, Coward, Cowles, Ferebee, Hand, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Leach, Matthews, McRae, Perkins, Respass, Richardson, Robins, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Wilson.—24.

For Mr. Brogden :

Messrs. Battle, Berry, Brown, Bullock, Covington, Cunningham, Etheridge, Kelly, Koonce, Marshall, Paschal and Williams.—12.

For Mr. Burgin :

Messrs. Speaker, Avery, Clark, Edwards, Gash. Hall, Lloyd, McCorkle, McLean and Thompson.—10.

Bills of the titles following introduced, passed their first reading and were referred as follows :

By Mr. McLean : Bill (S. P. 13,) to amend the 122d chapter of the Acts of 1858-'59, entitled "Act to incorporate the Bingham Coal Mining Company." To *Corporations.*

By Mr. Koonce : Bill (S. P. 14,) to authorize Thomas J. Whitaker, late Sheriff of Jones County, to collect arrears of taxes. To *Propositions and Grievances.*

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows, viz :

House vote 109. Senate 46. Whole vote 155. Necessary to a choice 78. Mr. Burgin received 62; Mr. Brogden 53, and Mr. Cowles 40. No election. The report was concurred in.

A message was received from the House, proposing to go forthwith into the election of Comptroller. Concurred in. Messrs. Kenan and Lutterloh were designated as the House branch, and Messrs. Snead and Richardson as the Senate branch of the committee to superintend the election.

The Senate voted as follows:

For Mr. Cowles:

Messrs. Adams, Barnes, Coward, Cowles, Cunningham, Ferebee, Harris of Rutherford, Hill, Johnston, Jones, Leach, Matthews, McRae, Respass, Robins, Speed, Thornton and Wilson—18.

For Mr. Brogden:

Messrs. Battle, Berry, Brown, Bullock, Covington, Etheridge, Harris, of Franklin, Kelly, Koonce, Marshall, Paschal, Richardson, Snead, Wiggins, Willey and Williams.—16.

For Mr. Burgin:

Messrs. Speaker, Avery, Clark, Edwards, Gash, Hall, Love, Lloyd, McCorkle, McLean, Moore, Perkins, Spencer and Thompson—14.

The House, transmitted by message, the report of the committee to superintend the election for Comptroller, as follows:

House vote 111. Senate 48. Whole vote 159. Necessary to a choice 80. Mr. Burgin received 70; Mr. Brogden 57; Mr. Cowles 31, and Mr. Collins 1. No election. The report was concurred in.

A message was received from the House, proposing to go forthwith into the election for Comptroller,—the name of Mr. Cowles being withdrawn. The Senate concurred.

Messrs. Williams, of Pitt, and Reinhardt were announced as the House branch of the committee to superintend the election. Messrs. Richardson and Snead were appointed on the part of the Senate.

The Senate voted as follows:

For Mr. Burgin:

Messrs. Speaker, Adams, Avery, Barnes, Clark, Cowles, Etheridge, Ferebee, Gash, Hall, Hand, Hill, Johnston, Jones, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Moore, Perkins, Robins, Speed, Spencer, Thompson, Thornton and Wilson—28.

For Mr. Brogden:

Messrs. Battle, Berry, Brown, Bullock, Covington, Cunningham, Etheridge, Harris, of Franklin, Harris, of Rutherford, Kelly, Koonce, Leach, Marshall, Paschal, Respass, Richardson, Snead, Wiggins, Willey, and Williams.—20.

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows:

House vote 109. Senate 48. Whole vote 157. Necessary to a choice 79. Mr. Burgin received 89. Mr. Brogden 67. Mr. Cowles 1. Mr. Burgin having received a majority of the whole vote was duly elected

The report was concurred in.

S. 14, bill to grant aid to the Cheraw & Coalfields Rail Road Company, was read the second time and considered, when

Debate arose.

Mr. Leach moved that it lie on the table. When,

On motion by Mr. Thornton,

The Senate adjourned.

FRIDAY, DECEMBER 7TH, 1866.

The Speaker designated Messrs. Avery, McLean and Edwards as the additional members of the Senate branch of the committee on *Agricultural and Mechanical College.*

On motion by Mr. Cowles,

Leave of absence was granted to Mr. Harris, of Rutherford, from and after to-day, until Thursday next.

On motion by Mr. Robins,

Leave of absence was granted to Mr. Paschal until Friday next.

On motion by Mr. Wilson,

Leave of absence was granted to Mr. Harris, of Rutherford, until Wednesday next.

Reports from Standing and Select Committees were submitted and filed, as follows, viz:

By Mr. Moore, from the Committee on *Corporations:*

S. P. 2, bill to incorporate Pasquotank Lodge, No. 103, A. F. and A. Masons, at Elizabeth City, with favorable recommendation.

By Mr. Johnston, from the same Committee:

S. P. 3, bill to incorporate the Hibernian Benevolent Society, of the city of Wilmington, recommending its passage.

By Mr. Clark, from the same Committee:

S. P. 7, bill to incorporate the McLean Fire Engine Company, No. 1, in the town of Fayetteville, recommending its passage.

By Mr. Hall, from the Committee on *Finance:*

S. 5, bill to prevent fraud upon the Revenue, with report unfavorable to its passage.

By Mr. Love, from the joint select committee to wait on the Governor, a report, stating that his Excellency had designated Saturday, the 15th of December, 1866, at 12 o'clock, M., as the time at which he would take the oaths of office. The report was transmitted to the House of Commons.

Bills and Resolutions of the titles following being introduced, were read the first time, passed, referred and filed, as follows, viz:

By Mr. Hall: Resolution (S. P. 15) in favor of D. G. Fowle. To *Claims.*

From the House: Engrossed bill, (H. 12) to incorporate the Bladen Land Company. To *Corporations.*

By Mr. Leach: Bill, (S. P. 17,) to incorporate the North Carolina Dental Association, and for the establishment of a Board of Dental Examiners. To *Corporations.*

From the House: Engrossed bill, (H. 11,) to incorporate the Bladen Manufacturing Company. To *Corporations.*

Engrossed bill (H. 112,) to amend section 1st, of chapter 29, of the laws of North Carolina, passed by the General Assembly of 1865–'66, relative to Roads, Ferries and Bridges. Filed.

By Mr. Avery: Bill (S. 44,) to amend section 16, chapter 111, Revised Code. To the *Judiciary.*

By Mr. Clark: Bill (S. 45,) to direct the mode of holding the Superior Courts in the Judicial Circuits by the Judges thereof. To the *Judiciary.*

A message was received from the House, proposing to raise a joint select committee, of three on the part of each House, to take into consideration so much of the Governor's

message as relates to the office of Comptroller of Public Accounts. The Senate refused to concur.

On motion by Mr. Avery,

Ordered, That a message be sent to the House of Commons, proposing to refer so much of the Governor's Message as relates to the Comptroller of Public Accounts, to the Committee on *Finance*.

The House concurred.

The resolution introduced on yesterday, to change the joint rules of both Houses, so as to increase the Joint Standing Committee of *Public Buildings and Grounds*, came up and was adopted, and transmitted to the House.

The House of Commons having concurred, the name of Mr. Murrill was announced as the additional member from the House, and Messrs. Berry and Marshall were appointed in the Senate.

S. 14, Bill to grant aid to the Cheraw & Coalfields Rail Road Company was taken up as the unfi ished business.

The pending question, upon the motion of Mr. Leach, that it lie on the table, was withdrawn.

On motion, by Mr. Jones,

Ordered, That it lie on the table.

S. 6. bill to establish a Penitentiary was read the second time, and

On motion, by Mr. Gash,

Ordered, That its further consideration be postponed, and it be made the Special Order for Tuesday, 11th December, at 12 o'clock M.

S. 18, bill to authorize Counties to subscribe to the Capital Stock of the Cheraw & Coalfields Rail Road Company was read the second time and passed.

On motion, by Mr. Covington,

The rules was suspended and the bill passed its third reading.

Ordered to be engrossed.

On motion, by Mr. McRae,

S. 8, bill in reference to the appointment of Justices of the Peace, was taken from the table and considered on its second reading.

Mr. McRae moved to amend by striking out all after the enacting clause, and insert as follows:

"That to enable the Representatives of the people in General Assembly to act advisedly in the appointment of Justices of the Peace, the several Courts of Pleas and Quarter Sessions of each county in the State, a majority of the Justices being present, and consenting thereto, at the term immediately preceding the meeting of the General Assembly, shall make a report, through their representatives, setting forth the number of Magistrates, the number in each Captain's District, and if in their judgment public justice requires the appointment of others, stating the number and names of suitable persons in such District as may require more, and recommend the same; which report and recommendation shall be addressed to the respective representatives of the counties, and shall be signed by the Chairman and attested by the Clerk, with the seal of the Court.

Be it further enacted, That the Legislature in all cases of appointments shall be governed by the recommendations of the Court, made by and through the representatives in the General Assembly: *Provided, nevertheless*, That this act shall not be so construed as to debar a majority of the citizens of any county from petitioning the Legislature, through their representatives, for other appointments of Justices of the Peace.

Mr. Paschal moved to lay the amendment on the table, and the question being put, was

Decided in the affirmative, { Yeas, ... 24
Nays, ... 18

On motion, by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Avery, Battle, Barnes, Berry, Brown, Bullock, Coward, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Harris of Rutherford, Koonce, Moore, Paschal, Respass, Robins, Snead, Spencer, Thornton, Wiggins and Williams.

Those who voted in the negative, are:

Messrs. Clark, Covington, Hall, Hand, Johnston, Jones,

Kelly, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McRae, Speed, Thompson, Willey and Wilson.

So the amendment and bill was laid on the table.

S. 21, bill to amend an act for the relief of such persons as may suffer from the destruction of the records and other papers of the several counties of this State, and for other purposes, was read the second time and considered.

Section 12*th* was inserted instead of *section* 1*st*, as proposed by the Committee on the *Judiciary*, and, as amended, the bill passed its second reading.

On motion, by Mr. Cowles,

The rule was suspended and it passed its third reading.

Ordered to be engrossed.

A message was received from the House, proposing to go forthwith into the election for six Councillors of State, the names of Messrs. Ashe of Anson, J. G. Shepherd, R. C. Puryear, Giles Mebane, Thomas Ruffin, Sr., A. Rencher and A. Costner being added to the nominations. The Senate concurred, and the Speaker appointed Messrs. Johnston and Lloyd to supe rintend the election; the Senate. Messrs. Jenkins of Gaston, and Rogers were announced as the House branch of the committee.

The Senate voted as follows:

For Mr. Joyner:

Messrs. Speaker, Adams, Avery, Battle, Barnes, Berry, Clark, Covington, Coward, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris, of Franklin, Jones, Kelly, Koonce, Leach, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Respass, Richardson, Snead, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams and Wilson—40.

For Mr. Jones:

Messrs. Speaker, Avery, Battle, Brown, Clark, Coward, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris, of Franklin, Jones, Kelly, Koonce, Leach, Marshall, Matthews, McLean, McRae, Moore, Paschal, Respass, Snead, Speed, Thompson, Thornton, Wiggins and Williams—32.

For Mr. Shepherd:

Messrs. Speaker, Avery, Brown, Clark, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris, of Franklin, Johnston, Kelly, Koonce, Leach, Lloyd, Marshall, Matthews, McLean, McRae, Moore, Paschal, Richardson, Snead, Thompson, Thornton, Wiggins and Williams—29.

For Mr. Mebane:

Messrs. Berry, Brown, Clark, Covington, Cunningham, Ferebee, Gash, Hall, Hand, Harris, of Franklin, Johnston, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McLean, McRae, Robins, Spencer, Thornton, Wiggins, Willey, Williams and Wilson—27.

For Mr. Martin:

Messrs. Avery, Battle, Barnes, Clark, Cunningham, Edwards, Etheridge, Ferebee, Hall, Kelly, Koonce, Love, McLean, Moore, Richardson, Speed, Thompson, Thornton and Willey—19.

For Mr. Simonton:

Messrs. Adams, Avery, Barnes, Coward, Cowles, Gash, Hand, Jones, Leach, Matthews, McRae, Moore, Paschal, Respass, Robins, Snead, Speed, Spencer and Willey.—19.

For Mr. Ashe:

Messrs. Speaker, Adams, Battle, Barnes, Edwards, Harris, of Franklin, Johnston, Love, Lloyd, Marshall, McCorkle, Paschal, Williams and Wilson.—15.

For Mr. Ruffin:

Messrs. Battle, Berry, Brown, Covington, Johnston, Lloyd, McCorkle, Richardson and Wilson.—9.

For Mr. J. J. Yeates:

Messrs. Adams, Barnes, Cowles, Robins, Spencer, Wiggins and Willey.—7.

For Mr. Phillips:

Messrs. Berry, Etheridge, Jones, Richerson, Robins and Spencer.—6.

For Mr. W. N. H. Smith:

Messrs. Covington, McCorkle, McLean and Wilson.—4.

For Mr. Carter:

Messrs. Jones, Respass and Snead.—3.

For Mr. Caldwell:

Messrs. Bullock, Coward and Harris, of Rutherford.—3.

For Mr. Parrot:
Messrs. Brown, Coward and Thompson.—3.
For Mr. Rankin:
Messrs. Robins and Speed.—2.
For Mr. Puryear:
Messrs. Cowles and Johnston.—2.
For Mr. Vance:
Messrs. Berry and Love.—2.
For Mr. Cowles:
Messrs. Bullock and Harris, of Rutherford.—2.
For Mr. Arendell:
Messrs. Bullock and Harris of Rutherford—2.
For Mr. Grissom:
Messrs. Bullock and Harris of Rutherford—2.
For Mr. Cannon:
Messrs. Bullock and Harris of Rutherford—2.
For Mr. Leach:
Mr. Respass.
For Mr. Costner:
Mr. McCorkle.
For Mr. Howard:
Mr. Love.
For Mr. Williams:
Mr. Cowles.
For Mr. Poindexter:
Mr. Adams.
For Mr. Wadsworth:
Mr. Speaker.

S. 22, bill to amend the law of evidence, was read the second time and rejected.

S. 23, bill authorizing a majority of Justices of the Peace of the several counties to fix the rates of Jailors' fees, came up on its second reading and passed.

On motion, by Mr. Covington,

The rules were suspended and the bill passed its third reading.

Ordered, To be engrossed.

S. 24, bill to authorize the Justices of the County of Cumberland, to fund the interest due on its Bonds issued in pay-

ment of its Stock in the Western Rail Road, was read the second time.

The question being upon the amendment of the Committee on *Propositions and Grievances*, it was adopted.

Mr. McLean moved to amend by striking out seven per cent. wherever it occurs, and insert ten per cent. Adopted.

As amended the bill passed to a third reading.

On motion, by Mr. Love,

The rule was suspended, and engrossed bill (H. 33,) to extend the time for collection and return of taxes in certain Counties, was taken up.

Mr. Respass moved to amend by inserting in the seventh line, after the word *Wilkes*, the words *and Beaufort*, which was agreed to.

As amended, the bill passed the second and third readings.

Ordered, To be tramitted to the House for concurrence in the amendment.

On motion, by Mr. McCorkle,

Leave of absence was granted to Mr. Hall until Tuesday next.

On motion, by Mr. Berry,

Leave of absence was granted to Mr. Wiggins for three days.

On motion, by Mr. Clark,

Leave of absence was granted to the Principal Clerk for two days.

On motion, by Mr. Paschal,

The Senate adjourned.

SATURDAY, December 8th, 1866.

Prayer by the Rev. Dr. Smedes.

Under the rule setting apart Saturdays of each week for the consideration of private bills, the following were severally read the second time and passed; and the rule, on motion of Mr. Clark, being suspended, were each read the third time, passed and ordered to be engrossed, to wit:

S. P. 2, bill to incorporate Pasquotank Lodge, No. 103, Ancient Free and Accepted Masons, at Elizabeth City, N. C.;

S. P. 3, bill to incorporate the Hibernian Benevolent Society in the city of Wilmington;

S. P. 7, bill to incorporate the McLean Fire Engine Compay, No. 1, in the town of Fayetteville; and

S. P. 12, resolution in favor of W. S. Mason.

A message was received from the House, transmitting an engrossed bill, H. 83, to amend the charter of the Washington Toll Bridge Company, asking the concurrence of Senate thereto.

Said bill was read the first time and passed.

On motion, by Mr. Respass,

The rule was suspended, and the bill read the second and third times, passed and ordered to be enrolled.

Received a message from the House, transmitting the following report fr m the Joint Select Committee to superintend the election of Councillors of State, to wit:

Whole number of votes given, 152. Necessary to a choice, 77. Of which, E. W. Jones received 77; Dr. H. Joyner, 76; J. G. Shepherd, 65; Thos. S. Ashe, 69; Giles Mebane, 71 W. F. Martin, 33; Thomas Ruffin, Sr., 35; R. F. Simonton, 37; S. F. Phillips, 20; R. C. Puryear, 23; J. J. Yeates, 10; Robert Vance, 8; Mr. Wadsworth, 6; Mr. Poindexter, 24; Mr. Parrott, 29; T. R. Caldwell, 16; Mr. Cowles, 2; Mr. Arendell, 2; Mr. Grissom, 15; Mr. Cannon, 2; W. N. H. Smith, 4; N. L. Williams, 2; D. M. Carter, 4; Geo. Howard, 1; Mr. Costner, 6; Mr. Leach, 3; Mr. Rankin, 3; D. L. Russell, Sr., 3; C. B. Root, 12; Mr. Foard, 1; R. P. Dick 12; Mr. Thompson, 4; T. D. McDowell, 10; P. Winston, 9 Thos. Bragg, 2; W. J. Yates, 3; Mr. Dickson, 6; Mr. Gaither, 1; Thos. Settle, 3; D. M. Barringer, 9; Mr. Bridgers, 4; Mr. Peebles, 1; Mr. J. D. Williams, 5; Mr. Winstead, 3 Mr. Hood, 3; Mr. Dockery, 2; Mr. Rencher, 5, Mr. Venable, 1; Mr. Dargan, 2; Mr. Bright, 1; Mr. Leak, 2; Mr. Murrill, 1; Mr. Yellowly, 1; and Mr. Scales, 1.

That Mr. E. W. Jones, having received a majority of the votes given, is elected one of the Councillors of State; and

that no one else received such majority; which report was concurred in.

Received a mesage from the House of Commons, proposing to go forthwith into the recommendation of Justices of the Peace.

Mr. Robins moved to lay the message on the table; which mot on did not prevail.

The message was concurred in, and the House informed thereof.

Mr. Avery, by leave, introduced a bill (S. 47,) to incorporate the North Carolina Land and Immigration Aid Company," which was read the first time, passed, and,

On motion, by Mr. Avery,

Ordered, To be printed, and referred to the Committee on the *Judiciary*: Also

Mr. Speed a bill, (S. 48,) to authorize the Dismal Swamp Canal Company to issue 8 per cent. Coupon Bonds; which was read the first time, passed, and,

On motion, by Mr. Leach,

The rule was suspended, and the bill passed its second and third readings, was ordered to be engrossed, and transmitted at once to the House of Commons.

Mr. Clark, by leave, reported from the Committee on *Corporations*, H. P. No. 1, to wit:

A bill to incorporate Union Camp Ground in the County of Cleaveland, with an amendment, and recommended its passage.

The resolution (S. P. 4,) in favor of the Hon. D. A. Barnes, was read the second time and passed.

Received a message from the House of Commons, concurring in the amendment proposed by the Senate to the engrossed bill, (H. 33,) "to extend the time for the collection of taxes in certain Counties;" whereupon said bill was ordered to be enrolled.

Also, a message transmitting the following Engrossed bills and resolutions, and asking the concurrence of the Senate therein, to wit:

A bill, (H. 81,) "to repeal an Act entitled an Act to provide hands to work on the public roads."

A bill, (H. 4,) "to amend the 6th section of chapter 48, Revised Code; which were severally read the first time and passed.

And a bill, (H. 2.) "to enable the Western Rail Road Company to complete its road from the Coal Fields in Chatham County, to some point on the North Carolina Rail Road," which passed its first reading, and,

On motion, by Mr. Avery,

Was referred to Committee on *Internal Improvements*.

And a resolution (H. 14,) in favor of Hon. A. S. Merrimon, which was read the first time and passed, and,

On motion, by Mr. Wilson,

Referred to the Committee on *Claims*.

Also, a message, transmitting the following resolutions, asking the concurrence of the Senate therein; which were read, and,

On motion, by Mr. Love,

Ordered, To be printed, and made the Special Order for Friday next, at 11 o'clock, A. M., to wit:

"WHEREAS, This General Assembly has unmistakable evidence that there are persons in the State, who consider themselves interested in misrepresenting the condition of things and the state of public sentiment here with reference to the Federal Government: And whereas, it is understood, that these misrepresentations are used in Washington City, where the voice of the people of North Carolina cannot be heard: And whereas, the silence of this Assembly, representing the whole people of the State, and familiar with their views, may be used to the disparagement of the community: Therefore, be it

"*Resolved*, That the charges of disloyalty—of persecution towards those styling themselves the original Union men—and of the partial administration of justice, are false, and known by those in our midst, who make them, to be without the shadow of foundation.

"*Resolved*, That no better evidence of the law-abiding character of our people can be afforded, than their honorable forbearance towards native citizens, who utter publicly the grossest slanders on the land of their birth, and for their own selfish ends, would invoke upon a people struggling with

adversity, and assiduously devoting themselves to the arts of peace, the stringent measures justified only in cases of actual treason.

"*Resolved*, That this Assembly deems it due to itself, and to the people whom it represents, to record, in this solemn form, its sense of the injustice attempted to be done by unscrupulous partizans, to a community as devoted to peace, and to the cause of law and order and Union, and to all their Constitutional obligations, State and Federal, as any in the United States."

Received a message from the House of Commons, transmitting a communication from his Excellency, the Governor, with a report from the Board of Internal Improvement, with a proposition to print the same. Concurred in, and the documents ordered to be printed.

Mr. Gash presented sundry recommendations for Justices of the Peace in Henderson County; which were concurred in, and,

Ordered, To be sent to the House of Commons.

Received a message from the House, transmitting recommendations for Justices of the Peace in the several Counties in the State, and asking the Senate's concurrence therein.

On motion, by Mr. Love,

The list containing the recommendations for Haywood County was laid on the table.

And on motion, by Mr. Robins,

The list for Randolph County was amended, by striking out all the names except that of R. E. Blair, and inserting in lieu thereof the names of A. S. Horney, Micajah Cox, J. M. Odell, Paschal McCoy, Henry L. Steed, G. W. Dorsett and Wm. Burney The list, as amended, was sent to the House.

Thus amended, the several recommendations were concurred in, and,

Ordered to be presented to his Excellency, the Governor.

On motion, by Mr. Clark,

The Senate adjourned.

MONDAY, DECEMBER 10TH, 1866.

The Speaker announced Messrs. Barnes, Willey and Wiggins as the Senate Committee on Enrolled Bills for the week, and the House of Commons was informed thereof by message.

Mr. Cunningham, from the Committee on Propositions and Grievances, to whom was referred so much of the Governor's message as relates to Weights and Measures, reported the following resolutions, which were read the first time and passed, to wit:

"*Resolv d*, That the Governor be authorized to set apart any room in the Capitol, not occupied by any of the officers of the State, as a receptacle and for the safe keeping of the balances to be furnished by the United States, for the adjustment of standard weights and capacity measures, and for all the standard weights and measures, belonging to the State; and to have such alterations and arrangements made in said room, as he may deem necessary to adapt the same to the purposes intended. And if he can find no such room in the Capitol, that he have a portion of the old Arsenal building fitted up for the purpose; and that he draw on the Public Treasurer, out of any money not otherwise appropriated, for the expenses incurred.

"*Resolved, further*, That the Governor be authorized to appoint a suitable person to take care of such balances and weights and measures, and perform the duties relating to weights and measures, now imposed by law on the Governor, and such other duties as the Governor may prescribe, touching said balances and weights and measures. And that he take from such person a bond, with surety to be approved by the Governor, in the penal sum of five hundred dollars, for the safe keeping of said weights and measures, and for the performance of all his duties.

"*Resolved, further*, That such person be allowed such compensation for his services as the Governor shall deem adequate, not to exceed two hundred dollars *per annum*, to be paid quarterly upon the warrant of the Governor.

"*Resolved, further*, That these resolutions take effect from the date of their ratification."

Mr. McCorkle, from the Committee on the Judiciary, reported as follows, to wit:

"The Judiciary Committee, to whom was referred a resolution instructing the Committee to enquire and report what power the General Assembly has to repeal or modify an Ordinance of the Convention, "to change the jurisdiction of the Courts and the pleadings therein," &c.; and also a resolution requiring said Committee to consider the expediency of changing the rule of said Ordinance, putting in operation the Statute of Limitations as provided by said Ordinance, have considered the same, and a majority of said Committee are of opinion, that the questions therein presented are abstract questions of law, and an expression of opinion on which will be of no practical utility; for the reason, that no bill has been introduced and referred to this Committee proposing legislation on the subjects therein referred to; and the Committee ask to be discharged from their further consideration."

Report concurred in and the Committee discharged.

Mr. Avery, from the Committee on Internal Improvements, to whom was referred the "Bill to declare valid an Act of the General Assembly, amending the Charter of the Chatham Rail Road Company," section 32, reported the same back to the Senate, recommending its passage.

Mr. Wilson moved to re-commit the Bill to the same Committee.

Mr. Avery moved to amend said motion, by substituting the Judiciary Committee, which did not prevail.

The question recurring upon the original motion, it was carried.

Received a message from the House of Commons, informing of its agreement to the amendment proposed by the Senate, to the recommendation for Justices of the Peace in Randolph County.

Also, a message transmitting the following Engrossed bill and resolutions, to-wit:

A bill, (H. 120,) "to make valid the sale of the old jail lot by the County Court of Edgecombe, and to secure the title to the purchaser, and to sell and purchase other lands for certain purposes," which was read the first time and passed.

On motion, by Mr. Moore,

The rule was suspended, and the bill read the second and third times, passed and ordered to be enrolled.

A resolution, (H. 130,) authorizing the Public Treasurer to employ counsel in certain cases; which was read the first time and passed; and

A resolution amending a resolution, passed at the present session of the General Assembly; which was read, adopted and ordered to be enrolled.

Also a message transmitting recommendations for Justices of the Peace, in the counties of Martin, Onslow, Wayne, Madison, Rowan and Montgomery.

On motion, by Mr. Moore.

The list for Martin county was laid on the table, and as thus amended, the recommendations were concurred in, and ordered to be presented to the Governor.

Received a message from the House of Commons, transmitting the following resolution, and asking the concurrence of the Senate therein, to-wit:

Resolved, That this General Assembly do adjourn Monday, December the 24th, at 6 o'clock, A. M., to meet again at 12 M., Monday, January 22d, 1867.

Mr. Matthews moved to amend the resolution, by striking out all after the words, "December 24th, at 6 o'clock, A. M." and inserting, in lieu thereof, the words, "*sine die*," which

Motion was carried, { Yeas, ...20. / Nays, ...16.

On motion, by Mr. Matthews,

The yeas and nays being ordered,

The following Senators voted in the affirmative, viz:

Messrs. Adams, Battle, Barnes, Berry, Brown, Bullock, Coward, Cunningham, Etheridge, Gash, Hand, Hill, Johnston, Love, Matthews, McCorkle, Respass, Spencer, Willey and Wilson.

And the following in the negative, to-wit:

Messrs. Covington, Edwards, Ferebee, Kelly, Koonce, Leach, Lloyd, McRae, Moore, Paschal, Richardson, Robins, Speed, Thompson, Thornton and Williams.

The question then recurring upon the adoption of the resolution, as amended, was

Decided in the affirmative, { Yeas,.....26. Nays,.....10.

On motion, by Mr. Speed,

The yeas and nays being ordered,

The following Senators voted in the affirmative, to-wit:

Messrs. Adams, Battle, Barnes, Berry, Brown, Bullock, Coward, Cunningham, Etheridge, Gash, Hill, Johnston, Kelly, Koonce, Matthews, McCorkle, McLean, Moore, Paschal, Respass, Richardson, Speed, Spencer, Willey, Williams and Wilson.

And the following in the negative, to-wit:

Messrs. Avery, Covington, Edwards, Ferebee, Leach, Love, McRae, Robins, Thompson and Thornton.

A message was sent to the House of Commons, asking their agreement to the amendment.

On motion, by Mr. Leach,

Leave of absence was granted to the Senator from Wake till Wednesday next.

Received a message, from the House of Commons, transmitting a message from his Excellency, the Governor, with sundry documents, proposing to print the same. Concurred in.

Also, a message informing that the House disagrees to the amendment proposed by the Senate to the Resolution concerning adjournment.

Also, a message, proposing to go forthwith into an election for four Councillors of State. Message concurred in, and Messrs. McCorkle and Hand were appointed to superintend the election in the Senate, and the House informed thereof by message.

Received a message from the House, informing, that Messrs. Morehead and Williams of Pitt, were the committee on the part of the House to superintend the election.

Upon the return of the messenger, the Senate proceeded to as follows, to-wit:

For Mr. Mebane:

Messrs. Speaker, Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Covington, Cunningham, Edwards, Ethe-

ridge, Ferebee, Gash, Hand, Hill, Johnston, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Respass, Robins, Speed, Spencer, Thompson, Thornton, Willey, Williams and Wilson.

For Mr. Joyner:

Messrs. Speaker, Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Covington, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hand, Hill, Johnston, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Respass, Speed, Spencer, Thompson, Thornton, Willey, Williams and Wilson.

For Mr. Ashe:

Mr. Speaker, Adams, Avery, Battle, Barnes, Brown, Bullock, Covington, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hand, Hill, Johnston, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae Moore, Paschal, Respass, Speed, Spencer, Thompson, Thornton, Willey, Williams and Wilson.

For Mr. Shepherd:

Messrs. Speaker, Adams, Avery, Battle, Barnes, Bullock, Covington, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hand, Hill, Johnston, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Respass, Robins, Speed, Spencer, Thompson, Thornton, Willey, Williams and Wilson.

For Mr. Phillips:

Messrs. Berry, Brown and Robins.

For Mr. Ruffin:

Mr. Berry.

The bill (S. 5,) to prevent fraud upon the Revenue of the State, was taken up, read the second time, and pending the consideration thereof,

On motion, by Mr. Leach,

The Senate adjourned.

TUESDAY, DECEMBER, 11th, 1866.

Prayer by Rev. Mr. Hardie.

A message was received from the House, proposing to raise a committee of two from each House to be called the Committee of *Conference on Adjournment*. The Senate concurred, and the Speaker designated Messrs. Covington and Leach. Messrs. Moore of Hertford, and Patton constitute the House branch of the committee.

A message was received from the House, transmitting the report of the committee to superintend the election for four Councillors of State, as follows, viz: Senate 38. House 99. Whole vote 137. Necessary to a choice 69. Mr. Joyner received 125; Mr. Mebane 119; Mr. Ashe 118; Mr. Shepherd 115; Mr. Poindexter 8; Mr. Grissom 6; Mr. Dick 5; Messrs. Leach, Simonton and Thompson each 4; Messrs. Settle, Williams, Ruffin and Phillips 3 each; Messrs. Martin, Caldwell, Dockery, Rankin and Parrott 2 each; Messrs. Root, Dickson, Lamb, Dargan and Puryear 1 each. Messrs. Joyner, Mebane, Ashe and Shepherd, having received a majority of the whole number of votes, were duly elected. The Senate concurred in the report.

Mr. Richardson presented the petition of citizens of Moore county, asking a transfer of Rail Road Stock to the Cheraw and Coalfields Rail Road.

Reports from standing committees were submitted and filed as follows, viz:

By Mr. Gash, from the Committee on *Claims:*

S. P. 15, resolution in favor of Daniel G. Fowle, recommending its passage.

H. P. 20, engrossed resolution in favor of Hon. A. S. Merrimon, recommending its passage.

By Mr. Avery, from the Committee on *Internal Improvements:*

H. 2, engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham county to some point on the North Carolina Rail Road, with special report ae follows:

"Besides the general policy of completing the system of

Internal Improvements already commenced in the State, which the committee fully endorse, as the best for the State they are the more decided in favor of the passage of the Bill, as it asks no appropriation of money from the Treasury, and is calculated to enhance the value of the interest of the said Road without further increase of taxes. For these and the further consideration that the debt due the State cannot, in any way, be recovered without a ruinous sacrifice to the State and a total loss of the stock at pre ent held by individuals in said Road, the committee consider it of the greatest importance that the bill should pass."

S. 32, bill to declare valid an Act of the General Assembly amending the Charter of the Chatham Railroad Com any, with favorable recommendation.

By Mr. Leach, from the Commitee on the *Judiciary:*

S. 31, bill to protect property sold under execution from sacrifice, with an amendment recommending its passage,

By Mr. Moore, from the same Committee:

S. 4, bill for the r lief of Honest Debtors, with unfavorable recommendation.

By Mr. Robins, from the seme Committee:

S. 45, bill to direct the mode of holding the Superior Courts in the Judicial Circuits by the Judges thereof, with adverse recommendation.

On motion, by Mr. Speed,

Bill (S. 4,) for the relief of Honest Debtors, was made the Special Order for Friday, 14th instant, at 12 o'clock.

Bills and resolutions of the titles following, being introduced, passed their first reading and were disposed of as follows, viz:

From the House: Engrossed resolution (H. 140,) in favor of the City of Raleigh. Ordered to be printed and referred to the Committee on *Internal Improvements:*

Engrossed bill (H. 121,) to empower the County Court of Mecklenburg to hold extra terms. Filed.

By Mr. Paschal: Bill (S. 59,) to protect the people of Chatham county.

On motion, by Mr. Paschal,

The rules were suspended, and the bill read the second

time, and the question being, "Shall the bill pass its second reading?" was put and

Decided in the affirmative, { Yeas.....28. Nays.....12.

On motion by Mr. Battle,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Berry, Bullock, Cowles Edwards, Etheridge, Ferebee, Gash, Hand, Hill, Johnston, Jones, Leach, Love, Lloyd, Marshall, Matthews, McLean, McRae, Respass, Richardson, Robins, Speed, Spencer and Thornton.

Those who voted in the negative are:

Messrs. Battle, Brown, Covington, Cunningham, Kelly, Koonce, McCorkle, Moore, Thompson, Willey, Williams and Wilson.

So the bill passed its second reading.

Upon a further suspension of the rule, the bill passed its third reading.

Ordered, To be engrossed.

By Mr. Adams: Bill (S. 60,) to amend the Constitution of North Carolina. Ordered to be printed and referred to the Committee on the *Judiciary*.

By Mr. Love: Bill (S. 61,) to repeal an Act entitled "An Act for the better regulation of the Western Turnpike Road," and for other purposes.

Referred to the Committee on *Cherokee Lands & Western Turnpikes*.

By Mr. Respass: Bill (S. 62,) to lay off and establish the county of Vance. Referred, with a memorial, to the Committee on *Propositions and Grievances*,

Messages were received from the House, transmitting the names of sundry persons who had been recommended as Justices of the Peace, for the counties of Perquimans and Forsyth. The Senate concurred in the recommendations.

Mr. Matthews submitted a recommendation for Justices of the Peace, for Stokes county, which was ordered to be transmitted to the House.

On motion, by Mr. Cowles,

H. 65, Engrossed bill to change the time of holding the Courts of Pleas and Quarter Sessions of Yadkin county was considered on its second reading, under a suspension of the rules, and passed its second and third readings.

Ordered, To be enrolled.

S. 5, bill to prevent fraud upon the Revenue of the State, was considered on its sscond reading, as the unfinished business.

Mr. Wilson moved that it lie on the table.

And the question thereon was put, and

Decided in the affirmative, { Yeas,.....29 / Nays,..... 4

On motion, by Mr. Wilson,

The yeas and nays were ordered.

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Berry, Brown, Bullock, Covington, Cowles, Cunningham, Edwards, Etheridge, Gash, Hand, Hill, Johnston, Kelly, Koonce, Love, Matthews, McCorkle, McRae, Paschal, Respass, Richardson, Robins, Spencer, Thornton, Williams and Wilson.

Those who voted in the n gative are:

Messrs. Ferebee, Leach, Lloyd and Speed.

So it was

Ordered, That the bill lie on the table.

S. 6, and S. 42, bills to establish a Penitentiary, were considered on their second readings, as the special order.

On motion, by Mr. Gash,

Ordered, That they be re-committed.

Bills and resolutions of the titles following, being considered on their second readings, were disposed of as follows, viz:

S. 25, bill to authorize the Mayor and Commissioners of Fayetteville, to fund the interest due on their Bonds, issued in payment for stock in the Western Rail Road Company.

The question being on the amendment proposed by the Committee on *Propositions and Grievances*, as follows: *Provided, The issues shall not be of a less denomination than thirty dollars*, to come in between the words "expedient" and "to."

The amendment was adopted.

As amended, the bill passed to its third reading.

S. 29, bill to abolish imprisonment for debt, and the question being, "Shall the bill pass its second reading?" was put and

Decided in the negative, { Yeas, ... 18. Nays, ... 20.

On motion, by Mr. Leach,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs, Adams, Brown, Cowles, Cunningham, Gash, Hand, Hill, Johnston, Jones, Koonce, Leach, Love, Lloyd, Paschal, Respass, Richardson, Spencer and Willey.

Those who voted in the negative are,

Messrs. Avery, Battle, Barnes, Berry, Bullock, Covington, Edwards, Ferebee, Kelly, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Robins, Thompson Thornton, Williams and Wilson.

So the bill was rejected.

S. 33, resolution allowing compensation to Judges holding Courts of Oyer and Terminer.

Mr. Speed moved to amend, by striking out the following words in the second resolution, to-wit: "to be paid by the county in which such Court may be held."

The amendment was adopted.

As amended, the bill passed to a third reading.

S. 34, resolution providing for the payment of Sheriffs, holding elections. Referred to the Committee on *Claims.*

S. 35, bill to repeal that portion of an Act, passed at the session of 1865–'66, as relates to persons committed for fine and costs of criminal prosecutions. Referred to the Committee on the *Judiciary.*

S. 37, bill to extend the time for the registration of deeds, passed, and

On motion, by Mr. Cunningham,

The rule was suspended, and the bill passed its third reading,

Ordered, To be engrossed

H. 86, Engrossed bill to change the time of holding the Courts of Pleas and Quarter Sessions of Alexander county,

Mr. Hill moved to amend, by striking out the word *first*

and insert the word *third*, in the eighth line of the first section, which was adopted.

As amended, under a suspension of the rule, the bill passed its second and third readings.

Ordered, To be transmitted to the House for concurrence.

H. 112, Engrossed bill to amend section 1, chapter 29, of the laws of North Carolina, passed by the General Assembly of 1865–'66, relative to Roads, Ferries and Bridges, passed second reading, and

On motion, by Mr. Berry,

The rule was suspended, and the bill passed its third reading.

Ordered, To be enrolled.

H. 4, Engrossed bill to amend the sixth section of the forty-eighth chapter of the Revised Code, passed to its third reading.

H. 81, Engrossed bill to repeal an Act, entitled "An Act to provide hands to work on the public roads." Referred to the Committee on *Propositions and Grievances.*

H. 130, Engrossed resolution, authorizing the Public Treasurer to employ counsel in certain cases. Rejected.

S. 56, resolutions relative to Weights and Measures : passed to its third reading.

S. 32, bill to declare valid an Act of the General Assembly, amending the charter of the Chatham Rail Road Company. Referred to the Committee on the *Judiciary.*

S. 3, bill to repeal an Ordinance of the Convention, entitled "An Ordinance for exchanging the stocks of the State for bonds issued before the year one thousand eight hundred and sixty-one," was considered on its third reading. When debate arose, and

On motion, by Mr. Cowles,

The Senate adjourned.

WEDNESDAY, DECEMBER 12TH, 1866.

Prayer by Rev. Mr. Atkinson.

A message was received from the House, concurring in the Senate's amendment to the engrossed bill, (H. 86) to change the time of holding the Courts of Pleas ond Quarter Sessions of Alexander county.

Ordered, To be enrolled.

On motion, by Mr. Moore,

The vote by which the Senate on yesterday rejected the engrossed bill, (H. 130,) authorizing the Public Treasurer to employ counsel in certain cases, was re-considered.

Ordered, That the bill lie on the table.

Mr. Avery, from the Committee on the *Judiciary*, to which was referred a resolution "to enquire whether or not it would be best for the people of North Carolina to pay their debts contracted before the war, in bank bills of the State of North Carolina, or their equivalent in current funds," reported it back, asking to be discharged from its further consideration, as the legislation contemplated by said resolution was, in the opinion of the Committee, impracticable.

The committee was discharged.

Mr. Covington, from the joint select committee of conference, concerning an adjournment, reported that the committee regard it better for the public interest that the Senate recede from its amendment to the House resolution, and concur in the adoption of said resolution, as follows: viz:

Resolved, That this General Assembly do adjourn Monday, December 24th, 6 o'clock A. M., to meet again at 12 M., January 22d, 1867.

The Senate receded from its amendment.

Mr. Leach moved to amend, by striking out the words and figures, *December 24th*, and insert the words and figures, *December 17th*, and strike out the words and figures *January 22d*, and insert the words and figures, *January 17th*. The amendments were severally adopted.

Mr. Love moved to amend by striking out all after the word *Resolved*, and insert as follows: "That no busines of a general public nature, nor bill appropriating money, shall be considered and finally acted upon by this General Assembly

from the 24th day of December, to and until the 8th day of January, 1867.

And the question being upon the adoption thereof, was put and

Decided in the negative, { Yeas, ... 9. Nays, ... 31.

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Adams, Berry, Cowles, Gash, Hand, Kelly, Leach, Love and Robins.

Those who voted in the negative, are :

Messrs. Avery, Battle, Barnes, Covington, Coward, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Franklin, Hill, Johnston, Jones, Koonce, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respass, Richardson. Snead, Spencer, Thornton, Willey, Williams and Wilson.

So the amendment was not adopted.

A message was received from the House, informing the Senate of the concurrence of that body in the report of the Joint Committee of Conference on Adjournment.

The Speaker announced that the hour had arrived for the Special Order, viz : Bill (S. 2,) to establish Freehold Homesteads for the citizens of this State.

On motion, by Mr. Moore,

Ordered, That the Special Order be postponed for ten minutes.

The question now recurring upon the adoption of the resolution as amended,

Mr. Love moved to amend by striking out *December 17th*, and insert *December 22d*, and the amendment prevailed.

Mr. Respass moved to amend by striking out *January 17th* and insert *March 4th*, and the amendment did not prevail.

The Speaker again announced the hour for the Special Order, and the bill (S. 2,) to establish Freehold Homesteads for the citizens of this State, was considered on its second reading.

Mr. Berry moved to amend the eight line of section first by striking out *seventy-five* and inserting *one hundred*. Adopted.

Mr. Berry moved to amend the sixth section and eighth line by striking out the word *or*, and inserting the word *of*. Adopted.

The bill, as amended, passed its second reading.

On motion, by Mr. Gash,

The rule was suspended and the bill read the third time.

Mr. Gash moved to amend by striking out all after the enacting clause, and inserting the following, viz:

"That section 1 of chapter 38, Acts of 1858–'59, be amneded by striking out the word 'White,' and in the fourth line of the same section, strike out 'one hundred,' and in the seventh line strike out the words 'five hundred,' and insert 'one thousand.'"

Mr. Wilson moved to amend the amendment by striking out "one thousand," and insert "two thousand."

And pending the question,

Debate arose, and

On motion, by Mr. McCorkle,

The Senate adjourned.

THURSDAY, DECEMBER 13TH, 1866.

Prayer by Rev. Dr. Mason.

Reports from Standing Committees were submitted and filed as follows, viz:

By Mr. Cunningham, from the Committee on *Propositions and Grievances:*

S. P. 4, resolution in favor of Thomas G. Whitaker, late Sheriff of Jones County, asking to be discharged from its further consideration. The Committee was discharged.

By Mr. Clark, from the Committee on *Corporations:*

S. P. 13, bill to amend the 122d chapter of the Acts of 1858-'59, entitled "An Act to incorporate the Bingham Coal Mining Company," recommending its passage.

By Mr. Johnston from the same Committee:

S. P. 5, bill to encourage Immigration, recommending its rejection.

H. 11, engrossed bill to incorporate the Bladen Manufacturing Company, recommending its passage.

H. 12, engrossed bill to incorporate the Bladen Land Company, recommending its passage.

By Mr. Gash, from the Committee on *Claims:*

S. 34, resolution providing for the payment of Sheriffs holding elections, recommending its passage.

By Mr. Wilson, from the Committee on the *Judiciary*:

H. P. 6, engrossed resolution in favor of Rufus H. Jones, with amendments, recommending its passage.

By Mr. Gash, from the Committee on *Cherokee Lands and Western Turnpikes:*

S. 61, bill to repeal an act, entitled "an Act for the better regulation of the Western Turnpike Road," and for other purposes, recommending its passage.

On motion, by Mr. Robins,

Ord red, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of two on the part of each House, to make and report arrangements for administering the oaths of office to the Governor elect on Saturday next, 15th instant.

The House, by message, concurred in the proposition, and Messrs. Kenan and Morehead were announced as the House branch of the committee.

The Speaker appointed Messrs. Robins and Moore as the Senate branch of the committee.

Mr. Robins, from this Committee, subsequently reported the following resolution, which was adopted, as follows, viz:

Resolved, (By the Senate, the House concurring,) That so much of the joint order, heretofore adopted by the two Houses, as sets apart Saturday the 15th instant, to administer the oaths of office to the Governor elect, be rescinded, and that instead thereof, said oaths shall be administered on Saturday, the 22d instant, at 12 o'clock, M.

Bills and resolutions of the titles following being introduced, were referred or filed as follows. viz:

From the House, Engrossed bill, (H. 49,) for the construction of a Bridge across Notla River in the county of Chero kee and for other purposes. Filed.

Engrossed bill, (H. 74,) to enable the Wilmington, Charlotte and Rutherford Rail Road Company, to complete its road, pay its debts to the State, and extend its road to the Tennessee line. Referred to the Committee on *Internal Improvement.*

Engrossed bill, (H. P. 2,) to incorporate the Newbern Steam Fire Engine No. 1. Filed.

Engrossed bill, (H. 68,) to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes. To *Internal Improvements.*

Engrossed bill, (H. 66,) to amend section 2d, chapter 34, of an Act ratified the 12th day of March, A. D., 1866, entitled "An Act to improve the law of evidence. To the *Judiciary.*

Engrossed bill, H. 20,) to repeal an act ratified February 7th, 1866. To *Propositions and Grievances.*

Engrossed bill, (H. 21,) to incorporate the South Union Manufacturing Company of Richmond County. Filed.

Engrossed bill, (H. 26,) for the benefit of the poor of the County of Bladen and for other purposes. Filed.

Engrossed bill, (H. 141,) to re-enact and confirm the charter of the Williamston and Tarboro' Rail Road Company, and the amendment thereto. To *Internal Improvements.*

Engrossed bill, (H. 70,) to amend section 30, chapter 54, of Revised Code, entitled "Guardian and Ward." Filed.

Engrossed bill, (H. 38,) to authorize the President and Directors of the Blount's Creek Manufacturing Company, of the town of Fayetteville, to borrow money to rebuild their Factory. Filed.

Engrossed bill, (H. 131,) to amend the 3d section of the 97th chapter of the Revised Code, entitled "Religious Societies." Filed.

Engrossed bill, (H. 146,) to amend 2d section of chapter 58th, Revised Code. Filed.

By Mr. Adams: resolution (S. 73,) in regard to Taxes, and for other purposes. To *Finance.*

Resolution (S. 74,) in regard to State Bonds. To *Finance.*

Resolution (S. P. 24,) in favor of Mrs. P. P. Dick, Executrix of the late Judge John M. Dick. To *Finance*.

By Mr. Leach: bill (S. 75,) to repeal an Act, entitled an Act to improve the law of evidence. To the *Judiciary*.

By Mr. Clark: bill (S. 76,) to exempt Individual Corporaters from penalties, &c., in certain cases. To the *Judiciary*.

By Mr. Battle: bill (S. 77,) extending the jurisdiction of the Courts on persons failing to work the public roads or highways. To the *Judiciary*.

By Mr. Moore: bill (S. 78,) to amend chapter 42, Private Laws, 1866. To *Corporations*.

By Mr. Marshall: bill (S. P. 25,) in favor of K. P. Harris.

On motion, by Mr. Marshall,

The rule was suspended, and the bill passed its second and third readings.

Ordered, To be engrossed.

By Mr. Hall: bill (S. 79,) to amend the charter of the Wilmington and Weldon Rail Road Company. To *Internal Improvements*.

Bill (S. 80,) to incorporate the Yadkin and Cape Fear Canal Company. To *Internal Improvements*.

Resolution in regard to adjournment came up as unfinished business.

Mr. Clark moved that the vote by which the "17th December" was stricken out, and the "22d of December" inserted, be reconsidered. Carried.

The question recurring upon the amendment offered by Mr. Love, it was withdrawn.

The question then recurring upon the amendment offered by Mr. Leach, it was withdrawn.

The resolution, as reported by the Committee of Conference, was then adopted.

Ordered. That the House of Commons be informed thereof.

The hour of 12 o'clock having arrived, the Speaker called up the Special Order, viz:

Resolution (S. 43,) rejecting the Amendment to the Constitution of the United States, submitted as Article 14th.

And the question being upon the Report of the Joint Select Committee on the *Constitutional Amendment*, was put, and

Decided in the affirmative, { Yeas, ...42. Nays, ... 2.

On motion of Mr. Covington,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cowles, Cunningham, Edwards, Eth ridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill, Johnston, Jones, Kelly. Koonce, Leach, Love, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respass, Robins, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams and Wilson

The following voted in the negative, viz :

Messrs. Harris, of Rutherford, and Richardson.

So the report was adopted.

The question then being upon the Resolution, Mr. Harris, of Rutherford, moved to amend by striking out the word *not* between the words *do* and *ratify*, and the question thereon was put, and

Decided in the negative, { Yeas, ...1. Nays, ...43.

On motion, by Mr. Harris, of Rutherford,

The yeas and nays being ordered,

Mr. Harris, of Rutherford, voted in the affirmative.

Those who voted in the negative, are :

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Coward, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Richardson, Robins, Snead, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams, Wilson.

The question now recurring upon the passage of the Resolution was put, and

Decided in the affirmative, { Yeas, ...45 Nays, ...1

On motion, by Mr. Wiggins,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bul-

lock, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respass, Richardson, Robins, Snead, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams and Wilson.

Mr. Harris, of Rutherford, voted in the negative.

On motion, by Mr. Clark,

Ordered, That the Report and Resolution be transmitted to the House of Commons for their action, with a proposition to print ten copies for each member of the General Assembly.

A message was received from the House, transmitting the Report of the Commissioners of the Sinking Fund, with a proposition to print. Concurred in.

A message was received from the House, transmitting the names of sundry persons recommended by that body as Justices of the Peace for the counties of Currituck, Northampton, Surry, Wake, Madison, Richmond, Robeson, Granville, Transylvania, Mecklenburg, Anson and Edgecombe. The Senate concurred in the recommendations.

Ordered, That they be transmitted to the Governor for commission.

A message was received from the House, transmitting a message from the Governor, covering certain correspondence with the Military authorities, with the following proposition, viz :

To send three Commissioners to Washington, to enquire into the alleged necessity for the order, with a view to remove such necessity, if any actually exists; and, if it be otherwise, to correct the misapprehensions, with regard to the administration of justice in our State, which led to the supposed necessity; and that his Excellency be requested to act as the head of this Commission and to select his associate Commissioners. The Senate concurred in the proposition.

The Correspondence was ordered to be printed.

S. 2, bill to establish Freehold Homesteads for the citizens of the State, was considered on its third reading, as the unfinished business.

The question being on the amendment to the amendment, and it was accepted.

The question then being upon the amendment offered by Mr. Gash, to amend by striking out all after the enacting clause and insert the amendment previously stated,

Mr. Speed moved a division of the question, and the question being upon striking out, was put, and

Decided in the negative, { Yeas.....23 / Nays.....21

On motion, by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Adams, Battle, Covington, Cunningham, Edwards, Gash, Hall, Harris of Franklin, Harris of Rutherford, Hill, Jones, Leach, Love, Marshall, McCorkle, McLean, McRae, Paschal, Robins, Snead and Wilson.

Those who voted in the negative, are :

Messrs. Avery, Barnes, Berry, Brown, Clark, Cowles, Etheridge, Ferebee, Hand, Johnston, Kelly, Koonce, Moore, Perkins, Respass, Richardson, Speed, Spencer, Thompson, Thornton, Wiggins, Willey and Williams.

So the Senate refused to strike out.

Mr. McRae moved to reconsider the vote by which the Senate refused to strike out,

And the question thereon was put, and

Decided in the affirmative, { Yeas.....23 / Nays.....21

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Battle, Covington, Cunningham, Edwards, Gash, Hall, Hand, Harris of Franklin, Harris of Hill, Johnston, Jones, Leach, Love, Marshall, McCorkle, McLean, McRae, Paschal, Robins, Snead and Wilson.

Those who voted in the negative, are :

Meessrs. Avery, Barnes, Berry, Brown, Clark, Cowles, Etheridge, Ferebee, Kelly, Koonce, Moore, Perkins, Respass, Richardson, Speed, Spencer, Thompson, Thornton, Wiggins, Willey and Williams.

So the vote was re-considered.

The question then recurred upon the motion to strike out.

Mr. McRae moved to amend, by adding the following proviso to the sixth section, viz :

Provided, That the homestead provided in the foregoing sections shall not be exempt from debts incurred for making improvements thereon, or cultivating the same.

And the question being thereon, it was

Decided in the affirmative, { Yeas, ... 28 / Nays, ... 13

On motion, by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Battle, Covington, Cowles, Cunningham, Edwards, Etheridge, Gash, Hall, Hand, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, McCorkle, McLean, McRae, Paschal, Perkins, Respass, Richardson, Robins, Snead, Wiggins and Wilson.

Those who voted in the negative, are :

Messrs. Avery, Barnes, Berry, Clark, Ferebee, Kelly, Moore, Speed, Spencer, Thompson, Thornton, Willey and Williams.

So the amendment was adopted.

Mr. Speed moved that the Senate do now adjourn, and the question was put and

Decided in the negative, { Yeas ..... 14 / Nays 29

On motion, by Mr. Johnston,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Moore, Paschal, Richardson, Snead, Speed, Thompson, Wiggins and Willey.

Those who voted in the negative, are :

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cowles, Cunningham, Edwards, Gash, Hand, Johnston, Jones, Kelly, Koonce, Leach, Love, McCorkle, McLean, McRae, Perkins, Respass, Robins, Spencer, Thornton, Williams and Wilson.

So the Senate refused to adjourn.

Mr. Leach moved to amend, by adding the following proviso to the sixth section, viz :

Provided further, That such exemption shall continue after the death of such householder, or householders, for the benfit of the children, as a home, until the youngest child shall become twenty-one years of age.

And the question being thereon, Mr. Speed moved that the Senate adjourn, and it was

Decided in the negative, { Yeas, ...11 / Nays, ...31

On motion, by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Battle, Brown, Etheridge, Harris, of Franklin, Harris, of Rutherford, Moore, Snead, Speed, Thompson, Wiggins and Willey.

Those who voted in the negative are,

Messrs. Adams, Avery, Barnes, Berry, Clark, Covington, Cowles, Cunningham, Edwards, Ferebee, Gash, Hand, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, McCorkle, McLean, McRae, Paschal, Perkins, Respass, Richardson, Robins, Spencer, Thornton, Williams and Wilson.

So the Senate refused to adjourn.

The amendment was then adopted.

Mr. Perkins moved to amend by striking out the words "two acres," in the eighth line of the first section, and insert the words "one-half acre." Adopted.

Mr. Jones moved to amend by inserting in the ninth line of the first section, after "city or town," as follows:

"Provided it shall not exceed in value the sum of three thousand dollars."

And the question being thereon,

On motion, by Mr. Cowles,

The Senate adjourned.

FRIDAY, DECEMBER 14th, 1866.

Prayer by Rev. Mr. Hardie.

Mr. Bullock asked for and obtained permission to record his vote in favor of the resolution (S. 43,) rejecting the Amendment to the Constitution of the United States, submitted as Article 14.

The Speaker laid before the Senate a communication from the Memorial Association of Richmond, Virginia. Referred, with accompanying appeal, to the Committee on *Propositions and Grievances.*

Mr. Hall presented a memorial from Michael Robbins, asking to be relieved from the tax on nostrums. Referred to the Committee on *Finance.*

Reports from Standing Committees were submitted and filed as follows, viz :

By Mr. Robins, from the *Judiciary* Committee :

H. 46, engrossed bill granting a general amnesty and pardon to all officers and soldiers of the State of North Carolina, or of the late Confederate States armies, or of the United States, for offences committed against the criminal laws of the State of North Carolina, recommending its passage.

By Mr. Moore, from the same Committee :

Resolutions instructing the *Judiciary* Committee to take into consideration the whole subject of popular relief, asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Cunningham, from the Committee on *Propositions and Grievances :*

H. 81, engrossed bill to repeal an act entitled "An Act to provide hands to work on the public roads," recommending its passage.

By Mr. Avery, from the Committee on *Internal Improvements :*

H. 68, engrossed bill to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes, recommending its passage.

H. 141, engrossed bill to re-enact and confirm the charter of the Williamston & Tarboro' Rail Road Company, and the amendment thereto, recommending its passage.

By Mr. McLean, from the same Committee:

H. 74, engrossed bill to enable the Wilmington, Charlotte & Rutherford Rail Road Company to complete its Road, pay its debt to the State, and extend its Road to the Tennessee line, recommending its passage.

S. 79, bill to amend the Charter of the Wilmington & Weldon Rail Road, with favorable recommen lation.

S. 36, bill to amend an act passed in 1833 to incorporate the Wilmington & Raleigh Rail Road Company, recommending its passage.

By Mr. Clark, from the Committe on *Corporations:*

S. P. 17, bill to incorporate the North Carolina Dental Association, and for the establishment of a Board of Dental Examiners, with favorable recommendation.

S. P. 27, bill to extend the corporate limits of the town of Elizabeth City, reported in answer to the prayer of citizens of Pasquotank county, recommending its passage.

On motion, by Mr. Leach,

Resolved, (by the Senate, the Ho se concurring) That a certified copy of the Resolution recommended by the Joint Select Committee on the proposed amendment of the Constitution of the United States, as a fourteenth Article, which Resolution has been passed by this General Assembly, rejecting and refusing to ratify said Amendment, be transmitted by his Excellency, Governor Worth, to his Excellency, the President of the United States, and also to the Secretary of State of the United States.

The House, by message, concurred in the resolution.

On motion, by Mr. Leach,

Resolved, That the Committee on the *Judiciary* be instructed to enquire into the propriety and justice of so amending the law, that County Solicitors, who prosecute criminals for petit larceny, shall receive the same tax fees as Solicitors in the several Superior Courts are by law entitled to, and report by bill or otherwise.

A message was received from the House, transmitting the concurrence of that body to the resolution postponing the administration of the oaths of office to the Governor elect until Saturday, 22nd instant.

A message was received from the House, transmitting a message from the Governor, covering the Annual Report of the Treasurer of the University, with a proposition to print. The Senate concurred.

The Speaker called up the Special Order, viz:

H. 52, resolutions declaring the loyalty of North Carolina, and the question being upon their adoption,

Mr. Jones offered the following as a substitute, viz:

WHEREAS, The late unfortunate conflict of arms between the United States Government and the Government of the Confederate States, so-called, begat feelings of great hostility, not only between the people of the two sections of our common country, but between the inhabitants of North Carolina on the one side known as Union men, and on the other as Secessionists; *and, whereas*, resistance to the authorities of the United States ceased with the surrender of the Southern armies; *and, whereas*, it is the duty of every one having surrendered in good faith to observe inviolate in thought, action and speech, the oath of loyalty by him subscribed; *and, whereas*, doubts seem to pervade the minds of our Northern brethren as to the actual state of public sentiment among us upon these subjects:

Therefore, be it resolved, That the members of this General Assembly do individually and collectively declare their desire for harmony and prosperity among all classes of our people, North, South, East and West; that they earnestly and conscientiously desire a restoration of the Union, and of fraternal feelings, with the citizens of any and every State thereof, and they will also inculcate, both by their action as legislators and citizens, the lessons of true loyalty and obedience to the United States Government, for the present as well as for the future.

Resolved, That they cherish for their fellow-citizens in affliction, caused by the late war, of whatever class, the deepest sympathy, and take this occasion to express, especially

towards that portion of our people, who, during the conflict, were exiled or injured in any way or manner whatever, the kindest and most brotherly feelings, and that setting aside forever the troubles of the past, we are willing to strive with them for the maintenance and perpetuation of a common country, proscribing no one for opinion's sake merely.

Resolved, That with "charity towards all, and malice towards none," we deem it our duty, as Legislators, holding in trust the honor and welfare of the whole people, to protest against violent language or heated controversy at this time of our common calamity, and invoke all to remember, that but lately words led us to blows, and blows to the destruction of our property, our government, and many of our best and bravest citizens.

Resolved, That, regretting the errors of the past, and willing to improve the future by the use of every means in our power to render our country happy and prosperous once more, we recommend to the present generation charity and forbearance to all of the citizens of our common country.

Resolved, That a copy of these resolutions be forwarded to the President of the United States, to be laid before Congress.

Ordered, To be printed and referred to the Committee on the *Judiciary*.

A message was received from the House, transmitting recommendations for Justices of the Peace, for the counties of Martin, Orange, Craven and Halifax. The recommendations were concurred in by the Senate.

Ordered, That they be transmitted to the Governor for commission.

Bills of the titles following, were introduced and disposed of, as follows, viz :

From the House : Engrossed bill (H. 128,) for the relief of disabled Soldiers. Referred to the Committee on *Propositions and Greivances.*

Engrossed resolution (H. 162) to postpone the valuation of lands in this State.

On motion, by Mr. Wiggins,

The rule was suspended and the resolution passed its second and third readings.

Ordered, To be enrolled.

The hour of 12 o'clock having arrived, a bill (S. 4,) for the relief of honest debtors, was considered on its second reading as the order of the day.

And the question being thereon,

Debate arose, and

On motion, by Mr. Paschal,

The Senate adjourned.

SATURDAY, DECEMBER 15TH, 1866.

Mr. Hall presented a memorial from the Hon. R. M. Saunders, praying for relief. Referred to the Committee on *Finance*.

Reports from Standing and Select Committees were submitted, and filed, as follows, viz:

By Mr. Wiggins, from the Committee on *Finance:*

S. 73, resolution in regard to tax, and for other purposes, recommending its passage.

S. 83, resolution in regard to re-printing the Reports of the Supreme Court, reported in conformity to a resolution referring so much of the Governor's Message as relates to the re-printing of a portion of the Reports of the Supreme Court of North Carolina to the Committee on *Finance*, with recommendation favorable to its passage.

By Mr. Adams, from the same Committee:

S. P. 24, resolution in favor of Mrs. P. P. Dick, executrix of the late Judge John M. Dick, recommending its passage.

By Mr. Cunningham, from the Committee on *Propositions and Grievances:*

S. 62, bill to lay off and establish the County of Vance, asking to be discharged from its further consideration. The committee was discharged.

By Mr. Black, from the Committee on *Corporations:*

S. P. 1, bill to incorporate the Lexington Mining Company, with amendments, recommending its passage.

By Mr. Clark, from the Joint Select Committee on the *Agricultural and Mechanical College:*

Bill (S. 84,) to transfer the Land Serip, donated by the United States for an Agricultural College, recommending its passage.

A message was received from the House, transmitting the names of sundry eitizens, recommended as Justices of the Peace for the counties of Hyde, Polk, Rutherford, Mecklenburg, New Hanover, Nash and Rowan. The Senate concurred in the recommendations.

Ordered, That they be transmitted to the Governor for commission.

The Senate concurred in the joint resolution, transmitted from the House, concerning the publication of the Ordinances of the Convention of 1865–'66.

Ordered, To be enrolled.

The Senate also concurred in the joint resolution, instructing the Attorney General to enquire into the legality of tax on cotton.

Ordered, To be enrolled.

Bills of the titles following, being introduced, passed their first reading, and were disposed of as follows, viz :

From the House: Engrossed bill, (H. 77,) to incorporate the Yanceyville & Milton Rail Road Company.

On motion, by Mr. Brown,

The rule was suspended, and the bill passed its second and third readings.

Ordered, To be enrolled.

Engrossed bill, (H. 102,) to abolish jury trials in the County Court of Macon county. Filed.

Engrossed bill, (H. 160,) to incorporate the Rocky Mount Manufacturing Company. Filed.

By Mr. McRae: Bill (S. 87,) to establish Edinborough Medical College in Robeson county. Referred to the Committee on *Education and Literary Fund.*

On motion, by Mr. Leach,

S. 84, bill to transfer the Land Serip donated by the United States for an Agricultural College, was read the second time,

under a suspension of the rule, and the question being thereon, was put and

Decided in the affirmative, { Yeas, ... 34. Nays, ... 9.

On motion, by Mr. Harris, of Rutherford,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Avery, Battle, Berry, Brown, Clark, Covington, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris, of Franklin, Hill, Johnston, Kelly, Koonce, Leach, Love, Marshall, McCorkle, McLean, Moore, Richardson, Robins, Spencer, Thompson, Thornton, Wiggins, Willey, Williams and Wilson.

Those who voted in the negative, are:

Messrs. Adams, Bullock, Cowles, Harris, of Rutherford, Jones, Lloyd, Paschal and Speed.

So the bill passed its second reading.

On motion, by Mr. Wilson,

Ordered, That the further consideration of the bill be postponed and it be made the Special Order for Monday, 17th inst., at 12 o'clock, and that it, with the report of the Committee, be printed.

On motion, by Mr. Speed,

S. P. 27, bill to extend the corporate limits of the town of Elizabeth City, was called up and placed upon its passage, and passed its second and third readings.

Ordered, To be engrossed.

On motion, by Mr. Harris, of Rutherford,

The rule was suspended and the bill was engrossed forth with, and transmitted to the House of Commons.

On motion, by Mr. Moore,

H. 141, engrossed bill to re-enact and confirm the Charter of the Williamston & Tarboro' Rail Road Company, and the amendments thereto, was placed upon its several readings and passed, under a suspension of the rule.

Ordered, To be enrolled.

On motion, by Mr. McLean,

H. 2, engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham

County to some point on the North Carolina Rail Road, was called up, and the further consideration thereof was postponed, and it was made the Special Order for Monday, the 17th instant, at 12½ o'clock.

On motion, by Mr. Hall,

The various "Rail Road bills" on the calendar were taken up and their further consideration was postponed until Tuesday and Wednesday, the 18th and 19th instants, after the morning business.

S. P. 4, resolution in favor of the Hon. D. A. Barnes, was considered on its third reading, and the question "shall the resolution pass its third reading?" was put and

Decided in the negative, { Yeas, ... 18. Nays, ... 19.

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Barnes, Bullock, Clark, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Koonce, Lloyd, McLean, McRae, Moore, Speed, Thornton, Wiggins and Willey.

Those who voted in the negative, are:

Messrs. Adams, Battle, Berry, Covington, Cowles, Hand, Harris of Rutherford, Hill, Johnston, Kelly, Love, McCorkle, Paschal, Perkins, Richardson, Robins, Spencer, Williams and Wilson.

So the bill was rejected.

On motion, by Mr. Clark,

H. 46, engrossed bill granting a general amnesty and pardon to all officers and soldiers of the State of North Carolina or of the United States, for offences committed against the Criminal Laws of the State of North Carolina, was considered on its second reading, under a suspension of the rules.

Mr. Berry moved to amend by stiking out the words and figures "1st day of January, A. D. 1866," wherever they occur, and insert the words and figures "1st day June, A. D. 1865," and the amendment did not prevail.

The question then being "shall the bill pass its second reading" was put and

Decided in the affirmative, { Yeas.....34. Nays.....9.

On motion, by Mr. Paschal,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Adams, Avery, Battle, Brown, Bullock, Clark, Covington, Cowles, Cunningham, Edwards, Ferebee, Gash, Hall, Hand, Hill, Johnston, Jones, Koonce, Leach, Love, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Richardson, Robins, Spencer, Thornton, Willey and Williams.

Those who voted in the negative, are:

Messrs. Barnes, Berry, Etheridge, Harris of Rutherford, Kelly, Respass, Thompson, Wiggins and Wilson.

So the bill passed its second reading.

The bill being read the third time, under a further suspension of the rules, it was passed.

Oodered to be enrolled.

On motion, by Mr. Covington,

The Senate adjourned.

MONDAY, DECEMBER 17th, 1866.

Prayer by the Rev. Mr. Hudson.

Messrs. Brown, Berry and Thornton were appointed the Committee on *Enrolled Bills* for the week.

Reports from standing committees were submitted and filed as follows, viz:

By Mr. Cunningham, from the Committee on *Propositions and Grievances:*

H. 128, engrossed bill for the relief of Disabled Soldiers, recommending its passage.

By Mr. Avery, from the Committee on the *Judiciary:*

S. 44, bill to amend section sixteen, chapter one hundred and eleven, Revised Code, with an amendment recommending its passage.

By Mr. McCorkle, from the same Committee:

S. P. 10, bill to incorporate the Merchants and Planters Mutual Benefit Company, asking to be discharged from its further consideration. The committee was discharged.

On motion, by Mr. Leach,

Resolved, That the Committee on the *Judiciary* be instructed to enquire into the propriety and necessity, having regard to the financial embarrassment of the people of the State, of suspending for the term of two years all judgments and executions, whether in any of the several Courts or before Justices of the Peace; and also all actions of debt whether sued on or not, and report by bill or otherwise.

Bills and resolution of the titles following being introduced, passed their first reading and were disposed of as follows, viz:

From the House: Engrossed bill (H. 170,) concerning Appeals in Criminal Cases. Referred to the Committee on the *Judiciary*.

Engrossed bill (H. 97,) restoring to married women their common law right of Dower. To the *Judiciary*.

Engrossed bill (H. 47,) concerning the county site of Clay County. To *Propositions and Grievances*.

Engrossed resolution (H. P. 27,) in favor of the Sheriff of Gaston county.

On motion, by Mr. McCorkle,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

By Mr. Hall: Bill (S. 91,) to enable the city of Wilmington to provide for the payment of the debt of said city. Filed.

On motion, by Mr. Avery,

S. 44, bill to amend sec. 16, chap. 111, Revised Code, was considered on its several readings under a suspension of the rule.

The question being on the amendment proposed by the Committee on the *Judiciary*, it was adopted. As amended the bill passed its second and third readings.

On motion, by Mr. Avery,

The title was amended to read as follows:

"A Bill to repeal all acts heretofore passed in relation to the incorporation of the town of Morganton, and to povide a substitute therefor."

Ordered to be engrossed.

The House of Commons transmitted by message a recommendation for Justice of the Peace for the county of Lincoln.

The Senate concurred.

Ordered, to be transmitted to the Governor for commission.

On motion, by Mr. Hall,

A nomination was made for Justice of the Peace for New Hanover county, which was agreed to and transmitted to the House for concurrence.

S. 4, bill for the relief of Honest Debtors, came up as the unfinished business on its second reading.

The question, "Shall the bill pass its second reading?" was put and

Decided in the negative, { Yeas,.....13. Nays,.....27.

On motion, by Mr. Covington,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Bullock, Cowles, Etheridge, Ferebee, Kelly, Koonce, Lloyd, Matthews, Paschal, Perkins, Speed, Thompson and Thornton.

Those who voted in the negative, are:

Messrs. Adams, Avery, Battle, Barnes, Brown, Covington, Cunningham, Edwards, Gash, Hall, Harris of Franklin, Harris of Rutherford, Hill, Johnston, Leach, Love, Marshall, McCorkle, McLean, McRae, Moore, Richardson, Robins, Spencer, Willey, Williams and Wilson.

So the bill was rejected.

The hour of 12½ o'clock having arrived, the Speaker announced the Special Order, to-wit:

Engrossed bill (H. 2,) to enable the Western Rail Road Comany to complete its Road from the Coalfields in Chatham county to some point on the North Carolina Rail Road, on its second reading.

Pending its consideration, Mr. Berry moved that the Senate do now adjourn,

And the question being thereon, was put and

On motion, by Mr. Love,

Decided in the negative, { Yeas,.....13. Nays,.....29.

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Battle, Berry, Bullock, Cowles. Etheridge, Hand, Harris of Rutherford, Matthews, Respass, Thompson, Thornton, Wiggins and Willey.

Those who voted in the negative, are:

Messrs. Adams, Avery, Barnes, Brown, Covington, Cunningham, Edwards, Ferebee, Gash, Hall, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Richardson, Robins, Spencer, Williams and Wilson.

So the Senate refused to adjourn.

The bill was further considered, when

Debate arose, and

On motion, by Mr. Wilson,

The Senate adjourned.

TUESDAY, DECEMBER 18th, 1866.

Prayer by the Rev. Mr. Atkinson.

On motion, by Mr. McCorkle,

Leave of absence was granted, until Friday, to Mr. Leach.

Reports from Standing and Joint Committees were submitted and filed, as follows, viz:

By Mr. Speed, from the Joint Standing Committee on the *Insane Asylum:*

S. 93, bill providing for the support of the Insane Asylum, report in behalf of the Committee, recommending its passage. Ordered to be printed, with the accompanying report.

By Mr. Cunningham, from the Committee on *Propositions and Grievances:*

H. 20, engrossed bill to repeal an Act, ratified February 7th, 1866, recommending its passage.

By Mr. Clark, from the Committee on *Corporations:*

S. P. 6, bill to incorporate the Fayetteville Street Railway Company, with favorable recommendation.

By Mr. Clark, from the Joint Standing Committee on the *Library:*

S. 94, resolution in favor of the Public Librarian, reported from the Committee, recommending its passage.

By Mr. Hall, from the Joint Standing Committee on the *Institution for the Deaf Dumb and the Blind:*

S. 95, resolution for the benefit of the Institution for the Deaf, Dumb and the Blind, reported from the Committee, recommending its passage.

Ordered, To be printed, with the report accompanying it and made the special order for Wednesday, 19th inst., at 7½ o'clock, P. M.

By Mr. Hall, from the Committee on *Education and the Literary Fund:*

S. 87, bill to establish the Edinborough Medical College in Robeson county, recommending its passage.

By Mr. Wilson, from the *Judiciary* Committee:

H. P. 9, engrossed resolution for the relief of Seth Jones' estate, with an amendment, recommending its passage.

On motion, by Mr. Gash,

Resolved, That when the Senate adjourns to-day, it adjourn to meet at 7 o'clock, P. M., and continue night sessions for the remainder of this week, unless otherwise ordered.

Bills and resolutions of the titles following, being introduced, passed their first reading and were filed, or referred, as follows, viz:

By Mr. Koonce: Bill (S. P. 38,) to incorporate the Board of Trade of the city of New Berne. To *Corporations.*

By Mr. Hall: Bill, (S. 96,) to amend "An Act to incorporate and establish the Hillsboro' Academy at Hillsboro." To *Education and the Literary Fund.*

By Mr. Thompson: Bill (S. P. 39,) to change the name of Wayne Female College. To *Corporations.*

From the House: Engrossed resolution, (H. P. 19) for the relief of William S. Mason. To *Claims.*

Engrossed resolution (H. P. 13,) in favor of A. J. Adkins and others. To *Claims.*

Engrossed bill, (H. P. 15,) bill for the relief of Henry Williams. To *Claims.*

Engrossed resolution, (H. P. 19) in favor of the Trustees of the Rex Hospital Fund.

Engrossed bill, (H. P. 31,) to change the name of the Carolina Joint Stock Insurance and Trust Company.

Engrossed bill, (H. 94,) to incorporare "The Collins Gold Mining Company," in the county of Franklin. To *Corporations.*

Engrossed bill, (H. 96,) to incorporate "The Sturgess Gold Mining Company," in the county of Franklin. To *Corporations.*

Engrossed bill (H. 95,) to incorporate the "Thomas Gold Mining Company," in the county of Franklin. To *Corporations.*

Engrossed bill, (H. 155,) to amend an Act, ratified the 1st day of February, 1865, entitled "An Act to authorize the Secretary of State to employ a Clerk."

Engrossed bill, (H. P. 16,) for the relief of the estate of L. O'B. Branch, deceased.

A message was received from the House, transmitting a resolution proposing to raise a Joint Select Committee to inquire into the management of the North Carolina Rail Rood Company. The Senate refused to concur.

On motion by Mr. McLean,

H. P. 2, Engrossed bill to incorporate the New Berne Steam Fire Engine Company, No. 1, was considered on its several readings, under a suspension of the rule, and passed.

Ordered, To be enrolled.

H. 2, Engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham County to some point on the North Carolina Rail Road, came up on its second reading as the Special Order.

Mr. Wilson moved that its further consideration be postponed until the 22d day of January next.

And the question thereon was put and

Decided in the negative, { Yeas, ... 17. / Nays, ... 28.

On motion, by Mr. Hall,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Berry, Bullock, Clark, Cunningham, Edwards, Hand, John ton, Moore, Perkins, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Adams, Avery, Barnes, Brown, Covington, Cowles, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Koonce, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Paschal, Respass, Richardson, Robins, Thompson and Willey.

So the consideration of the bill was not postponed.

Mr. Adams moved to amend by striking out the words, "or cross," in the fifth line of the third section. Adopted.

Mr. Wilson moved to amend section third by inserting after the words, "to issue the Mortgage Bonds of said Company," the following, "not exceeding in amount $900,000, and to be negotiated at not less than par, and not to mature at an earlier period than thirty years," and strike out the words, "or such other evidences of indebtedness as they may determine."

And the question thereon was put and

Decided in the affirmative, { Yeas, ...31. Nays, ...14.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Barnes, Berry, Brown, Bullock, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Hand, Harris, of Franklin, Hill, Johnston, Jones, Kelly, Marshall, McCorkle, Moore, Perkins, Respass, Richardson, Snead, Speed, Spencer, Thornton, Willey and Wilson.

Those who voted in the negative are:

Messrs. Avery, Gash, Hall, Harris of Rutherford, Koonce, Love, Lloyd, Matthews, McLean, McRae, Paschal, Robins, Thompson and Williams.

So the amendment was adopted.

Mr. Wilson moved to amend the third section by inserting after the words, "at such rate of interest," the words "not to exceed eight per cent," and strike out the words "as may be authorized by said Company." Adopted.

Mr. Moore moved to amend by adding to the first section the following proviso:

Provided, That said Company shall release all right to any further issue or exchange of bonds, that said Company may be entitled to on the extension of said Road.

The amendment was rejected.

The question then recurring upon the passage of the bill,

Debate arose, and

On motion, by Mr. Moore,

The Senate adjourned until 7½ P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

Mr. Clark moved that the Speeial Order be postponed and the consideration of the bills on the Calendar be resumed.

And the question thereon was put, and

Deeided in the negative, { Yeas,.....18. Nays,.....22.

On motion, by Mr. Hall,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Berry, Bulloek, Clark, Cunningham, Edwards, Ferebee, Hill, Johnston, McCorkle, Perkins, Respass, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative, are :

Messrs. Adams, Avery, Barnes, Brown, Covington, Cowles, Gash, Hall, Harris of Rutherford, Jones, Kelly, Koonee, Love, Marshall, Matthews, MeLean, MeRae, Pasehal, Richardson, Robins, Thompson and Williams.

The motion did not prevail.

On motion, by Mr. Wiggins,

S. 84, bill to transfer the land given by the United States to the State of North Carolina, was eonsidered on its third reading, under a suspension of the rule, and passed.

Ordered to be engrossed.

H. 2, engrossed bill to enable Western Rail Road Company to complete its Road from the Coalfields in Chatham county

to some point on the North Carolina Rail Road, came up as the unfinished business.

And the question, "Shall the bill pass its second reading?" was put and

Decided in the affirmative, { Yeas, ... 21. Nays, ... 21.

On motion,

The Yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Adams, Avery, Brown, Covington Cowles, Gash, Hall, Harris of Rutherford, Jones, Kelly, Koonce, Love, Marshall, Matthews, McLean, McRae, Paschal, Richardson, Robins, Thompson and Williams.

Those who voted in the negative are:

Messrs. Battle, Barnes, Berry, Bullock, Clark, Cunningham, Edwards, Ferebee, Harris, of Franklin, Hill, Johnston, McCorkle, Perkins, Respass, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Wilson.

The Speaker voted with the affirmative.

So the bill passed its second reading.

S. 36, bill to amend an Act passed in 1833, to incorporate the Wilmington & Raleigh Rail Road Company, came up and passed its second reading.

H. 74, Engrossed bill to enable the Wilmington, Charlotte & Rutherford Rail Road Company to complete its Road, pay its debt to the State, and extend its Road to the Tennessee line, came up on its second reading.

Mr. Hall moved to amend the second section by adding the following proviso:

"*Provided*, That when the bonds of the Company to the amount of four millions of dollars shall have been negotiated, the Company shall be required to pay the debt due the State, in bonds of the State at par, equal in value to the bonds issued to the Company."

The amendment was adopted.

The question, "Shall the bill pass its second reading?" was put and

Decided in the affirmative, { Yeas, ... 24. Nays, ... 19.

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Avery, Bullock, Covington, Cowles, Ferebee, Gash, Hall, Harris, of Rutherford, Hill, Jones, Kelly, Koonce, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Robins, Speed, Thompson and Williams.

Those who voted in the negative are :

Messrs. Battle Barnes, Berry, Brown, Cunningham, Edwards, Harris, of Franklin, Johnston, Moore, Paschal, Perkins, Respass, Richardson, Snead, Spencer, Thornton, Wiggins, Willey and Wilson.

So the bill passed its second reading.

Mr. Wiggins moved that the Senate do now adjourn, and the question being thereon, was put and

Decided in the affirmative, { Yeas, ...24. / Nays, ...20.

On motion, by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Battle, Barnes, Berry, Brown, Clark, Cowles, Edwards, Ferebee, Harris, of Franklin, Johnston, Kelly, Moore, Paschal, Perkins, Richardson, Robins, Snead, Speed, Spencer, Thompson, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative, are :

Messrs. Adams, Avery, Bullock, Covington, Cunningham, Gash, Hall, Harris, of Rutherford, Hill, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Respass and Williams.

So the Senate adjourned.

WEDNESDAY, December 19th, 1866.

Mr. Outlaw, the Senator elect from the seventh Senatorial District, composed of the county of Bertie, appeared, presented his credentials and was qualified.

Mr. Speed presented a memorial from a number of citizens of Perquimans county, in reference to fences, which was referred to the Committee on *Propositions and Grievances.*

A message was received from the House, transmitting recommendations for Justices of the Peace, for the counties of Wilkes, Rockingham, Davidson, Northampton, Cleaveland and Hertford. The Senate concurred in the nominations.

Ordered, To be transmitted to the Governor for commission.

Mr. Matthews submitted recommendations for Justices of the Peace, for the county of Stokes, and Mr. Robins for the county of Randolph, which were agreed to.

Ordered, To be transmitted to the House, for concurrence.

Reports from Standing Committees were submitted, and filed, as follows, viz :

By Mr. Wiggins, from the Committee on *Finance:*

S. 76, resolution in relation to State Bonds, with a substitute by way of amendment, recommending the passage of the substitute.

Memorial of Michael Robbins, asking to be discharged from its further consideration. The committee was discharged.

By Mr. Cunningham, from the Committee on *Propositions and Grievances:*

H. 47, engrossed bill concerning the county site of Clay county, recommending its passage.

By Mr. McCorkle, from the Committee on the *Judiciary:*

S. 47, bill to incorporate "the North Carolina Land and Immigration Aid Company," asking to be discharged from its further consideration.

The Committee was discharged.

By Mr. Clark, from the Committee on *Corporations:*

H. 94, engrossed bill to incorporate "The Collins' Gold Mi ing Company'" in the county of Franklin, with favorable recommendation.

H. 95, engrossed bill to incorporate the "Sturgis Gold Mining Company," recommending its passage.

H. 96, engrossed bill to incorporate "The Thomas Gold Mining Company," in the county of Franklin, with favorable report.

S. P. 38, bill to incorporate the Board of Trade of the city of New Berne, recommending its passage.

S. P. 39, bill to change the name of Wayne Female College, with favorable recommendation.

S. 78, bill to amend chapter 42, Private Laws, 1866, recommending its passage.

By Mr. Gash, from the Committee on *Claims:*

H. P. 10, engrossed resolution for the relief of William S. Mason, asking to be discharged from its further consideration. The committee was discharged.

H. P. 13, engrossed resolution in favor of A. J. Adkins and others, with an amendment, recommending its passage.

H. P. 15, engrossed bill for the relief of Henry Williams, with favorable recommendation.

Mr. Bullock introduced the following resolution, viz:

Resolved, That no member of the Senate be allowed to speak more than fifteen minutes on any one subject at one time, except by permission of a majority of the Senators present, and not to speak more than twice on any subject except special leave be granted.

Mr. Cunningham moved to amend by striking out all after the word "present." Adopted.

The resolution was then adopted.

A message was received from the House, transmitting the following communication, viz:

STATE OF NORTH CAROLINA,

SENATE CHAMBER,

Raleigh, December 19th, 1866.

To the General Assembly of the State of North Carolina:

I deem it proper to announce, as I now do, before the close of this session, my grateful acceptance of the high office of United States Senator, to which I have been called by the joint vote of the Assembly.

It is deemed proper, at this time, also, to state that I purpose, before the close of the adjourned session and prior to the fourth of March, to resign my positions as Speaker of the Senate and representative in that body from the county of

Craven; to the end that another person may be elected Spe ker, and, if need be, Senator for the county.

After consulting with friends in and out of the Assembly, this course has been decided upon as most proper and convenient, and as entirely consistent with the wishes of my constituents.

With the highest respect,

MATHIAS E. MANLY.

Bills of the titles following, being introduced, passed their first reading and were referred as follows, viz:

By Mr. Covington: Bill (S. P. 41,) to incorporate Monroe Lodge, No. 244, of Free and Accepted Masons, in the town of Monroe, county of Union. To *Corporations*.

By Mr. Matthews: Bill (S. 97.) to prevent litigation and the ruinous sacrifice of the property of honest debtors.

Ordered to be printed and referred to the Committee on the *Judiciary*.

H. 68, engrossed bill to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road and for other purposes, came up on its second reading as the Special Order.

And the question, "Shall the bill pass its second reading?" was put and

Decided in the affirmative, { Yeas,.....28. Nays,.....15.

On motion, by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Adams, Avery, Bullock, Covington, Cowles, Etheridge, Ferebee, Gash, Hall, Harris of Rutherford, Hill, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Respass, Richardson, Robins, Speed, Thompson, Wiggins and Williams.

Those who voted in the negative, are:

Messrs. Barnes, Berry, Brown, Cunningham, Edwards, Hand, Harris of Franklin, Kelly, Moore, Perkins, Snead, Spencer, Thornton, Willey Wilson.

So the bill passed its second reading.

On motion, by Mr. Jones,

S. 14, bill to grant aid to the Cheraw and Coalfields Rail Road Company, was taken from the table and filed on the calendar.

On motion, by Mr. Leach,

The rule was suspended, and

H. 185, engrossed bill for the relief of disabled soldiers, was called up and passed its second and third readings.

Ordered, To be enrolled.

On motion, by Mr. Clark,

The vote by which the Senate rejected the resolution proposing a Joint Committee to investigate the affairs of the North Carolina Rail Road was re-considered.

Mr. Robins moved to amend by striking out all after the words "to send for persons and papers," and insert the following words, "and report to this General Assembly at its adjourned session, and that the committee have leave to sit during the recess of the General Assembly." Adopted.

Mr. Love moved to amend by striking out "one," as the number of the Senate branch of the committee, and insert "two." Adopted.

The resolution was then passed.

Ordered, To be transmitted to the Hosue for concurrence in the amendments.

On motion, by Mr. Speed,

S. 93, bill providing for the support of the Insane Asylum, was called up, and its further consideration postponed, and it was made the Special Order for to-morrow at 11 o'clock.

S. 79, bill to amend the Charter of the Wilmington & Weldon Rail Road Company, came up on its second reading and passed.

S. 14, bill to grant aid to the Cheraw & Coalfields Rail Road Company, was considered on its second reading.

Mr. Jones moved to amend by striking out the word "five" in the ninth line of the first section, and insert "three." Adopted.

Mr. Jones moved to amend by striking out the word "five," in the second line of the third section, and insert "three." Adopted.

The question, "Shall the bill pass its second reading?" was then put and

Decided in the negative, { Yeas, ... 9 / Nays, ...34

On motion, by Mr. Hall,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Avery, Covington, Gash, Harris, of Rutherford, Jones, Leach, McLean, McRae, Paschal and Richardson.

Those who voted in the negative are:

Messrs. Adams, Barnes, Berry, Brown, Bullock, Clark, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Hall, Hand, Harris, of Franklin, Hill, Johnston, Kelly, Koonce, Love, Lloyd, Marshall, Matthews, McCorkle, Moore, Outlaw, Perkins, Robins, Speed, Spencer, Thornton, Wiggins, Willey, Williams and Wilson.

So the bill was rejected.

S. 36, bill to amend an Act passed in 1833, to incorporate the Wilmington & Raleigh Rail Road Company, came up on its third reading and was passed.

Ordered, To be engrossed.

H 2, engrossed bill to enable the Western Rail Road Company to complete its road from the Coalfields in Chatham County, to some point on the North Carolina Rail Road, was considered on its third reading.

Mr. Wilson moved to amend by striking out the first and second sections, and insert at the end of the third section the following proviso:

Provided, That the monies arrising upon the negotiations of the bonds of said Company, hereby authorized to be issued, shall primarily be applied to the purchase of the amount of bonds heretofore issued by the State in aid of said Company.

And pending the question thereon,

Debate arose, and

Mr. Respass moved that the Senate do now adjourn, and the question thereon was put and

Decided in the affirmative, { Yeas, ...26. / Nays, ...20.

On motion, by Mr. Avery,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Battle, Barnes, Berry, Brown, Bullock, Clark, Etheridge, Ferebee, Hand, Harris of Franklin, Hill, Marshall, Matthews, McCorkle, Moore, Outlaw, Perkins, Respass, Snead, Speed, Spencer, Thornton, Wiggins, Willey, Williams and Wilson.

Those who voted in the negative, are :

Messrs. Adams, Avery, Covington, Cunningham, Edwards, Gash, Hall, Harris of Rutherford, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, McLean, McRae, Paschal, Richardson and Robins.

So the Senate took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK P. M.

S. 95, resolution for the benefit of the Institution for the Deaf, Dumb and the Blind came up as the Special Order, on its second reading.

On motion, by Mr. Avery,

Its further consideration was postponed, and the bill placed on the calendar.

H. 2, engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham county to some point on the North Carolina Rail Road, on its third reading, was considered as the unfinished business.

The question being upon the amendment offered by Mr. Wilson was put and

Decided in the negative, { Yeas, ... 12. Nays, ... 23.

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Barnes, Berry, Bullock, Clark, Cunningham, Perkins, Snead, Spencer, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative, are :

Messrs. Adams, Avery, Brown, Etheridge, Gash, Hall, Hill,

Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Paschal, Richardson, Robins, Thompson and Williams.

Mr. Covington gave notice that he had paired off with Mr. Battle.

The amendment was not adopted.

The question then recurring, "Shall the bill pass its third reading?" was put and

Decided in the affirmative, { Yeas,.....21 / Nays,.....20

On motion, by Mr. Outlaw,

The yeas and nays were ordered.

Those who voted in the affirmative are:

Messrs. Adams, Avery, Brown, Cowles, Etheridge, Gash, Hall, Harris, of Rutherford, Kelly, Koonce, Leach, Love, Lloyd, Matthews McLean, McRae, Paschal, Richardson, Robins, Thompson and Williams.

Those who voted in the negative, are:

Messrs. Barnes, Berry, Bullock, Clark, Cunningham, Edwards, Ferebee, Harris, of Franklin, Hill, Johnston, McCorkle, Moore, Perkins, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Wilson.

Mr. Covington paired off with Mr. Battle.

Mr. Jones paired off with Mr. Outlaw.

So the bill passed.

Ordered, That it be transmitted to the House of Commons for concurrence in the amendments.

H. 74, engrossed bill to enable the Wilmington, Charlotte & Rutherford Rail Road Company to complete its road, pay its debts to the State, and extend its road to the Tennessee line, came up on its third reading, and the question thereon was put and

Decided in the affirmative, { Yeas, ...26 / Nays, ...17

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Covington, Cowles, Etheridge, Ferebee, Gash, Hall, Harris, of Rutherford, Hill, Jones, Kelly, Koonce, Leach, Love, Lloyd, Matthews, McCorkle, McLean,

McRae, Paschal, Robins, Speed, Thompson, Williams and Wilson.

Those who voted in the negative, are:

Messrs. Barnes, Berry, Brown, Bullock, Cunningham, Edwards, Harris, of Franklin, Johnston, Moore, Perkins, Respass, Richardson, Snead, Spencer, Thornton, Wiggins and Willey.

The bill passed its third reading.

Ordered, To be transmitted to the House of Commons, for concurrence.

On motion, by Mr. Avery,

H. 68, engrossed bill to enhance the value of the Bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes, was taken upon its third reading, under a suspension of the rule.

Mr. Wilson moved to amend, by striking out the first section.

And the question being thereon, was put and

Decided in the negative, { Yeas, ...15. Nays, ...24.

On motion, by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Barnes, Berry, Brown, Bullock, Cunningham, Edwards, Ferebee, Harris, of Franklin, Kelly, Perkins, Richardson, Snead, Thornton, Willey and Wilson.

Those who voted in the negative, are:

Messrs. Adams, Avery, Covington, Etheridge, Gash, Hall, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Paschal, Robins, Speed, Thompson, Wiggins and Williams

Mr. Spencer announced that he had paired off with Mr. Cowles in the amendment, and on the passage of the bill

The question then recurring, "Shall the bill pass its third reading?" was put and

Decided in the affirmative, { Yeas.....23 Nays.....14

On motion, by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Covington, Etheridge, Gash, Hall, Harris, of Rutherford, Johnston, Jones, Koonce, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Robins, Speed, Thompson, Wiggins and Williams.

Those who voted in the negative, are:

Messrs. Barnes, Berry, Brown, Cunningham, Edwards, Ferebee, Harris, of Franklin, Kelly, Perkins, Richardson, Snead, Thornton, Willey and Wilson.

So the bill passed its third reading.

Ordered, To be enrolled.

S. 79, bill to amend the Charter of the Wilmington & Weldon Rail Road Company came up and passed its third reading.

Ordered, To be engrossed.

On motion, by Mr. Berry,

The Senate adjourned.

THURSDAY, December 20th, 1866.

A message was received from the House, announcing its concurrence in the amendments to the joint resolution in relation to the North Carolina Rail Road.

Reports from Committees were submitted and filed, as follows, viz:

By Mr. Leach, from the Committee on *Military Affairs*:

Resolution referring so much of the Governor's Message as refers to maimed soldiers to the committee, asking to be discharged from its further consideration, as the object sought to be accomplished by the resolution having been passed to a law.

By Mr. Wilson, from the *Judiciary* Committee:

S. 32, bill to declare valid an Act of the General Assembly amending the Charter of the Chatham Rail Road Company, with recommendation unfavorable to its passage.

By Mr. Robins, from the same Committee:

S. 77, bill extending the jurisdiction of the Courts on persons failing to work the public roads or highways, with adverse recommendation.

By Mr. Moore, from the same Committee:

H. 80, engrossed bill to amend section 2d, chapter 43, of an Act ratified the 12th day of March, A. D. 1866, entitled "An Act to improve the law of Evidence," with adverse recommendation.

S. 75, bill to repeal an Act, entitled "An Act to improve the law of Evidence," with recommendation adverse to its passage.

By Mr. Brown, from the same Committee:

S. 76, bill to exempt individual corporators from penalties, &c., in certain cases, recommending its passage.

S. 52, resolutions declaring the loyalty of North Carolina, recommending the adoption of the following in lieu thereof:

Be it resolved by the Senate and House of Commons of the General Assembly of North Carolina, That we, the representatives of the people of North Carolina, feel it to be an imperative duty to those we represent, under existing circumstances, when grave and important questions are pending in reference to the restoration of the State to the Federal Union, to vindicate the loyalty and good faith of the people of North Carolina, and to solemnly declare, that in accepting the issue of the late conflict of arms, and in submitting to the authority of the Government of the United States, they did so in entire candor and good faith, which have been made manifest in the character and conduct of our people in relation to the Federal Government, and they also declare, that all imputations or doubts, as to the loyalty and good faith of the people of North Carolina, are alike unjust to the people of the State and injurious to their true interests.

Resolved, That it is the most ardent wish of the people of North Carolina to be restored to all their constitutional rights and relations under the Federal Government, and that no honorable exertions shall be wanting on their part, or that of their constituted authorities, to accomplish that great end, which they believe to be identified with the permanent peace and prosperity of our whole country.

Resolved, That it is also the ardent wish of the people of North Carolina to be restored, not only to their constitutional relations to the Federal Government, but to relations of peace

and concord with all the people of the United States, that the differences of the past may be buried in oblivion, and that the good and patriotic of all sections of our country may unite in the restoration of our noble and excellent form of government, as the lasting pledge of peace and union in the future, as it has been in the past.

The resolutions were ordered to be printed and made the special order for 12 o'clock, M., to-morrow.

On motion, by Mr. Gash,

Resolved, That the Committee on the *Judiciary* be instructed to enquire whether there are any outstanding claims against the Literary Board in the hands of Chairmen of Common Schools in the different counties, or other persons, that ought to be paid, and if so, what amount, the nature and condition of the same, and report by bill or otherwise.

Bills and resolutions of the titles following being introduced, passed their first reading, and were disposed of as follows, viz :

By Mr. Cunningham : Bill (S. 98,) to construe an act entitled, "An Act to secure the maintenance of Bastard Children and the payment of fines and costs on conviction in criminal cases," ratified 2nd March, 1866.

On motion, by Mr. Cunningham,

Under a suspension of the rule, the bill passed its several readings.

Ordered, To be engrossed, and transmitted to the House forthwith.

By Mr. Thompson : Resolution (S. P. 42,) in favor of Lewis Hammell, of Wayne county. Filed.

By Mr. Hill : Resolution (S. P. 43,) in favor of R. F. Armfield. Referred to the Committee on *Claims*.

By Mr. Ferebee : Bill (S. 99,) authorizing Executors and Administrators of insolvent estates to settle the same *pro rata*. Ordered to be printed and referred to the Committee on *Propositions and Grievances*.

From the House : Engrossed bill (H. 55,) to amend the charter of the Oceanic Hook and Ladder Company of the town of Beaufort. Filed.

Engrossed bill (H. 163,) to amend sec. 2nd of an act to incorporate the town of Marshall. Filed.

Engrossed bill (H. 196,) to amend the charter of the town of Wilson. Filed.

Engrossed bill (H. 58,) to exempt certain personal property from seizure under execution or attachment and to provide a Homestead. Referred to the Committee on the *Judiciary*.

Engrossed resolution (H. P. 33,) in favor of the Sheriff of Richmond county.

On motion, by Mr. McRae,

The rule was suspended, and the bill was placed on its second reading.

Mr. McRae moved to amend by striking out the figures 1866 and insert the figures 1867. Adopted.

Mr. Richardson moved to amend by adding after the word "Richmond" the words "and Moore," in the second line. Adopted.

As amended, the resolution passed its several readings.

Ordered, To be transmitted to the House for concurrence.

Engrossed bill (H. P. 30,) in favor of Jas. S. Snow, Sheriff of Halifax county.

On motion, by Mr. Wiggins,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled,

S. 93, bill providing for the support of the Insane Asylum came up on its second reading, as the order of the day, and passed.

On motion, by Mr. Speed,

The rules were suspended and the bill read a third time.

Mr. Speed moved to amend by adding an additional section. Adopted.

The bill then passed its third reading.

Ordered, To be engrossed and transmitted forthwith to the House.

On motion, by Mr. Adams,

The rule was suspended, and

S. 73, resolution in regard to tax and for other purposes, passed its several readings.

Ordered, To be engrossed and transmitted forthwith to the House.

On motion, by Mr. Hall,

S. 95, resolution for the benefit of the Institution for the Deaf, Dumb and the Blind, was considered on its several readings, under a suspension of the rule, and passed.

Ordered, To be engrossed and transmitted forthwith to the House.

A message was received from the House, transmitting the concurrence of that body to the amendments to the following bills, to-wit:

H. 2, engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham county to some point on the North Carolina Rail Road.

H. 74, bill to enable the Wilmington, Charlotte & Rutherford Rail Road Company to complete its Road, pay its debt to the State, and extend its Road to the Tennessee line.

Ordered, That they be enrolled.

A message was received from the House of Commons, transmitting the resolutions of that body relative to the death of Thos. I. Judkins, one of the Commoners from the county of Warren. Appropriate tributes being paid to the memory of the deceased,

The Senate adjourned until 10½ o'clock to-morrow.

FRIDAY, December 21st, 1866.

Prayer by Rev. Mr. Hardie.

On motion, by Mr. McLean,

Leave of absence was granted to Mr. Williams for the remainder of the session.

The Speaker announced Messrs. Robins and Adams as the Senate branch of the committee to investigate the affairs of the North Carolina Railroad.

Mr. Ferebee presented a memorial from E. J. Barnes, late Sheriff of Camden county, praying for an extension of time

for the collection of taxes, which was referred to the Committee on *Propositions and Grievances.*

Mr. Love presented the names of sundry persons as Justices of the Peace for the county of Haywood, and Mr. Cowles names for Justices of the Peace for the county of Ashe, which were recommended and transmitted to the House.

Reports from standing committees were submitted and filed as follows, viz:

By Mr. Cunningham, from the Committee on *Propositions and Grievances*:

S. 101, bill to provide for the building of a fence in Perquimans county, reported from the committee in conformity to a memorial from citizens of that county.

Ordered, To be printed.

By Mr. Leach, from the Committee on the *Judiciary:*

H. 170, engrossed bill concerning appeals in criminal cases, with an amendment, recommending its passage.

By Mr. Wilson, from the same Committee:

Reporting back sundry bills and resolutions heretofore referred to the Committee and not reported upon, asking to be discharged from their further consideration until the 22d day of January next. The Committee was discharged.

By Mr. Avery, from the Committee on *Internal Improvements:*

H. 140, engrossed bill in favor of the city of Raleigh, recommending its passage.

Mr. Leach introduced the following resolution, viz:

Resolved, That the Governor be respectfully requested to communicate to the Senate, what action, if any, has been had under a resolution of the last General Assembly, concerning the Cape Fear Navigation Company.

Ordered. That it lie on the table.

On motion, by Mr. Wilson,

Resolved, (the House of Commons concurring,) That the unfinished business depending in the two Houses at the adjournment, ordered by their joint action, on Monday next, shall be continued over the recess, and resumed at the next meeting of the General Assembly, in like manner as in adjournment from day to day.

Ordered, To be transmitted to the House.

Bill and resolutions of the titles following, being introduced, were read the first time, and disposed of as follows, to-wit:

By Mr. Wiggins: Resolution, (S. P. 48,) in favor of David Outlaw, Senator from the seventh Senatorial District.

On motion, by Mr. Wiggins,

The rule was suspended, and the resolution passed its several readings.

Ordered, To be engrossed and transmitted to the House, forthwith.

By Mr. Robins: Resoluti n, (S. P. 49,) for the benefit of the Sheriffs of Randolph, Yadkin and Bertie counties.

Under a suspension of the rule, the resolution passed its several readings.

Ord red, To be engrossed and transmitted to the House, forthwith.

From the House: Resolution authorizing the Committee on Finance to burn Treasury Notes and Coupons in Comptroller's Office. The resolution was adopted.

Resolution authorizing the Governor to extend the provisions of the Act granting Amnesty and Pardon. Filed.

H. 179, engrossed bill to authorize incorporated Towns and Cities to establish systems of Public Schools. Referred to the Committee on *Education and Literary Fund.*

H. 208, engrossed resolution in favor of the people of Lincoln county.

On motion, by Mr. McCorkle,

The resolution passed its several readings.

Ord red, To be enrolled.

H. 209, engrossed resolution in favor of the Sheriffs of Cumberland, Northampton, Wayne, Onslow, Moore and Caswell.

On motion by Mr. Edwards,

The resolution passed its several readings.

Ordered, to be enrolled.

H. 214, engrossed resolution of thanks to his Excellency, the Governor, and others.

Under a suspension of the rule, the resolution passed its several readings.

Ordered, To be enrolled.

H. 191, engrossed resolution in favor of the county of Stanly.

The rule being suspended, and the question being put upon the passage of the bill its second reading, it was

Decided in the negative, { Yeas.....18 / Nays.....20

On motion, by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Bullock, Covington, Edwards, Ferebee, Gash, Hall, Hand, Hill, Johnston, Jones, Leach, Marshall, Matthews, McLean, McRae. Speed, Thornton and Wilson.

Those who voted in the n gative are :

Messrs. Adams, Berry, Brown, Cowles, Cunningham, Harris of Rutherford, Kelly, Koonce, McCorkle, Moore, Parehal, Robins, Snead Spencer, Thompson, Wiggins and Willey.

The bill did not pass.

A message was received from the House, concurring in the amendment to the resolution (H. P. 33,) in favor of the Sheriff of Richmond County.

Ordered, To be enrolled.

The Senate concurred in the recommendation for Justices of the Peace for the Counties of Rockingham and Jones, transmitted from the House.

Ordered, To be sent to the Governor for commission.

A message was received from the House, transmittin a communication from the Governor, covering an order from the War Department of the United States, directing the revocation of Gen'l. Sickles' order forbidding corporeal punishment.

On motion, by Mr. Hall,

H. 131, engrossed bill to amend 3d seetion, 97th chapter of the Revised Code, entitled "Religious Societies," was considered on its second readiug.

Mr. Hall moved to amend by confining its operation to St. James' Parish, of the City of Wilmington. Adopted.

The bill then passed its seeond and third reading.

Ordered, To be transmitted to the House for concurrence.

On motion, by Mr. Gash,

S. 34, resolution providing for the payment of Sheriffs holding elections, was considered on its several readings, under a suspension of the rule, and passed.

Ordered, To be engrossed.

On motion, by Mr. Cunningham,

H. P. 31, engrossed bill to change the name of the Carolina Joint Stock and Insurance Company, passed its several readings under a suspension of the rule.

Ordered, To be enrolled.

On motion, by Mr. Jones,

H. P. 9, engrossed resolution in favor of Seth Jones' estate, was considered on its several readings.

The amendment proposed by the Committee on the *Judiciary* was adopted.

As amended, the resolution passed.

Ordered, To be transmitted to the House for concurrence.

On motion, by Mr. Jones,

H. P. 6, engrossed resolution in favor of Rufus H. Jones, was taken up on its several readings and considered.

The amendment proposed by the Committee on the *Judiciary* was adopted.

The bill then passed.

Ordered, To be transmitted to the House for concurrence.

Resolutions (S. 52,) declaring the loyalty of North Carolina, came up as the order of the day.

The question being upon the amendment proposed by the Committee on the *Judiciary* to the amendment offered by Mr. Jones, it was adopted.

The amendment was then adopted to the original resolutions.

The question then being, "Shall the resolutions pass?" was put and

Decided in the affirmative, { Yeas.....44. Nays.....1.

On motion, by Mr. Leach,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Outlaw, Paschal, Perkins, Richardson, Robins, Snead, Spencer, Thompson, Thornton, Wiggins, Willey and Wilson.

Mr. Harris, of Rutherford, voted in the negative.

The resolutions were adopted.

Ordered, To be transmitted to the House of Commons for concurrence.

Mr. Gash, by leave, submitted a report from the Committee on *Claims*, which was filed, as follows, viz:

S. P. 43, resolution in favor of R. F. Armfield, asking to be discharged from its further consideration. The Committee was discharged.

S. 2, bill to establish Freehold Homesteads for the citizens of the State, came up as the unfinished business, on its third reading.

On motion, by Mr. Love,

Its further consideration was postponed to, and made the Special Order for 22d January next, at 1 o'clock, P. M.

S. 3, bill to repeal an Ordinance of the late Convention, entitled "An Ordinance for exchanging the stocks of the State for bonds issued before the year one thousand eight hundred and sixty-one," came up as the unfinished business on its third reading.

And the question, "Shall the bill pass its third reading?" was put and

Decided in the affirmative, { Yeas, ... 34. / Nays, ... 6.

On motion, by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Brown, Clark, Covington Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill, Jones, Kelly, Koonce, Leach, Love, Matthews, McCorkle, Moore, Outlaw, Paschal, Perkins,

Richardson, Robins, Snead, Speed, Spencer, Thompson, Thornton and Wilson.

Those who voted in the negative, are:

Messrs. Battle, Berry, Bullock, Cowles, Wiggins and Willey.

So the bill passed.

Ordered, To be engrossed.

On motion, by Mr. Hall,

The Senate took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Resolution authorizing the Governor to extend the provisions of the Act granting Amnesty and Pardon was taken up and passed.

Ordered, To be enrolled.

H. 192, engrossed resolution in favor of the people of Union county, being transmitted from the House, had its first reading.

Mr. Wilson moved that the rule be suspended, and the resolution be placed upon its several readings.

And the question was put and

Decided in the affirmative, { Yeas, ... 23 / Nays, ... 9

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Meessrs. Barnes, Bullock, Covington, Edwards, Etheridge, Ferebee, Gash, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Leach, Love, Marshall, Matthews, McCorkle, McLean, Richardson, Speed, Thornton, Wiggins and Wilson.

Those who voted in the negative, are:

Messrs. Adams, Berry, Brown, Cowles, Cunningham, Kelly, Moore, Paschal and Robins.

So the rule was suspended.

Mr. Wiggins moved that the further consideration of the

resolution be postponed until the 24th day of January next, and the question was put and

Decided in the negative, { Yeas.....15 / Nays.....16

On motion, by Mr. Wiggins,

The yeas and nays being ordered,

Those who voted in the affirmative, are :

Messrs. Adams, Berry, Brown, Cowles, Cunningham, Gash, Harris, of Rutherford, Love, Matthews, Moore, Paschal, Richardson, Robins, Snead, Thornton and Wiggins.

Those who voted in the negative, are :

Messrs. Bullock, Covington, Edwards, Etheridge, Ferebee, Harris, of Franklin, Hill, Johnston, Jones, Kelly, Leach, Marshall, McCorkle, McLean, Speed and Wilson.

The Speaker voted in the negative.

So the motion did not prevail.

Mr. Paschal moved to amend, extending the provisions of the bill to Chatham county. Adopted.

On motion, by Mr. Leach,

Its further consideration was postponed to, and it made the special order for, January 25th, at 1 o'clock, P. M.

On motion, by Mr. Love,

The vote by which the Senate rejected an engrossed resolution (H. 191,) in favor of the county of Stanly was re-considered.

On motion, by Mr. Leach,

Its further consideration was postponed to, and it was made the special order for, 1 o'clock, P. M. January 25th, 1867.

Mr. Speed, by leave, introduced resolutions of the titles following, viz :

S. P. 53, resolution in favor of A. E. Jones. Referred to the Committee on *Finance*.

Resolution (S. 105,) in favor of the Literary Board. Filed.

On motion, by Mr. Hill,

H. P. 13, resolution in favor of A. J. Adkins and others, was considered on its several readings.

The amendment, proposed by the Committee on Claims, was adopted.

As amended, the resolution passed.

Ordered, To be transmitted to the House for concurrence.

On motion, by Mr. Robins,

S. 15, bill to amend an Act passed by the General Assembly, and ratified on the 27th day of February, 1866, entitled "An Act to regulate Salaries and Fees," was taken from the table and filed on the calendar.

On motion, by Mr. Love,

H. 49, engrossed bill for the construction of a bridge across Notla River, in the county of Cherokee, and for other purposes, was called up, and under a suspension of the rules, passed its second and third readings.

Ordered, To be enrolled.

On motion, by Mr. Wilson,

H. 121, engrossed bill to empower the County Court of Mecklenburg to hold extra terms, was called up, and passed its second and third readings, under a suspension of the rule.

Ordered, To be enrolled.

On motion, by Mr. Thornton,

The Senate adjourned.

SATURDAY, DECEMBER 22D, 1866.

Prayer by the Rev. Mr. Smedes, D. D.

Mr. Robins, from the joint select committee to make arrangements for the inauguration of the Governor elect, reported as follows, viz :

That the Speakers of the two Houses will occupy the place at the Speaker's table in the Commons Hall, and that the Governor elect and his Honor, Daniel G. Fowle, one of the Judges of the Superior Court of Law, will occupy the Clerk's desk, the Governor on the right and the committee of arrangements, two immediately on the right and two immediately on the left of the Clerk's desk. The members of the Senate will occupy the front seats on the right of the Speaker's chair in the Commons Hall; the residue of the seats on the right, and those on the left of the Speaker's chair, will be occupied by the members of the House of Commons. After

the Governor elect shall have taken and subscribed the oaths of office and delivered his inaugural address, in the presence of the General Assembly, the Speaker of the Senate will announce that the Senators will retire to their chamber, and thereupon, the Governor, Judge, and committee of arrangements will first retire, and the Speaker of the Senate will retire at the head of the members of the Senate.

The report was adopted and transmitted to the House.

The House, by message, concurred in the report.

On motion, by Mr. Gash,

H. 163, engrossed bill to amend sec. 2, of an act to incorporate the town of Marshall, was called up and passed.

Ordered to be enrolled.

The following bills and resolutions being received from the House, were disposed of as follows, viz :

H. P. 36, engrossed resolution in favor of Mrs. T. I. Judkins.

Under a suspension of the rule, passed its several readings.

Ordered to be enrolled.

H. 203, engrossed bill to change the jurisdiction of the Courts and the rules of pleading therein. Referred to the Committee on the *Judiciary*.

H. 201, engrsssed bill to allow fees to Magistrates of Mecklenburg county, and to increase those of Constables in said county.

On motion, by Mr. Wilson,

The rule was suspended and the bill passed its second and third readings.

Ordered, to be enrolled.

H. P. 36, resolution for the relief of W. H. Phillpot, Sheriff of Granville county.

On motion, by Mr. Cunningham,

The resolution passed its several readings under a suspension of the rule.

Ordered to be enrolled.

H. 153, engrossed bill to incorporate the town of Durham, in the county of Orange.

On motion, by Mr. Berry,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled,

Mr. Outlaw recommended the names of sundry persons as Justices of the Peace for Bertie county, which were concurred in, and

Ordered to be transmitted to the House.

A message was received from the House, transmitting the names of sundry persons, recommended as Justices of the Peace for Johnston, Davidson, Randolph and Alamance counties.

Those for Randolph were laid on the table; the others were recommended.

Ordered to be transmitted to the Governor for commission

A message was received from the House, concurring in the amendments to the following bills and resolutions, viz :

H. P. 9, engrossed resolution for the relief of Seth Jones' estate.

H. P. 6, engrossed resolution in favor of Rufus J. Jones.

H. P. 13, engrossed resolution in favor of A. J. Atkins and others.

H. 131, engrossed bill to amend 4rd sec. 97th chap. Rev. Code, entitled "Religious Societies."

S. 52, resolutions declaring the loyalty of North Carolina.

Ordered that they be enrolled,

On motion, by Mr. Harris, of Franklin,

The following bills were considered, under a suspension of the rules, and passed their several readings, viz :

H. 94, engrossed bill to incorporate the Collins Gold Mining Company in the county of Franklin.

H. 95, engrossed bill to incorporate the Sturgis Gold Mining Company, in the county of Franklin.

H. 96, engrossed bill to incorporate the Thomas Gold Mining Company, in the county of Franklin.

Oodeoed that they be enrolled.

On motion, by Mr. Leach,

H. 170, engrossed bill concerning appeals in Criminal Cases, was called up on its second reading.

The question being upon the amendment proposed by the Committee on the *Judiciary*, was adopted.

The bill, as amended, passed its second and third readings

Ordered to be transmitted to the House.

The House of Commons, by message, concurred in the amendment.

Ordered to be enrolled.

On motion, by Mr. Avery,

H. 196, engrossed bill to amend the charter of the town of Wilson, was considered and passed its several readings.

Ordered to be enrolled.

Messrs. Lowe and Waugh were announced as the House branch of the committee to investigate the affairs of the North Carolina Rail Road.

The House concurred in the resolution relative to continuing the unfinished business over the recess.

The hour having arrived, the members of the Senate repaired to the Hall of the House of Commons, for the purpose of executing the joint order, inaugurating his Excellency, Jonathan Worth, the Governor elect.

The members of the Senate having returned to the Senate Chamber,

On motion by Mr. McLean,

H. 38, engrossed bill to authorize the President and Directors of the Blount Creek Manufacturing Company to borrow money to rebuild their Factory, was considered on its several readings and passed.

Ordered to be enrolled.

On motion, by Mr. Wilson,

The Senate adjourned until Monday 5 o'clock, A. M.

MONDAY, DECEMBER 24th, 1866.

Received a message from the House of Commons, informing the Senate that the House was now ready to execute the

joint order, to-wit: to adjourn till the 22nd day of January next, whereupon,

On motion by Mr. Harris, of Franklin,

The Senate adjourned.

SENATE JOURNAL.

ADJOURNED SESSION.

TUESDAY, JANUARY 22, 1867.

Prayer by the Rev. J. M. Atkinson.

Upon a call of the roll, the following Senators answered to their names, viz :

Messrs. Speaker, Adams, Barnes, Berry, Coward, Cunningham, Edwards, Etheridge, Harris, of Franklin, Harris, of Rutherford, Koonce, Love, Matthews, Paschal, Perkins, Robins, Thompson, Thornton and Williams—19.

Whereupon, there being no quorum,

On motion by Mr. Cunningham,

The Senate adjourned until to-morrow morning at eleven o'clock.

WEDNESDAY, JANUARY 23, 1867.

On motion by Mr. Jones,

Ordered, That a message be sent to the House of Commons, informing that body that the Senate was ready for the transaction of public business.

A message was received from the House of Commons, informing the Senate of the appearance of a quorum, and that the House was ready for the transaction of business.

A message was received from the House, proposing to raise a Joint Select Committee of two on the part of each House, to wait on his Excellency, the Governor, and inform him of the readiness of the General Assembly to receive any communication he may have to make.

The Senate concurring, Messrs. Love and Lloyd were appointed as the Senate branch of the Committee. Messrs. Waugh and Hutchison were appointed on the part of the House.

Bills and resolutions of the titles following being introduced, were filed or referred as follows, viz:

By Mr. Thornton: Bill (S. P. 58) concerning the town of Warrenton. To Corporations.

Bill (S. P. 59) authorizing the Justices of the Court of Pleas and Quarter Sessions of Warren County to sell certain property belonging to said County. To the Judiciary.

By Mr. Berry: Senate 108, making provision for the payment of State Bonds now due and the interest on the debt of the State. Ordered to be printed and referred to the Committee on Finance.

By Mr. Love: Bill (S. P. 60) to incorporate the American Mining and Manufacturing Company. To Corporations.

Bill (S. P. 61) to incorporate the Pigeon River Mining and Manufacturing Company of Haywood County. To Corporations.

Bill (S. P. 62) to incorporate the Waynesville Baptist College in the County of Haywood. To Education and the Literary Fund.

From the House: Engrossed House Bill 90, to amend and renew the charter of the Shelby and Broad River Rail Road Company.

Engrossed House Bill 175, to promote the Agricultural interests of the State, and for other purposes.

Engrossed House Bill 192, to permit the people of Currituck County to elect Commissioners of Wrecks.

Engrossed House Bill 176, to amend the charter of Plaster Bank and Salt Works Rail Road Company.

Engrossed House Bill 88, to prohibit citizens of other States from fishing in Currituck Sound.

Engrossed House Bill 92, to incorporate the Hoover Hill Mining Company.

On motion by Mr. Gash,

The rule was suspended, and the bill passed its several readings.

Ordered to be enrolled.

Engrossed House Bill 167, to amend an Act, entitled "An Act to incorporate the North Carolina Joint Stock Company."

Engrossed House Bill 76, to prevent the cutting and felling timber in Pigeon River in Haywood County, above Killian's Bridge.

Engrossed House Bill 110, to incorporate "Franklin Lodge, No. 109," of Free and Accepted Masons in the town of Beaufort.

Mr. Love, from the Committee to wait on the Governor, reported that his Excellency had no special communication for the General Assembly.

The following resolution, transmitted from the House, was adopted, to-wit:

Resolved, That the Committee appointed to examine the books, enquire into alleged abuses and the general management of the North Carolina Rail Road, be authorized to administer oaths whenever they may deem it expedient.

The Senate concurred in recommendations for Justices of the Peace for the Counties of Chatham, Bladen, Wake, Carteret, Iredell, Granville and Madison, transmitted from the House.

Ordered, To be transmitted to the Governor for commission.

Mr. Matthews introduced the following resolutions, viz:

Resolved, That the Senate has learned with regret of the death of Ulysses Hand, late Senator from the County of Rockingham.

Resolved, That in his death the State has lost a citizen of the noblest impulses, and his County one of its most charitable men.

Resolved, That in respect to his memory, the Senate do now adjourn, and that a copy of these resolutions be transmitted to the family of the deceased.

Massrs Brown and Covington paid feeling tributes to the memory of the deceased.

Whereupon, the Senate adjourned until 10½ o'clock, to-morrow morning.

THURSDAY, JANUARY 24, 1867.

A message was received from the House, transmitting a communication from the Public Treasurer, with a proposition to print. Concurred in.

Resolution (S. P. 69) in favor of W. B. March and John Peebles, introduced by Mr. Johnston, was referred to the Committee on Claims.

Bills and resolutions of the titles following, on their third reading, were considered and disposed of as follows, viz:

S. 2, bill to establish Freehold Homesteads for the citizens of the State.

On motion by Mr. Berry,

Its further consideration was postponed to, and it was made the special order for, Monday, 28th inst., at 12 o'clock M.

S. 11, bill to amend an act passed at the session of the General Assembly of North Carolina, A. D., 1866, chapter 58. Passed.

On motion by Mr. Wilson,

The title was amended, so as to read, A Bill to amend an Act passed at the session of the General Assembly, A. D., 1866, chapter 58, entitled "An Act to prevent enticing servants from fulfilling their contracts, or harboring them.

Ordered to be engrossed.

H. 7, Engrossed bill to construe an act entitled "An Act to establish a scale of depreciation of Confederate currency." Passed.

Ordered to be enrolled.

S. 17, bill for the better suppression of the crime of stealing Horses and Mules.

Mr. Wilson moved to amend, by striking out the words "on or after the first day of February next," in the first section, and the words "from and after the said first day of February next," in the third section; the amendments were severally adopted.

Mr. Leach moved to amend, by striking out the word "years," in the second line of the third section, and insert the word "months." Rejected.

The question recurring upon the adoption of the bill, was put and

Decided in the affirmative, { Yeas, ... 23 / Nays, ... 13

On motion by Mr. Hall,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Adams, Barnes, Berry, Bullock, Covington, Coward, Cowles, Cunningham, Etheridge, Harris, of Franklin, Hill, Jones, Lloyd, Marshall, Matthews, McRae, Perkins, Richardson, Robins, Thompson, Thornton, Williams and Wilson.

Those who voted in the negative are,

Messrs. Brown, Edwards, Gash, Hall, Harris, of Rutherford, Johnston, Koonce, Leach, Love, Moore, Paschal, Wiggins, and Willey.

So the bill passed.

Ordered to be enrolled.

Mr. Gash made recommendations for Justices of the Peace for the Counties of Transylvania and Henderson, which were concurred in.

Ordered to be transmitted to the House.

Bills of the titles following, by permission, being introduced, passed their first reading, and were further ordered as follows, viz:

By Mr. Adams: Senate Bill 112, to amend an act entitled "An Act more effectually to secure the maintenance of Bastard Children and the payment of fines and costs on conviction in criminal cases."

Ordered to be printed and referred to the Committee on the Judiciary.

By Mr. Coward: Senate Bill 113, for the relief of Guardians and Minor children.

Ordered to be printed and referred to the Committee on the Judiciary.

Engrossed resolution (H. P. 38) in favor of the Sheriffs of Orange, Union, Brunswick, and the tax collectors of Wayne and Johnston Counties, transmitted from the House, passed its first reading.

On motion by Mr. Berry,

The rule was suspended and the resolution passed its several readings.

Ordered to be enrolled.

The consideration of bills upon their third reading was resumed, as follows:

S. 33, resolutions allowing compensation to Judges holding Courts of Oyer and Terminer. Passed.

Ordered to be engrossed.

S. 56, resolutions, relative to Weights and Measures. Passed.

Ordered to be engrossed.

H. 4, Engrossed bill to amend the sixth section of the forty-eighth chapter of the Revised Code. Passed.

Ordered to be enrolled.

On motion by Mr. Moore,

H. 130, Engrossed bill authorizing the Public Treasurer to employ counsel in certain cases, was taken from the table, and, under a suspension of the rule, passed its second and third readings.

Ordered to be enrolled.

Bills and resolutions of the titles following, upon their second reading, were considered and disposed of as follows, to-wit:

S. 15, bill to amend an act passed by the General Assembly and ratified on the 27th day of February, 1866, entitled "An Act to regulate Salaries and Fees."

Mr. Wilson moved to amend, by striking out the words "County Court Clerks." Rejected.

The question then being upon the passage of the bill its second reading, was put and

Decided in the affirmative, { Yeas, ... 32. Nays, ... 2.

On motion of Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Barnes, Berry, Brown, Bullock, Covington, Cowles, Cunningham, Edwards, Etheridge, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McRae, Paschal, Perkins, Richardson, Robins, Thompson, Thornton, Willey and Williams.

Those who voted in the negative are:

Messrs. Wiggins and Wilson.

So the bill passed.

On motion by Mr. Berry,

The rule was suspended and the bill passed its third reading.

Ordered to be engrossed.

S. 31, bill to protect property sold under execution from sacrifice.

Mr. Richardson moved to amend, by striking out the words "at least three-fourths," in the third section, eleventh and twelfth lines, and insert the words, "the full amount," and in the twentieth line of the same section, strike out the words "three-fourths," and insert the words, "the full amount," and the question being thereon, was put and

Decided in the affirmative, { Yeas, ... 23. Nays, ... 10.

On motion of Mr. Richardson,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Berry, Brown, Bullock, Cowles, Cunningham, Edwards, Etheridge, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, Moore, Paschal, Richardson, Thompson, Thornton, Wiggins, and Willey.

Those who voted in the negative are:

Messrs. Adams, Barnes, Covington, Hall, Hill, Johnston, McRae, Perkins, Robins and Wilson.

So the amendment prevailed.

Mr. Leach moved to amend the third section by adding the following words, viz:

"And should said property not be sold at such execution sales, the plaintiff or plaintiffs shall lose his or their lien and the said judgment shall be declared dormant." Adopted.

The question recurring upon the passage of the bill as amended, was put and

Decided in the affirmative, { Yeas, ... 29. Nays, ... 5.

On motion, by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Barnes, Berry, Brown, Bulloek, Cowles, Cunningham, Edwards, Etheridge, Gash, Harris of Franklin, Harris of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, Marshall, Matthews, Moore, Paschal, Perkins, Richardson, Thompson, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Covington, Hall, McRae, Robins and Wilson.

So the bill passed its second reading.

A message was received from the House, transmitting a message from the Governor, covering a Memorial of the Trustees of the University, with a proposition to print and refer it to a Joint Select Committee of five from the House and three from the Senate. Concurred in.

On motion, by Mr. Wiggins,

The Senate adjourned.

FRIDAY, JANUARY 25, 1867.

Messrs. Bulloek, Covington and Thompson were appointed as the Committee on Enrolled Bills for the week.

Messrs. Houston, Perry, of Wake, Whitfield, Whitley and Scoggin, were announced, by message, as the House branch of the Committee on Enrolled Bills for the week.

The Speaker designated Messrs. Hall, Gash, and Moore as the Senate branch of the Committee upon the Memorial of the Trustees of the University of North Carolina.

Reports from Standing Committees were submitted and filed as follows, viz :

By Mr. Johnston, from the Committee on Corporations :

S. P. 58, bill concerning the town of Warrenton, recommending its passage.

By Mr. Gash, from the Committee on Claims:

S. P. 69, resolution in favor of W. B. March and John Peebles, with favorable recommendation.

By Mr. Cunningham, from the Committee on Propositions and Grievances :

S. 99, bill authorizing Executors and Administrators of insolvent estates to settle the same, *pro rata*, recommending its passage.

Bills and resolutions of the titles following, being introduced passed their first reading, and were referred or otherwise disposed of as follows, viz :

By Mr. Leach : Resolution (S. P. 71,) in favor of Churchill Perkins. To Claims.

By Mr. Covington : Bill (S. 114,) to amend chapter 22, section 55, of the Acts of 1866. To Finance.

By Mr. Koonce : Bill (S. P. 72,) to enable the Commissioners of Jones county to sell a lot belonging to said county.

On motion of Mr. Koonce,

The rule was suspended and the Bill passed its second and third readings.

Ordered to be engrossed.

S. 12, bill to protect Landlords against insolvent tenants, was considered on its third reading.

On motion of Mr. Jones,

Laid on the table.

A message was received from the House, proposing to raise a Joint Select Committee of three on the part of each House

to be entitled "The Committee on Federal Relations." Concurred in.

S. 31, bill to protect property sold under Execution from sacrifice, was considered on its third reading.

Mr. Johnston moved to amend by striking out the following words in the third section :

"And should said property not be sold at such execution sales, the plaintiff or plaintiffs shall lose his or their lien, and the said judgment shall be declared dormant."

And insert in lieu thereof the words—

"The Sheriff or other officer shall postpone the sale of said property for twelve months."

And the question being thereon,

Mr. Covington moved that the Senate adjourn, which was put and

Decided in the negative, { Yeas, ...14. Nays, ...23.

On motion, by Mr. Speed,

The Yeas and nays were ordered.

Those who voted in the affirmative are :

Messrs. Berry, Bullock, Covington, Hall, Hill, Koonce, McCorkle, McRae, Paschal, Robins, Thompson, Thornton, Wiggins and Wilson.

Those who voted in the negative are :

Messrs. Adams, Barnes, Cowles, Cunningham, Edwards, Etheridge, Gash, Harris of Franklin, Harris of Rutherford, Johnston, Jones, Kelly, Leach, Love, Lloyd, Marshall, Matthews, Moore, Perkins, Richardson, Speed, Willey and Williams.

So the Senate refused to adjourn.

The Speaker announced the hour for the Orders of the day, viz :

Engr ssed bill (H. 182,) in favor of the people of Union county, and engrossed resolution (H. 191,) in favor of the county of Stanly.

On motion, by Mr. Thornton,

Their consideration was postponed until the bill under discussion was disposed of.

The question recurring upon the adoption of the amendment, was put and decided in the affirmative.

The question then recurring upon the passage of the bill, when

Debate arose.

On motion of Mr. Wilson,

The Senate adjourned.

SATURDAY, JANUARY 26, 1867.

Messrs. McKay, Harper, Patton, Kenan and Morehead, were announced by message, as the House branch of the Committee on the Memorial from the Trustees of the University of North Carolina.

The House of Commons refused to concur in the recommendations for Justices of the Peace for Henderson County transmitted from the Senate.

Mr. McCorkle, from the Committee on the Judiciary, submitted reports as follows, viz:

S. P. 59, bill authorizing the Justices of Warren County to sell certain property belonging to said County, recommending its passage.

H. 97, Engrossed bill restoring to married women the common law right of Dower, recommending that it do not pass.

On motion by Mr. Wiggins,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of passing some law empowering Executors, Administrators and Guardians to compromise claims with persons who may be indebted to their Wards and Estates, and that they report by bill or otherwise.

Mr. Gash introduced the following resolution, which was rejected, viz:

Resolved. That the Committee on Finance be instructed to enquire into the propriety of, and, if practicable, to report a bill for, raising Revenue by a tax on all persons riding on Rail Roads in this State.

Bills and Resolutions of the titles following, being introduced, passed their first reading, were filed or otherwise disposed of, as follows, viz:

By Mr. Adams: Bill (S. P. 73) to authorize the issue of duplicates for destroyed Bonds to Charles S. Mills, Executor of Nicholas Mills. To Finance.

By Mr. Wilson: Bill (S. P. 74) to incorporate the Mecklenburg Female College in the City of Charlotte. To Corporations.

From the House: Engrossed Resolution (H. P. 41) in favor of Mrs. Theresa Bell.

Engrossed Bill (H. 174) to amend section 7, chapter 40, Acts of 1866.

Engrossed Bill (H. 104) to amend an act for the relief of Landlords, ratified 26th day of January, 1863, and an act amendatory of the same, ratified the 28th day of May, 1864.

Engrossed House Bill 157, to regulate the retailing of spirituous liquors in the town of Williamston.

Engrossed House Resolution 127, to supply artificial limbs to disabled soldiers.

Engrossed House Bill 239, relating to apprentices.

Engrossed House Bill 225, to change the time of holding the Summer and Winter Terms of the County Courts of Buncombe and Mitchell Counties.

On motion by Mr. Gash,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

Engrossed House bill 240, to amend chapter 5th of Revised Code, entitled "Apprentices."

On motion of Mr. Berry,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

Engrossed House bill 82, to prevent the destruction of Ginseng in the mountains of North Carolina.

On motion by Mr. Love,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

Messrs. McCorkle and Etheridge presented recommendations for Justices of the Peace for the counties of Catawba and Onslow, which were concurred in.

Ordered to be transmitted to the House.

On motion by Mr. Thornton,

Bill (S. P. 59) authorizing the Justices of Warren County to sell certain property belonging to said County, was considered, under a suspension of the rule, on its several readings and passed.

Ordered, to be engrossed.

Mr. Marshall moved to suspend the rule and take from the calendar the Engrossed bill (H. 182,) in favor of the people of Union County, and the question thereon was put and

Decided in the affirmative, { Yeas,.....26 / Nays,.....11

On motion by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative were:

Messrs. Avery, Brown, Bullock, Covington, Edwards, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Lloyd, Marshall, Matthews, McCorkle, McRae, Richardson, Speed, Thompson, Thornton, Wiggins, Williams and Wilson.

Those who voted in the negative are:

Messrs. Adams, Barnes, Berry, Cowles, Cunningham, Gash Kelly, Love, Paschal, Robins and Willey.

Mr. Robins moved to amend, by inserting after the word "Stanly," the words, "and every other County, the Special Court of which shall certify that it is necessary to relieve their suffering citizens, and shall apply for the same."

And the question thereon, was put and

Decided in the negative, { Yeas,.....14. / Nays,.....24.

On motion by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative, are:

Messrs. Adams, Berry, Brown, Cowles, Cunningham, Gash, Harris, of Rutherford, Kelly, Matthews, Paschal, Perkins, Richardson, Robins, and Willey.

Those who voted in the negative are:

Messrs. Avery, Barnes, Bullock, Covington, Edwards, Etheridge, Ferebee, Harris, of Franklin, Hill, Johnston, Jones, Koonce, Leach, Love, Lloyd, Marshall, McCorkle, McRae, Speed, Thompson, Thornton, Wiggins, Williams and Wilson.

Mr. Wilson moved to amend, by striking out the following words, "to be distributed among and apportioned to the relief of the needy in said County," and insert, in lieu thereof, the following, "be applied by the Justices of said County in the purchase and distribution of supplies to relieve the wants of the suffering poor in said County. Adopted.

The question recurring, "Shall the bill pass its second reading?" was put and

Decided in the affirmative, { Yeas, ... 26. / Nays, ... 11.

On motion by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Avery, Bullock, Covington, Edwards, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Lloyd, Marshall, Matthews, McCorkle, McRae, Perkins, Richardson, Speed, Thompson, Thornton, Wiggins, Williams and Wilson.

Those who voted in the negative are:

Messrs. Adams, Barnes, Berry, Brown, Cunningham, Gash, Kelly, Love, Paschal, Robins and Willey.

So the bill passed its second reading.

Under a further suspension of the rule, the bill passed its third reading.

Ordered to be transmitted to the House for concurrence in the amendment.

Under a suspension of the rule, House engrossed resolution 182, in favor of the people of Union County, was considered on its second reading.

On motion by Mr. Covington,

Laid on the table.

Mr. Gash, by leave, introduced a bill with title following, viz:

S. P. 75, bill to amend the charter of the town of Hendersonville.

On motion by Mr. Gash,

The rule was suspended and the bill passed its several readings.

Ordered to be engrossed.

S. P. 1, bill to incorporate the Lexington Mining Company, was considered on its second reading, the question being upon the amendments offered by the Committee on Corporations. The amendments were severally adopted.

On motion by Mr. Adams,

The bill was re-committed.

Bills and resolutions of the titles following, on their second reading, passed their second and third readings, under a suspension of the rules, and were ordered as follows, viz:

Engrossed bill (H. P. 1) to incorporate Union Camp Ground in the County of Cleveland.

Ordered to be transmitted to the House for concurrence in the amendments.

Engrossed bill (H. 11) to incorporate the Bladen Manufacturing Company.

Ordered to be enrolled.

Engrossed bill (H. 12) to incorporate the Bladen Land Company.

Ordered to be enrolled.

Bill (S. P. 58) concerning the town of Warrenton.

Ordered to be engrossed.

Resolution (S. P. 69) in favor of W. B. March and John Peebles.

Ordered to be engrossed.

On motion by Mr. Avery

The Senate adjourned.

MONDAY, JANUARY 28th, 1867.

The Speaker designated Messrs. Hall, Willey and Cowles, as the Senate branch of the Committee on Federal Relations.

Messrs. Cunningham, Speed and Coward, were appointed as the Committee on Enrolled Bills for the week.

The Speaker presented a communication from Elijah M. Haines, of Chicago, Illinois, upon Local Self-Governments. Referred to the Committee on Federal Relations.

Reports from standing committees were submitted, and filed, as follows:

By Mr. Cunningham, from the Committee on Propositions and Grievances:

Memorial from E. J. Barco, late Sheriff of Camden County, with adverse recommendation.

By Mr. Brown, from the Committee on the Judiciary:

S. 60, bill to amend the Constitution of North Carolina, with a substitute, recommending the adoption of the substitute. Ordered to be printed.

On motion by Mr. Avery,

Resolved, That a joint select Committee of five from each House be appointed to take into consideration the policy of remodeling the judicial system of North Carolina, in such manner as to make twelve Judicial Districts of the State, and three Divisions, of four Districts each, one Judge to reside in each District, and the Judges of each Division to interchange ridings, *ad libitum*, and of reconstructing the Supreme Court so that it shall be composed of the four senior Circuit Judges; and of further providing that the Courts of Pleas and Quarter Sessions, shall have jurisdiction only as Courts of Probate, the Superior Courts to be held three times a year in every county, or oftener when necessary, at the discretion of the resident District Judge.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were filed, or referred, as follows, viz:

By Mr. Gash: Senate Bill 122, to secure the right of redemption to land sold under execution.

Ordered to be printed and referred to the Committee on the Judiciary.

From the House: Engrossed bill (H. 248) amendatory of the acts heretofore passed for the better regulation of the town of Jacksonville.

Engrossed bill (H. P. 24) to incorporate Perquimans Male and Female Seminary.

Engrossed bill (H. 39) to amend section 12, chapter 118, Revised Code, entitled "Widows."

Engrossed bill (H. 52,) to provide for including the value of stamps in the taxation of costs.

Engrossed bill (H. 69,) allowing fees to Justices of the Peace, and regulating the same.

The House concurred in the amendments of the Senate to the engrossed bill (H. 191,) in favor of the county of Stanly.

Ordered to be enrolled.

On motion, by Mr. Hill,

H. 127, engrossed bill to supply Artificial Arms to disabled Soldiers, and for other purposes, was considered on its second reading and passed.

Being reading the third time, Mr. Hall moved to amend by striking out the third section. Adopted.

On motion, by Mr. Love,

Referred to the Committee on Propositions and Grievances.

The hour of 12 o'clock having arrived, the bill (S. 2,) to establish Freehold Homesteads for the citizens of the State, was considered on its third reading, the question being upon the amendment of Mr. Jones, viz: Insert, in the first section, ninth line, after the words "city or town," the words "Provided, at the time the petition is filed, it shall not exceed in value the sum of three thousand dollars;" and the question thereon was put, and

Decided in the negative, { Yeas, ... 22. Nays, ... 22.

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Battle, Barnes, Covington, Cowles, Cunningham, Gash, Harris of Franklin, Harris of Rutherford,

Hill, Johnston, Jones, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McRae, Paschal, Robins and Wilson.

The who voted in the negative are:

Messrs. Avery, Berry, Brown, Bullock, Clark, Edwards, Etheridge, Ferebee, Hall, Kelly, Koonce, McLean, Moore, Perkins, Richardson, Snead, Speed, Thompson, Thornton, Wiggins, Willey and Williams.

The Speaker voted in the negative.

The amendment did not prevail.

Mr. Berry moved to amend by adding the following as an abditional section, to be numbered as the 7th, as follows, viz:

Be it further enacted, That the following property of each head of a family or housekeeper, shall be exempt from execution, except for taxes, after the ratification of this act, to-wit: All necessary farming and mechanical tools, one work horse, one yoke of oxen, one cart or wagon, one milch cow and calf, fifteen head of hogs, five hundred pounds of pork or bacon, fifty bushels of corn, twenty bushels of wheat or rice, and household and kitchen furniture, not to exceed, in value, two hundred dollars. Adopted.

And the question recurring upon the passage of the bill was put, and

Decided in the affirmative, { Yeas,.....38. Nays,..... 6.

On motion, by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Berry, Brown, Bullock, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Harris of Franklin, Harris of Rutherford, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love Lloyd, Marshall, Matthews, McLean, Moore, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Battle, Hall McCorkle, McRae, Robins and Wilson.

Ordered to be engrossed.

On motion by Mr. McRae,

S. 87, bill to establish Edinborough Medical College in Robeson county, was taken up from the Calendar and considered on its second reading.

Ordered to be printed and re-committed to the Committee on Education and Literary Fund.

On motion by Mr. Love,

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased, was taken from the Calendar and referred to the Committee on Claims.

On motion by Mr. Avery,

S. 12, bill to protect Landlords against Insolvent Tenants, was taken from the table and ordered to be printed and made the Special Order for Wednesday, 30th instant, at twelve o'clock, M.

S. 31, bill to protect property sold under execution from sacrifice, was considered as the unfinished business, on its third reading.

Mr. Covington moved to amend by striking out the words "the full amount," and insert "at least three-fourths," in the third section.

And the question was put and

Decided in the affirmative, { Yeas.....25 / Nays.....17

On motion by Mr. Richardson,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Avery, Battle, Barnes, Brown, Clark, Covington, Cowles, Edwards, Gash, Hall, Hill, Johnston, Kelly, Leach, Love, McCorkle, McLean, McRae, Robins, Speed, Thompson, Wiggins, Willey and Wilson.

Those who voted in the negative are :

Messrs. Berry, Bullock, Cunningham, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Jones, Koonce, Lloyd, Matthews, Paschal, Perkins, Richardson, Snead, Thornton and Williams.

The question recurring upon the passage of the bill, when

Debate arose.

On motion by Mr. Wiggins,

The Senate adjourned.

TUESDAY, JANUARY 29, 1867.

Prayer by the Rev. J. M. Atkinson.

Reports from Standing Committees were filed as follows, viz :

By Mr. Cunningham, from the Committee on Propositions and Grievances :

S. 126, resolution providing for the marking and protecting the graves of the North Carolina soldiers in Oakwood Cemetery, Virginia, reported in response to a communication from the Ladies' Memorial Association for Confederate Dead, of Oakwood, with special report as follows, viz :

The Committee on Propositions and Grievances, to whom was referred sundry papers from the Ladies' Memorial Association of Richmond, Virginia, asking for an appropriation to aid in marking and protecting the graves of North Carolinians, who fell in the late war and are buried near Richmond, have instructed me to report : That the subject is one deserving the favorable consideration of this Assembly. The protection of the resting place of the dead is a duty regarded as sacred in all Christian lands ; and many of those who have fallen in the late contest far from home, at the command of the State, have left families who are unable to visit their graves, much less to remove and re-inter their remains. Voluntary associations have been formed in various places for the enclosure of the burying places of Southern soldiers, and for the erection of head-boards, with suitable inscriptions, and the Committee believe that the States interested should make appropriations in aid of this work so becoming a Christian people. They, therefore, recommend the passage of the resolution.

By Mr. Gash, from the Committee on Claims:

H. P. 16, bill for the relief of the estate of L. O'B. Branch, deceased, recommending its passage.

S. P. 71, resolution in favor of Churchill Perkins, with special report as follows, viz:

The Committee on Claims, to whom was referred the resolution in favor of C. Perkins, has had the same under consideration, and beg leave to make the following report, viz: That the said Perkins did, on the 2nd day of February, 1863, lend to the Treasurer of the State, for the use of the State Treasury, the sum of seven thousand and fifty-five dollars, in Confederate currency, and that the same was used and paid out by the Treasurer indiscriminately as other funds of the Treasury, for salaries, *per diem* of members of the General Assembly, bounties to soldiers, &c., &c., under the various acts and resolutions of the Legislature and Convention appropriating money.

Your Committee finds the Convention ratified an Ordinance on the 12th day of May, 1862, authorizing the issuing of two millions of dollars of Treasury notes. The second section of said Ordinance authorizes the Treasurer, on certain conditions, to borrow money from the banks and other sources in lieu of the Treasury notes, so authorized. Your Committee presumes the money was so borrowed under the authority of that Ordinance, and for the purposes intended by it.

Therefore, the majority of the Committee instruct me to report that, in their opinion, the claim is on the same footing of money borrowed from the banks, under the same Ordinance, and is barred by the Ordinance of the Convention, ratified the 19th day of October, 1865, declaring all debts contracted by the State, directly or indirectly, in aid of the rebellion, to to void. Therefore, your Committee respectfully ask to be discharged from its further consideration.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were ordered as follows, viz:

By Mr. Willey: Resolution (S. P. 81,) in favor of R. H. L. Bond, Sheriff of Gates county.

On motion, by Mr. Willey,

The rule was suspended and the resolution passed it several readings.

Ordered to be engressed.

By Mr. Wilson : Bill (S. P. 82,) to incorporate the Cleveland Mineral Springs Company. Referred to the Committee on Corporations.

By Mr. Matthews : Senate Bill 127, to change the jurisdiction of the Courts and the manner of pleading therein.

Ordered, To be printed and referred to the Committee on Propositions and Grievances.

The House of Commons concurred in the amendments of the Senate to the bill (H. P. 1,) to incorporate Union Camp Ground in the county of Cleveland.

Ordered to be enrolled.

The House concurred in the Senate Resolution to raise a Joint Select Committee on the revision of the Judicial system.

A message was received from the House, transmitting the following resolution adopted by that body, viz :

Resolved, That a Joint Select Committee of three on the part of each House be appointed, to take into consideration the expediency of an adjournment *sine die* at an early day and report as soon as practicable.

On motion by Mr. Covington,

Laid on the table.

Messrs. McNair, Davis and Logan were announced by message, as the House branch of the Committee on Federal Relations

Messrs. Dargan, Kenan, Durham, Perry and Davis were announced by message, as the House branch of the Committee to consider the policy of reforming the Judicial system of the State.

The Speaker designated Messrs. Avery, Leach, Moore, Brown and McCorkle as the Senate branch of the Committee.

Engrossed bill (H. P. 47) to incorporate New Berne Lodge No. 245, A. Y. M., received from the House, had its first reading and was filed.

On motion by Mr. Etheridge,

Engrossed bill (S. 248,) amendatory of an Act to the several Acts heretofore passed, for the better regulation of the town of Jacksonville, in Onslow county, was considered on its second and third readings, under a suspension of the rule, and passed.

Ordered to be enrolled.

S. 31, bill to protect property sold under execution from sacrifice, came up as the unfinished business, upon its third reading.

Mr. Cowles moved to amend by adding to the third section the following: Provided that this Act shall not apply to debts contracted since the first day of May, 1865; and it was

Decided in the negative, { Yeas.....17 / Nays.....25

On motion by Mr. Paschal,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Brown, Covington, Cowles, Gash, Hall, Harris, of Rutherford, Hill, Jones, Love, Marshall, McCorkle, McRae, Moore, Robins, Wiggins and Wilson.

Those who voted in the negative are:

Messrs. Adams, Barnes, Berry, Bullock, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Franklin, Johnston, Kelly, Koonce, Leach, Lloyd, Matthews, McLean, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton, Willey and Williams.

So the amendment did not prevail.

Mr. Love moved to add to the third section the following proviso, viz:

"*Provided*, That this Act shall not apply to notes or evidences of debt held by guardians, administrators or executors of deceased persons as such, unless the creditor or heir to said estate shall be compelled to receive said property as a part or whole of his claim, at the price said guardian, executor or administrator may have to pay for the same under the provisions of this Act."

And it was put and

Decided in the negative, { Yeas,.....21 / Nays,.....22

On motion by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Brown, Clark, Covington, Cunningham, Gash, Hall, Harris, of Rutherford, Hill, Johnston, Koonce, Love, McCorkle, McLean, McRae, Robins, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Barnes, Berry, Bullock, Cowles, Edwards, Etheridge, Ferebee, Harris, of Franklin, Jones, Kelly, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton and Williams.

Mr. McCorkle moved to amend by inserting after the words "twelve months," at the end of the third section, the following words, "by the defendants in the execution giving bond and security for the forthcoming of the property so executed upon at the end of said time."

And it was not adopted.

Mr. Avery moved to amend, by adding the following proviso to the third section, viz:

"*Provided*, That this act shall not apply to persons acting in a fiduciary capacity, where such person or persons shall be plaintiff or plaintiffs, but such person so acting in a fiduciary capacity shall be permitted to purchase property in the names of persons entitled to the beneficial estate, subject to the approval of the Court of Pleas and Quarter Sessions, if he shall make payment therefor in evidence of indebtedness held in the name of the person or persons for whom he is acting."

And the question thereon was put, and

Decided in the negative, { Yeas,.....15. Nays,.....30.

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Covington, Cunningham, Gash, Hall, Harris, of Rutherford, Hill, Love, McCorkle, McLean, McRae, Moore, Robins and Wilson.

Those who voted in the negative are:

Messrs. Battle, Barnes, Berry, Brown, Bullock, Clark, Cowles, Edwards, Etheridge, Ferebee, Harris, of Franklin, Johnston, Jones, Kelly, Koonce, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton, Wiggins, Willey and Williams.

The question recurring, "Shall the bill pass its third reading?" was put and

Decided in the affirmative, { Yeas.....35 / Nays.....9

On motion by Mr. Leach,

The yeas and nays being ordered.

Those who voted in the affirmative are:

Messrs. Adams, Battle, Barnes, Berry, Brown, Bullock, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Franklin, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McLean, Moore, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Avery, Gash, Hall, Harris, of Rutherford, Hill, McCorkle, McRae, Robins and Wilson.

So the bill passed.

Ordered to be engrossed.

Mr. Jones moved that the vote by which Senate bill 2, to establish Freehold Homesteads for the citizens of the State, was passed, be re-considered.

Mr. Hall moved to lay the motion on the table.

On motion by Mr. Paschal,

The Senate adjourned.

WEDNESDAY, January 30, 1867.

Mr. Joseph H. Cardwell, the Senator elect from the 38th Senatorial District, composed of the county of Rockingham, to supply the vacancy occasioned by the death of Mr. Ulysses Hand, appeared, presented his credentials and was duly qualified.

Reports from Committees were submitted and filed, as follows, viz :

By Mr. Wiggins, from the Committee on Finance :

S. P. 54, resolution in favor of A. E. Jacobs, recommending that it po not pass.

S. P. 73, resolution to authorize the issue of duplicates of destroyed bonds to Charles S. Mills, with favorable recommendation.

By Mr. McCorkle, from the Judiciary Committee :

S. 97, bill to prevent litigation and the ruinous sacrifice of the property of honest debtors, with adverse recommendation.

By Mr. Leach, from the same Committee:

S. 131, bill fixing the fees of County Solicitors in certain cases, reported, in response to a resolution referred to the Committee upon the subject, recommending its passage.

Mr. Hall introduced the following resolution, viz :

Resolved, That the Finance Committee be instructed either to amend the Revenue Bill of the present session, or to prepare a separate Bill, so as to raise an additional sum of two hundred thousand dollars ; the said amount to be applied to the resuscitation of the Common Schools of the State.

Ordered to be printed and made the order of the day at 12 o'clock, on Wednesday, February 6th.

Bills and resolutions of the titles following being introduced, passed their first reading, and were further ordered, as follows, viz :

By Mr. Perkins : Resolutions (S. P. 84) in favor of Wm. H. Perkins, tax collector of Pitt county.

On motion, by Mr. Perkins,

The rule was suspended and the resolutions passed their second reading.

On motion by Mr. Wilson,

The last resolution was stricken out, and, as amended, the resolutions passed.

Ordered to be engrossed.

By Mr. Covington : Resolution (S. P. 85) for the relief of Culpepper Austin, Sheriff of Union county. Referred to the Committee on Finance.

By Mr. Cunningham: Senate Bill 128, requiring the Plaintiff to make affidavit in action of debt, &c. To the Judiciary.

By Mr. Robins: Senate Bill 129, to amend the charter of the Western Rail Road Company.

On motion by Mr. Robins,

The rule was suspended and the bill passed its second reading.

On motion by Mr. Paschal,

The bill was amended by inserting "Chatham," after the word "Alamance," and, as amended, the bill passed.

Ordered to be engrossed and transmitted forthwith to the House of Commons.

By Mr. Adams: Bill (S. P. 86) to amend an act entitled "An Act to incorporate the Trustees of the Greensboro' Female College in the county of Guilford." To Corporations.

By Mr. Speed: Bill (S. P. 87) to incorporate Kittrells' Springs Female College. To Corporations.

From the House: Engrossed bill (H. 64) to incorporate the Albemarle Swamp Land Company. To Corporations.

Engrossed resolution (H. P. 64) to increase the pay of the Governor's Messenger. Filed.

By Mr. Jones: Senate Bill 133, the better to secure the payment of rents. To be printed and referred to the Judiciary.

A message was received from the House, transmitting a communication from his Excellency, the Governor, in regard to a petition of certain citizens of Granville County, for the establishment of a Tobacco Ware House and Inspection. Referred to the Committee on Propositions and Grievances.

The motion of Mr. Hall, to lay the motion of Mr. Jones, to reconsider the vote by which the Senate passed Senate bill 2, to establish Freehold Homesteads for citizens of the State, on the table, came up as the unfinished business, and the question was put and

Decided in the affirmative, { Yeas, ... 26
Nays, ... 14

On motion by Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Barnes, Berry, Brown, Bullock, Clark, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Harris, of Franklin, Johnston, Kelly, Koonce, Leach, Lloyd, Marshall, Paschal, Perkins, Richardson, Snead, Speed, Thornton, Willey and Williams.

Those who voted in the negative are:

Messrs. Adams, Barnes, Covington, Harris, of Rutherford, Hill, Jones, Love, Matthews, McCorkle, McLean, McRae, Robins, Wiggins and Wilson.

Bills of the titles following, passed their third reading and were ordered to be engrossed, viz:

S. 24, bill to authorize the Justices of the county of Cumberland to fund the interest due on its bonds issued in payment of its stock in the Western Rail Road.

S. 25, bill to authorize the Mayor and Commissioners of Fayetteville to fund the interest due on their bonds issued in payment for stocks in the Western Rail Road Company.

S. 12, bill to protect Landlords against Insolvent Tenants, was considered on its third reading as the Special Order.

Mr. Wiggins offered a substitute, by way of amendment. The substitute was ordered to be printed and the bill re-committed to the Judiciary.

On motion by Mr. Adams,

S. 74, resolution in relation to State Bonds, Act of 1861, were taken from the Calendar and referred to the Committee on Finance.

S. 32, bill to declare valid an Act of the General Assembly amending the charter of the Chatham Rail Road Company, on its second reading was considered.

Mr. Jones moved to amend by striking out the figures "250,000," and insert the figures "200,000," in the eighth line of the preamble to the bill. Adopted.

Mr. Leach moved to amend, by striking out the words "adopted by said Company at a meeting, of which thirty days' notice shall be given, until the whole amount of the stock issued shall not exceed ten hundred and fifty thousand dollars," at the end of the first section, and insert in lieu thereof the following words, "agreed upon by the Board of Internal Improvement and the President and Directors of

said Rail Road Company: *Provided*, That the sum to which said stock shall be thus scaled, shall not exceed one hundred and seventy-six thousand dollars." Adopted.

The question recurring upon the passage of the bill,

Debate arose, and

On motion by Mr. Berry,

The Senate adjourned.

THURSDAY, JANUARY 31, 1867.

Prayer by the Rev. Mr. Hudson.

The Speaker laid before the Senate a communication from Mr. Richard N.Tiddy, of New Berne, in regard to the tax on Insurance Companies. Referred to the Committee on Finance.

Reports from Committees were submitted and filed, as follows, viz:

By Mr. Clark, from the Committee on Corporations:

S. P. 41, bill to incorporate Monroe Lodge, No. 224, of Free and Accepted Masons in the town of Monroe, County of Union, recommending its passage.

S. P. 1, bill to incorporate the Lexington Company, with an amendment, recommending its passage.

By Mr. Johnston, from the same Committee:

H. 64, engrossed bill, to incorporate the Albemarle Swamp Land Company, with an amendment, recommending its passage.

By Mr. Avery, from the Committee on Internal Improvements:

S. 80, bill to incorporate the Yadkin and Cape Fear Canal Company, with favorable recommendation.

By Mr. Avery, from the Committee on the Judiciary:

S. 112, bill to amend an act entitled "An Act more effectually to secure the maintenance of Bastard Children, and the payment of fines and costs on conviction in criminal cases," with adverse recommendation.

By Mr. Hall, from the Committee on Education and the Literary Fund :

S. 87, bill to establish Edinborough Medical College in Robeson County, with amendments, recommending its passage.

S. 96, bill to amend an act to incorporate and establish the Hillsborough Academy, at Hillsborough, with favorable recommendation.

H. 179, engrossed bill to authorize incorporated towns and cities to establish systems of Public Schools, with an amendment, recommending its passage.

On motion by Mr. Love,

H. 47, engrossed bill concerning the County site of Clay County, was taken from the Calendar and referred, with a memorial from certain citizens of the county, protesting against its passage, to the Committee on the Judiciary.

A message was received from the House of Commons, transmitting a message from the Governor, covering a report from the Chairman of the Board of Managers of the Cape Fear and Deep River Navigation Company, with a proposition to refer to a joint select committee of three from each House. Concurred in.

The Speaker designated Messrs. McLean, Williams and Paschal as the Senate branch of the said Committee.

On motion by Mr. Cowles,

Resolved, That the Committee on the Judiciary are instructed to report back to the Senate, the engrossed bill (H. 203) to change the jurisdiction of the Courts and the rules of pleading therein, to the end that some action may be taken thereon.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were further ordered, as follows, viz :

By Mr. Wilson : Resolution (S. 134) in favor of Seward & Wright. Referred to the Committee on Claims.

By Mr. Gash : Senate Bill 134, to prevent unnecessary costs to suits on official bonds. To the Judiciary.

By Mr. Moore : Senate Bill 135, to re-enact and amend an Ordinance to change the jurisdiction of the Courts and the rules of pleading therein.

Ordered to be printed and referred to the Committee on the Judiciary.

From the House: Engrossed bill (H. 222) to abolish imprisonment for debt. To the Judiciary.

Engrossed bill (H. 266) to authorize the appointment of Special Magistrates for incorporated towns in Carteret County. Filed.

Engrossed bill (H. 281) to require the Principal Clerks to index the "Journals" and the "Public Laws."

On motion by Mr. Hall,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

Engrossed bill (H. P. 56) for the benefit of Daniel Johnson, senior, of Bladen county. Filed.

Engrossed bill (H. P. 57) to incorporate the Trustees of the Lowell Colored School Society, in the county of Washington. Filed.

On motion by Mr. Cunningham,

S. 126, resolutions providing for the marking and protecting of the graves of North Carolina soldiers in Oakwood Cemetery, Virginia, was considered, under a suspension of the rule, on its second and third readings, and passed.

Ordered to be engrossed.

Mr. Covington, by leave, submitted a report from the Committee on Finance, as follows, viz:

S. 114, bill to amend chapter 22, section 55, of the Act of 1866, recommending the adoption of a substitute accompanying the bill.

On motion by Mr. Covington,

The rule was suspended and the substitute adopted, and the bill, as amended, passed its second and third readings.

The title was amended so as to read, "A Bill to extend the time for the return to the County Courts of the lands to be sold for taxes."

Ordered to be engrossed.

S. 32, bill to declare valid an act of the General Assembly, amending the Charter of the Chatham Rail Road Company,

was considered as the unfinished business, upon its second reading.

Mr. Robins moved to amend, by striking out all from the word "that," in the third line of the first section, to the words "the Governor," in the eighth line.

Mr. Wilson moved to lay the amendment on the table, and it was

Decided in the affirmative, { Yeas, ... 25. Nays, ... 19.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Battle, Barnes, Berry, Brown, Bullock, Cardwell, &lark, Covington, Cunningham, Edwards, Etheridge, Fere bee, Johnston, Kelly, Lloyd, Marshall, McCorkle, Moore, Perkins, Snead, Speed, Thompson, Thornton, Williams and Wilson.

Those who voted in the negative are :

Messsrs. Adams, Avery, Cowles, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill. Jones, Leach, Love, Matthews, McLean, McRae, Paschal, Richardson, Robins, Wiggins and Williams.

So the motion prevailed.

A message was received from the House of Commons, transmitting a message from his Excellency, the Governor, covering the report of the State Geologist, with a proposition to print twenty copies for each member of this General Assembly, two hundred copies for the Governor, and two hundred copies for the use of the State Geologist.

Mr. Paschal gave notice that should the Senate refuse to concur, he would have to propose the printing of ten cop es for each member, and one hundred copies for the Governor, and a like number for the State Geologist.

The Senate concurred in the proposition of the House of Commons.

On motion by Mr. Speed,

S. 101, bill to provide for the building a fence in Perquimans County, was taken from the Calendar and placed upon its passage, under a suspension of the rule.

Upon further motion by Mr. Speed,

The bill was amended in several particulars and passed.

Ordered to be engrossed.

On motion by Mr. Bullock,

The Senate adjourned.

FRIDAY, February 1st, 1867.

The Speaker laid before the Senate the resignation of Quentin Busbee, Assistant Clerk.

Mr. Clark placed in nomination the name of Mr. Charles M. Busbee, to fill the vacancy.

Mr. Jones added the name of Mr. F. G. Foster.

The Speaker appointed Messrs. Clark and Jones to superintend the election, and the Senate voted as follows, viz:

The following voted for Mr. Busbee, viz:

Messrs. Speaker, Adams, Avery, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Coward, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Richardson, Robins, Thornton, Wiggins, Willey, Williams and Wilson—41.

The following voted for Mr. Foster, viz:

Messrs. Harris, of Rutherford, Snead and Thompson—3.

Mr. Clark, from the committee to superintend the election, reported that Charles M. Busbee received 41 votes, and F. G. Foster 3. Mr. Busbee having received a majority of all the votes, was duly elected.

Mr. Busbee was duly qualified by taking the oath of office and entered upon the discharge of his duties.

Mr. Wilson presented a memorial from a committee of the Mecklenburg Agricultural Society on the subject of Immigration, which was ordered to be printed and referred to the Committee on Propositions and Grievances.

Mr. Hall presented a petition from the Justices of the Peace of New Hanover County in regard to the payment of

Justices required to attend sessions of the Court. Referred to the Committee on Proposition and Grievances.

Reports from Committees were submitted and filed, as follows, viz :

By Mr. Cunningham, from the Committee on Propositions and Grievances :

S. 127, bill to change the jurisdiction of the Courts and the manner of pleading therein, with special report, as follows, viz : That the Committee report the bill back, with a request to be discharged from its further consideration. A large number of bills, on the important subject referred to, are now before the Committee on the Judiciary, and the whole subject is being maturely considered by it. Very important legal and constitutional questions are involved, and the Committee on Propositions and Grievances believe that the Committee on the Judiciary, appointed with reference to such questions, is the proper one to consider them. They deem it highly expedient that this General Assembly should mature some safe plan for a stay in the collection of debts, and believe that a definite conclusion will be more easily reached by having all the plans on the subject before one Committee, that they may be compared and the best selected and recommended.

The Committee was discharged and the bill referred to the Committee on the Judiciary.

By Mr. Wiggins, from the Committee on Finance :

S. 74, resolution in relation to State Bonds, Act of 1861, with a substitute, recommending the adoption of the substitute.

S. 108, bill making provision for the payment of the State Bonds now due, and the interest on the debt of the State, recommending its passage.

S. P. 85, resolution for the relief of Culpepper Austin, Sheriff of Union county, with favorable report.

By Mr. Thompson, from the Committee on Corporations :

S. P. 61, bill to incorporate the Pigeon River Mining and Manufacturing Company of Haywood county, recommending its passage.

S. P. 87, bill to incorporate Kittrells Springs Female College, with favorable report.

By Mr. Leach, from the Committee on the Judiciary :

H. 203, engrossed bill to change the jurisdiction of the Courts and the rules of pleading therein, with amendments, recommending its passage.

On motion, by Mr. Leach,

The bill was made the Order of the day for Tuesday, February 5th, at 11½ o'clock, A. M.

By Mr. Hall, from the Committee on Education and the Literary Fund:

S. 62, bill to incorporporate the Waynesville Baptist College, in the county of Haywood, recommending its passage.

Mr. Gash introduced a bill with the following title, viz:

S. 139, bill to establish a State Penitentiary. Passed first reading, and made the Special Order for Monday, February 4th, at 12 o'clock, M.

On motion, by Mr. Avery,

S. 47, bill to incorporate the "North Carolina Land and Immigration Aid Company," was taken from the Calendar and referred to Committee on Corporations.

On motion, by Mr. Jones,

S. 32, bill to declare valid an Act of the General Assembly amending the Charter of the Chatham Rail Road Company, was taken from the table, and its further consideration postponed to, and made the Special Order for, Tuesday, February 7th, at 11½ o'clock.

Bills and resolutions of the titles following, upon their second reading, were disposed of as follows, viz:

S. 45, bill to direct the mode of holding the Superir Courts in the Judicial Circuits by the Judges thereof. Referred to the Joint Select Committee on the revision of the Judicial system of the State.

H. 81, engrossed bill to repeal an Act, entitled "An Act to provide hands to work on the public roads."

Mr. Speed moved to amend by striking out the first section, and the question thereon was put, and

Decided in the negative, { Yeas, ...10. / Nays, ...29.

On motion, by Mr. Speed,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Barnes, Berry, Coward, Harris of Franklin, Kelly, Koonce, Snead, Speed, Thompson and Wiggins.

Those who voted in the negative are :

Messrs. Adams, Avery, Bullock, Cardwell, Covington, Edwards, Etheridge, Ferebee, Gash, Harris of Rutherford, Hill, Johnston, Jones, Leach, Love, Marshall, Matthews, McLean, McRae, Moore, Paschal, Perkins, Richardson, Robins, Thornton, Willey, Williams and Wilson.

The question recurring, the bill passed its second reading.

Under a suspension of the rule, the bill passed its third reading.

Ordered to be enrolled.

H. 140, engrossed resolutions in favor of the city of Raleigh, passed second and third readings.

Ordered to be enrolled.

On motion by Mr. Hall,

S. 91, bill to enable the city of Wilmington to provide for the payment of the debt of said city, was considered on its several readings, under a suspension of the rule.

Mr. Wiggins moved to amend by striking out the following words at the close of the first section, " and said bonds and the interest to accrue thereon, shall be exempt from taxation." Adopted.

As amended the bill passed.

Ordered to be engrossed.

S. 60, bill to amend the Constitution of North Carolina, came up on its second reading, the question being upon the amendment proposed by the Judiciary Committee.

Mr. Hall moved to lay the amendment on the table and the question thereon was put, and

Decided in the negative, { Yeas, ... 19 / Nays, ... 23

On motion by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Barnes Bullock, Cardwell, Coward, Ferebee, Hall, Harris, of Rutherford, Kelly, Koonce, Love, McCorkle, Mc-

Lean, Paschal, Speed, Thompson, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Adams, Avery, Berry, Brown, Clark, Covington, Cunningham, Edwards, Etheridge, Gash, Harris, of Franklin, Hill, Johnston, Jones, Leach, Matthews, McRae, Perkins, Richardson, Robins, Snea[illegible], Thornton and Wilson.

The question then recurring upon the amendment of the Judiciary Committee,

Debate arose, and

On motion by Mr. Ferebee,

The Senate adjourned.

SATURDAY, February 2, 1867.

Prayer by the Rev. Mr. Hardie.

Messrs. Love, Hill and Speed submitted recommendations for Justices of the Peace for the counties of Jackson, Iredell, and Perquimans respectively. The recommendations were adopted and ordered to be transmitted to the House.

Reports from committees were submitted and filed as follows, viz:

By Mr. Wilson, from the Committee on the Judiciary:

S. 113, bill for the relief of Guardians and Minor Children, with adverse recommendation.

Resolution in regard to Executors, Administrators and Guardians, compromising claims, with unfavorable recommendation, regarding the law as ample upon the subject.—The Committee was discharged.

By Mr. Avery, from the same Committee:

S. 12, bill to protect Landlords against insolvent tenants, recommending its passage.

By Mr. McCorkle, from the same Committee:

S. 133, bill the better to secure the payment of rents, asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Cunningham, from the Committee on Propositions and Grievances.

H. 127, engrossed bill to supply artificial arms to disabled soldiers and for other purposes, with an amendment, recommending its passage.

By Mr. Johnston, from the Committee on Corporations:

S. P. 86, bill to amend an act, entitled "An act to incorporate the Trustees of the Greensboro' Female College, in the county of Guilford," recommending its passage.

S. P. 60, bill to incorporate the American Mining and Manufacturing Company, with amendments, recommending its passage.

By Mr. Koonce, from the Committee on Internal Improvements:

S. 10, bill to consolidate the Atlantic and North Carolina Rail Road Company, the North Carolina Rail Road Company and the Western North Carolina Rail Road Company, recommending its passage.

Bills of the titles following being introduced, passed their first reading, and were ordered as follows, viz:

By Mr. Wiggins: Senate bill 140, to authorize new bonds to be issued to the Western Rail Road Company, in exchange for bonds of the State, dated October 1st, 1861. Filed.

By Mr. Gash: Senate bill 141, to pay Magistrates in Henderson county. Filed.

By Mr. Robins: Bill (S. P. 92) to incorporate the town of Franklinsville, in the county of Randolph. To Corporations.

From the House: Engrossed bill (H. 288) to revise and consolidate the various acts relating to the collection and return of taxes for the support of the indigent insane.

On motion by Mr. Gash,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

A message was received from the House, transmitting a communication from the Governor, covering a telegram from

certain persons in New York, in relation to furnishing provisions for the indigent of the State, with a proposition to refer to a joint select committee of three on the part of each House. Concurred in.

The Speaker designated Messrs. Harris, of Franklin, Cardwell and Kelly, as the Senate branch of the Committee.

A further message was received from the House, transmitting a message from the Governor, covering the report of the President and Superintendent of the Wilmington and Weldon Rail Road Company, with a proposition to refer to the Committee on Finance. Concurred in.

On motion by Mr. Covington,

S. P. 85, resolution for the relief of Culpepper Austin, Sheriff of Union County, was considered, under a suspension of the rule, and passed its second and third readings.

Ordered to be engrossed, and transmitted forthwith to the House of Commons.

On motion by Mr. Leach,

H. P. 47, Engrossed bill to incorporate New Berne Lodge, No. 245, A. Y. M., was taken from the file and passed its several readings.

Ordered, to be enrolled.

On motion by Mr. Berry,

S. 108, bill making provision for the payment of the State bonds now due, was taken from the Calendar, and its further consideration postponed to, and made the special order for, Wednesday, February 6th, at 1 o'clock.

Bills and resolutions of the titles following, came up on their second reading, and were disposed of as follows, viz:

S. P. 1, bill to incorporate the Lexington Mining Company.

The amendment, proposed by the Committee on Corporations, altering the term of duration from "ninety-nine," to "sixty" years, was adopted.

Mr. Johnston moved to amend, by adding the names of Daniel McCann and James E. Parris to the corporators. Adopted.

As amended, the bill passed its second and third readings.

Ordered to be engrossed.

S. P. 5, bill to encourage Immigration. Referred to Corporations.

S. P. 6, bill to incorporate the Fayetteville Street Railway Company. Passed its several readings.

Ordered to be engrossed.

S. P. 10, bill to incorporate "The Merchants and Planters Mutual Benefit Company."

Mr. McCorkle moved to amend, by adding, to the second section, the following: "*Provided, however*, That the lien shall be postponed in favor of landlords, when advancements may be made to tenants." Adopted.

Mr. McCorkle moved to amend further, by adding to the fourth section, the following: "and the corporate privileges herein granted shall continue seven years." Adopted.

As amended, the bill passed its second and third readings.

Ordered to be engrossed.

S. P. 13, bill to amend the 122d chapter of the Acts of 1858–'59, entitled "An Act to incorporate the Bingham Coal Mining Company." Passed second and third readings.

Ordered to be engrossed.

S. P. 17, bill to incorporate the North Carolina Dental Association, and for the establishment of a Board of Dental Examiners. Recommitted to Corporations.

H. P. 10, resolution for the relief of William S. Mason.

Mr. Johnston moved to amend, by striking out the word "three," in the fourth line, and insert "two." Adopted,

As amended, the resolution passed its several readings.

Ordered to be transmitted to the House for concurrence.

On motion by Mr. Speed,

The Senate adjourned.

MONDAY, February 4, 1867.

The Speaker designated Messrs. Clark, Cowles and Snead as the Committee on Enrolled Bill for the week.

Messrs. Horton, of Watauga, Everett, Foard, Gambill and Garrett, were announced, by message, as the House branch of the Committee on Enrolled Bills for the week.

Mr. Cunningham, from the Committee on Propositions and Grievances, submitted a report as follows, viz:

S. 143, bill concerning the Justices of the Peace of New Hanover county, reported in response to a petition from the Justices of said county, recommending its passage.

On motion by Mr. Hall,

Resolved, That the Committee on the Judiciary be, and are hereby requested, to inquire into the propriety of amending the third section of the seventh clause of the Revised Code, so as more effectually to protect the citizens against the wrongful suing out of attachments.

Mr. Battle introduced the following resolution, viz:

Resolved, (the House concurring,) That no bills or new matter shall be introduced and considered by this General Assembly, from and after Friday, the 15th inst.

And it was decided in the affirmative, { Yeas.....27. Nays.....10.

On motion, by Mr. Battle,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Barnes, Berry, Brown, Cardwell, Clark, Covington, Cunningham, Edwards, Etheridge, Gash, Hall, Hill, Johnston, Koonce, Leach, Lloyd, Marshall, McCorkle, McLean, McRae, Paschal, Richardson, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Cowles, Ferebee, Harris of Rutherford, Kelly, Love, Matthews, Moore, Speed, Thornton and Williams.

On motion, by Mr. Hall,

The vote by which the resolution was just adopted was reconsidered.

Mr. Hall moved to amend by striking out Friday, the 15th, and insert Monday, the 11th.

Mr. Love moved to lay the amendment on the table, and the question was put, and

Decided in the negative, { Yeas.....14 / Nays.....22

On motion, by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Cowles, Ferebee, Gash, Harris of Franklin, Hill, Johnston, Leach, Love, Matthews, Marshall, Moore, Paschal and Thornton.

Those who voted in the negative are :

Messrs. Battle, Barnes, Berry, Brown, Cardwell, Clark, Covington, Cunningham, Edwards, Etheridge, Hall, Kelly, Koonce, Lloyd, McCorkle, McLean, McRae, Richardson, Wiggins, Willey, Williams and Wilson.

The question recurring on the amendment,

It was decided in the affirmative, { Neas.....22. / Yeas.....16.

On motion, by Mr- Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Battle, Barnes, Berry, Brown, Cardwell, Clark, Cunningham, Edwards, Etheridge, Hall, Harris, of Rutherford, Kelly, Koonce, Lloyd, McCorkle, McLean, McRae, Paschal, Richardson, Willey, Williams and Wilson.

Those who voted in the negative are :

Messrs. Avery, Covington, Coward, Cowles, Ferebee, Gash, Hill, Johnston, Leach, Love, Marshall, Matthews, Moore, Speed, Thornton and Wiggins.

So the resolution as amended passed.

Ordered to be transmitted to the House.

Bills of the titles following, being introduced, passed their first reading and were ordered as follows, viz :

By Mr. Hall : Senate bill 144, to increase the fees of Inspectors of Naval Stores for the City of Wilmington. Referred to Propositions and Grievances.

By Mr. Love : Senate bill 145, to incorporate the North Carolina Express Company. Ordered to be printed and referred to the Committee on Corporations.

By Mr. Gash : Senate 149, to prescribe the duties of Clerk in issuing marriage licenses. Referred to the Judiciary.

A message was received from the House, transmitting recommendations for Justices of the Peace for sundry Counties.

Those for Randolph, Yadkin and Warren were laid on the table, and the remainder concurred in, and

Ordered to be transmitted to the Governor for commission.

Mr. Thornton recommended the names of sundry persons as Justices of the Peace for Warren county, which was concurred in, and

Ordered to be transmitted to the House.

S. 60, bill to amend the Constitution of North Carolina, came up as the unfinished business.

On motion by Mr. Berry,

Its further consideration was postponed to and made the Special Order for Friday, 8th of February, at 12 o'clock.

S. 139, bill to establish a State Penitentiary, was considered on its second reading, as the order of the day.

Mr. Gash moved to amend by striking out the word "is," in the third line of the first section, and insert the words "and his council are." Adopted.

Mr. Gash moved to amend by striking out the words "one thousand five hundred," in the sixth line of the same section, and insert the words "two thousand," and

It was determined in the negative, { Yeas, ... 17 / Nays, ... 21

On motion by Mr. Berry,

The yeas and nays were ordered,

Those who voted in the affirmative, are:

Messrs. Berry, Brown, Clark, Coward, Cowles, Gash, Hall, Hill, Koonce, Leach, Lloyd, McLean, McRae, Moore, Speed, Wiggins and Wilson.

Those who voted in the negative are:

Messrs. Avery, Battle, Barnes, Cardwell, Covington, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Rutherford, Johnston, Kelly, Love, Marshall, Matthews, McCorkle, Paschal, Richardson, Thornton, Willey and Williams.

On motion by Mr. Gash,

To fill the blank in the fifth line of the second section with "ten thousand,"

It was determined in the affirmative.

On motion by Mr. Covington,

To amend the tenth section by striking out the words, "the same mileage and per diem for each one," and insert the words, "actual traveling expenses,"

It was determined in the affirmative.

On motion by Mr. Covington,

To amend by inserting after the words "return and," in the eighth line of the same section, the words "two dollars per diem and,"

It was determined in the affirmative, { Yeas, ...22 / Nays, ...13

On motion, by Mr. Covington,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Covington, Cowles, Cunnigham, Edwards, Etheridge, Ferebee, Harris, of Rutherford, Hill, Johnston, Kelly, Koonce, Love, Marshall, Matthews, McRae, Moore, Paschal, Richardson, Thornton, Willey and Williams.

The who voted in the negative are:

Messrs. Battle, Barnes, Berry, Brown, Cardwell, Coward, Gash, Lloyd, McCorkle, McLean, Speed, Wiggins and Wilson.

On motion by Mr. Gash, to amend the second line of the twelfth section, by inserting, after the word "dollars," the words "each for the years 1867 and 1868,"

It was determined in the affirmative.

On motion by Mr. Love, to amend by inserting an additional section between the 5th and 6th sections, to be numbered the sixth, as follows:

"*Be it further enacted*, That it shall not be lawful for the Superintendent, by himself, or his Agent, directly or indirectly, to be interested in any contract relating to the building of the Penitentiary,"

It was determined in the affirmative.

As amended, the bill passed its second reading.

S. 10, bill to consolidate the Atlantic and North Carolina Rail Road Company, the North Carolina Rail Road Company and the Western North Carolina Rail Road Company, was, on motion by Mr. Love, postponed to and made the Special Order for Monday, February 11th, at 12 o'clock, M.

S. 12, bill to protect Landlords against Insolvent Tenants, was considered on its second reading.

The question being on the substitute offered by Mr. Wiggins, viz :

Strike out all after the enacting clause, and insert the following :

That in all cases where land has been, or may hereafter be rented, the landlord shall have a lien upon the crop and stock of the tenant for the amount due for rent, which lien shall have the same effect and operation as if the same were levied upon under an execution, and the sale of any portion of said crop shall be null and void, before all the rent due shall have been paid, and this shall apply as well where the rent is payable in money as in part of the crop.

SEC. 2. *Be it further enacted*, That should any tenant, in violation of this act, sell or in any manner dispose of any part of the crop, before payment of all the rent due, the landlord may, by writ of replevin, seize the same wherever to be found, or, by bill of equity, may proceed against the purchaser and the tenant, and upon affidavit of the landlord, his agent or attorney, that the tenant is disposing of or is threatening to dispose of the crop, whereby the landlord is likely to be deprived of his rent, or that there is good reason to believe that the tenant will leave the State without paying the rent due, it shall be the duty of any of the Judges of the courts of law and equity, in this State, upon a bill filed and sworn to, setting forth, in substance, any of the above causes of complaint, to issue writs of sequestration, injunction and *ne exeat*, against such tenant, his aiders and abettors, and to direct that so much of the crop, the stock, or any other personal property of the tenant, shall be delivered into the possession of the landlord, as shall be sufficient to pay all the rent due, and the expenses of such suit.

SEC. 3. *Be it further enacted*, That the removal for any cause of any part of the crop off the land on which it is produced, before payment of all the rent, shall amount to a forfeiture of the *term* or lease of the entire crop, and shall operate as a transfer as much as if done by deed or other writing, of the entire crop to the landlord, and he shall be authorized, in that event, to take immediate possession of the land and crop as his own, and any act or proceedings of the tenant, or any other person under any pretext whatever, done or threatened, with a view to keep the landlord out of possession as aforesaid, shall be a misdemeanor, and, upon indictment and conviction, the party or parties so offending, shall be fined or imprisoned, either or both, at the discretion of the court.

SEC. 4. *Be it further enacted*, That whenever land is or has been rented, and stock and provisions and necessary supplies furnished by the landlord to the tenant, any act done in disposing of any such stock or supplies or any thing else, in violation of the agreement between the parties to such contract, shall operate as a forfeiture of all the rights and interest of the tenant under such contract, and the landlord may, by action of replevin, recover the property wherever found, and, upon due notice to any person holding said property of the rights of the landlord, and refusal to deliver the same, he shall be guilty of a misdemeanor, and, upon indictment and conviction, shall be fined double the value of such property.

SEC. 5. *Be it further enacted*, That the executor, administrator, heirs and assigns of any landlord, may and shall have all the rights, remedies and proceedings for the recovery and security of any rent due, as are here provided for the original landlord.

SEC. 8. *Be it further enacted*, That this act shall take effect from its ratification.

On motion, by Mr. Berry, to strike out the third section, it was

Decided in the affirmative, { Yeas, ... 20. / Nays, ... 16.

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Barnes, Berry, Cowles, Edwards, Etheridge, Ferebee, Gash, Harris, of Rutherford, Hill, Johnston, Leach, Love, Matthews, McCorkle, Moore, Paschal, Richardson, Speed, Thornton and Wilson.

Those who voted in the negative are

Messrs. Battle, Brown, Cardwell, Clark, Covington, Coward, Cunningham, Hall, Kelly, Koonce, Lloyd, McLean, McRae, Wiggins, Willey, and Williams.

Mr. Gash moved to amend, by striking out the fourth section.

After debate thereon,

On motion by Mr. Covington,

The Senate adjourned.

TUESDAY, FEBRUARY 5, 1867.

Prayer by the Rev. J. M. Atkinson.

Mr. Richardson presented a memorial from citizens of Moore county, in reference to the "Relief of the People." Referred to the Committee on the Judiciary.

Mr. Bullock presented names for Justices of the Peace for Granville county, which were recommended, and

Ordered to be transmitted to the House.

Reports from Committees were submitted and filed as follows, viz:

By Mr. McCorkle, from the Committee on the Judiciary:

S. 134, bill to prevent unnecessary costs to suits on official bonds, recommending that it do not pass.

By Mr. Koonce, from the same Committee;

S. 135, bill to re-enact and amend an Ordinance to change the jurisdiction of the Courts and the rules of pleading therein, asking to be discharged from its further consideration. Discharged.

By Mr. Cunningham, from the Committee on Propositions and Grievances:

Memorial in regard to Immigration, with report that they had maturely considered the subject, and consider it one of importance, but that if private capital cannot accomplish the purposes contemplated, they believe the financial condition of the State will not justify any expenditure of public funds to secure it. They, therefore, adhere to the views advanced in a former report on the same subject, and ask to be discharged from its further consideration.

The Committee was discharged.

By Mr. Speed, from the Committee on the Insane Asylum:

S. P. 93, resolution in favor of William Gordon, recommending its passage.

S. 147, resolution in favor of the creditors of the Insane Asylum, recommending its passage.

Mr. Gash submitted the following resolution for consideration:

Resolved, That the Senate, after to-day, hold evening sessions, commencing at half after seven o'clock, P. M.

On motion by Mr. Wiggins to lay on the table, it was

Decided in the affirmative, { Yeas,.....23. Nays,.....16.

On motion, by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Berry, Bullock, Clark, Covington, Cowles, Etheridge, Ferebee, Harris of Franklin, Harris of Rutherford, Leach, Matthews, McCorkle, McLean, Moore, Paschal, Richardson, Speed, Thornton, Wiggins, Williams and Wilson.

Those who voted in the negative are:

Messrs. Barnes, Brown, Cardwell, Cunningham, Gash, Hall, Hill, Johnston, Jones, Kelly, Koonce, Love, Lloyd, Marshall, McRae and Willey.

Bills and resolutions of the titles following, being introduced, were disposed of as follows, viz:

By Mr. Kelly: Bill (S. 148,) to amend the Charter of the Wilmington Railway Bridge Company. Referred to the Committee on Internal Improvements.

By Mr. McLean: Bill (S. P. 94,) to set apart and make perpetual the McIntyre Cemetery in the county of Cumberland. Filed.

Bill (S. 149,) to authorize new bonds to be issued in exchange for bonds of the State issued to the Wilmington, Charlotte and Rutherford Rail Road Company, dated July 1, 1862. Filed.

By Mr. Cowles: Bill (S. 150,) to authorize the President of the Western North Carolina Rail Road Company to borrow money on the faith and credit of the State. To Internal Improvements.

By Mr. Avery: Bill (S. 151,)to i corporate the "Northwestern Rail Road Company." Ordered to be printed and referred to the Committee on Internal Improvements.

A message was received from the House, transmitting a message from his Excellency, the Governor, covering the report of the Attorney General, touching the affairs of the Cape Fear Navigation Company, with a proposition to refer to a Joint Select Committee of three on the part of each House; which, being concurred in, Messrs. Hall, Lloyd and Williams were designated as the Senate branch of the Committee.

A message from the Governor, in regard to the Literary Fund, transmitted from the House, with a proposition to print and refer to the Committee on Education and Literary Fund, was so ordered.

A message was received from the House, informing the Senate of the non-concurrence of that body in the resolution prohibiting the introduction of bills or other matter after the 11th inst.

On motion, by Mr. Willey,

S. P. 93, resolution in favor of William Gordon, was considered, under a suspension of rules, and passed its several readings.

Ordered to be engrossed and transmitted forthwith to the House.

The House concurred in the amendments to the resolution (H. P. 10,) for the relief of Wm. S. Mason.

Ordered to be enrolled.

A message was received from the House, concurring in the recommendations for Justices of the Peace for Granville county.

Ordered to be transmitted to the Governor for commission.

H. 203, engrossed bill to change the jurisdiction of the Courts and the rules of pleading therein, came up, as the Order of the day.

The amendments passed by the Committee on the Judiciary were severally adopted.

Mr. Moore moved to amend by striking out all after the enacting clause and insert the following, viz:

That the jurisdiction of the several Courts of this State, and of Justices of the Peace, and the rules of pleading in said Courts, and also the rules to be observed in trials by Justices of the Peace, shall be the same as prescribed and provided in an Ordinance of the Convention, adopted June 23rd, 1866, except as hereinafter otherwise directed.

SEC. 2. *Be it further enacted*, That all writs in actions of debt, covenant, assumpsit or accounts, issued to Fall Term, 1866, or to Spring Term, 1867, of the Superior Courts, shall be returned by the Sheriffs to Spring Term, 1868, and actions of debt, covenant, assumpsit or account now pending in the Superior Courts, shall be continued to Spring Term, 1868, and if the defendant has entered his plea he shall be allowed to withdraw the same, and take the benefits of section 3, of the Ordinance hereby enacted and amended.

SEC. 3. *Be it further enacted*, That sections 4, 6, 7, 8, 10, 11 and 12, of said Ordinance, are hereby amended, so as to read Spring Term, 1868, instead of Spring Term, 1867, and that in the third proviso of section 10, shall be read Spring Term, 1869, instead of Spring Term, 1868. And that 1st proviso, section 20, be amended so as to read that the time from the first of September until the Spring Term of the Court 1868, barring action or suits or presuming satisfaction or abandonment of rights, shall not be counted. And that section 11 be further amended by adding just preceding the 1st proviso, the words "and all warrants issued in accordance with this section shall be executed at least sixty days before the trial thereof."

SEC. 4. *Be it further enacted*, That any Sheriff, Clerk or other officer, failing to execute any of the provisions of this Act, and that part of the Convention Ordinance not amended or repealed by this Act, when the execution thereof devolves on him, or issuing, receiving or executing any process whatever, contrary to the provisions of this Act, and that part of the Convention Ordinance not amended or repealed by this Act, shall be subject to a penalty of one thousand dollars, to be recovered by rule of Court as penalties and fines were recovered in 1860.

SEC. 5. *Be it further enacted*, That sections 21 and 24 of the Convention Ordinance are hereby repealed, and all the parts and provisions of said Ordinance, not amended or repealed by this act, are by this act confirmed and validated.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

On motion, by Mr. Jones, to refer the bill under consideration, and all others upon the subject of relief to the people, to the Joint Select Committee upon the revision of the Judicial system, it was

Decided in the affirmative, { Yeas.....25 / Nays.....15

On motion by Mr. Barnes,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Barnes, Brown, Cardwell, Clark, Coward, Cunningham, Etheridge, Ferebee, Gash, Hall, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, Matthews, McCorkle, McRae, Speed, Thornton, Wiggins, and Willey.

Those who voted in the negative are :

Messrs. Battle, Berry, Bullock, Covington, Cowles, Harris, of Franklin, Kelly, Lloyd, Marshall, McLean, Moore, Paschal, Richardson, Williams and Wilson.

On motion, by Mr. Bullock, that the Senate adjourn, it was

Decided in the negative, { Yeas, ...16. / Nays, ...18.

On motion, by Mr. Berry,

The Yeas and nays were ordered.

Those who voted in the affirmative are:

Messrs. Avery, Berry, Bullock, Covington, Coward, Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford Leach, Matthews, Paschal, Speed, Wiggins and Wilson.

Those who voted in the negative are:

Messrs. Battle, Barnes, Cardwell, Clark, Cunningham, Gash, Hill, Johnston, Jones, Kelly, Koonce, Love, McCorkle, McLean, McRae, Thornton, Willey and Williams.

S. 12, bill to protect Landlords against Insolvent Tenants, came up as the unfinished business.

The question was upon the motion by Mr. Gash, to strike out the fourth section of the substitute, and

It was determined in the negative.

The question recurring upon the striking out and inserting the amendment of Mr. Wiggins,

Mr. Avery called for a division of the question, and

After debate,

On motion of Mr. Avery,

The Senate adjourned.

WEDNESDAY, February 6, 1867.

Reports from Committees were submitted and filed as follows, viz:

By Mr. Wilson, from the committee on the Judiciary:

H. 222, engrossed bill to abolish imprisonment for debt, recommending the rejection of the same, with special report, as follows:

1st. The bill proposes a discrimination between actions based upon Contracts and those based upon Tort; a distinction which, in the opinion of the Committee, is wholly arbitrary and not founded upon any principle of right and justice.

2d. It proposes a radical change in our laws regulating Bail and Insolvency, as contained in chapter 11 and 59, Revised Code, materially impairing, if not entirely abrogating those chapters, containing a series of laws, which have been upon our Statute Book for many years, which have received the consideration and sanction of our wisest and best statesmen and jurists, and, as your Committee believe, now meet with the approval of the people of the State.

3d. The effects of the bill, if passed into a law, in the opinion of your Committee, will be to impair the solemn obligations of contracts, and, consequently, prove demoralizing in its tendency, enabling the dishonest to practise their fraudulent devices with impunity, whereas the character of all legislation should be such as to encourage and promote fair dealing between man and man, and to enable those who are honest to be protected in their just rights.

By Mr. McCorkle, from the same committee:

S. 127, bill to change the jurisdiction of the Courts and the manner of pleading therein, asking to be discharged from its further consideration.

Discharged, and the bill referred to the Joint Select Committee on Judicial Reform.

By Mr. Moore, from the same committee:

H. 47, engrossed bill concerning the county site of Clay county, with adverse recommendation.

By Mr. Leach, from the same committee:

Memorial for the relief of the people, from the county of Moore, asking to be discharged from its further consideration.

Discharged, and the memorial referred to the Joint Select Committee on Judicial Reform.

By Mr. Gash, from the committee on Claims:

S. P. 89, resolution in favor of Seward & Wright, recommending its passage.

By Mr. Johnston, from the committee on Corporations:

S. P. 92, bill to incorporate the town of Franklinville, in the county of Randolph, recommending its passage.

By Mr. Avery, from the committee on Internal Improvements:

S. 148, bill to amend the charter of the Wilmington Railway Bridge Com, any, reecommending its passage.

S. 150, bill to authorize the President of the Western North Carolina Rail Road Company to borrow money on the faith and credit of the State, with favorable recommendation.

Bills of the titles following, being introdueed, were disposed of as follows, viz :

By Mr. Hill : Bill (S. P. 95) to ineorporate the Agricultural and Mineral Company. Referred to the committee on Corporations.

By Mr. Battle : Bill (S. P. 96) to authorize Evan H. Morgan, late Sheriff of Nash eounty, to eolleet arrears of taxes. To the Judieiary.

On motion by Mr. Wilson,

Engrossed bill (H. 104) to amend an Aet for the relief of Landlords, was taken from the file and referred to the eommittee on the Judiciary.

On motion of Mr. Harris, of Rutherford,

Engrossed bill (H. 222) to abolish imprisonment for debt, was taken from the file, and its eonsideration was postponed to and made Special Order for Tuesday, February 12th, at 12 o'elock, M.

S. 12, bill to proteet Landlords against Insolvent Tenants, was eonsidered on its third reading as the unfinished business, the question being upon the proposition to strike out all after the enaeting elause, and insert the amendment offered by Mr. Wiggins—Mr. Avery having called for a division of the question.

On motion, by Mr. Speed, to amend the original bill by inserting after the word, "measurement," in the twenty-third line of the first seetion, the words, "or weight,"

It was determined in the affirmative.

The Speaker announced the hour for the Speeial Order, to-wit : Resolution (S. 130) with regard to Common Sehools.

On motion, by Mr. Hall,

Its consideration was postponed and the resolution plaeed upon the file.

The Senate resumed the consideration of the bill (S. 12) to protect Landlords against Insolvent Tenants.

On motion, by Mr. Moore, to amend by adding an additional section, viz:

SEC. 2. *Be it further enacted*, That when the rent of land is to be paid in money, the Landlord may attach enough of the crop raised on the land to secure the rent due said Landlord upon making oath that the rent is then due and that he believes the Tenant is abou to remove and make way with the crop grown on said land, and that he believes the tenant has no other property to secure said rent by action at law, notwithstanding the parties may be resident of the same county.

It was decided in the affirmative.

On motion, by Mr. Clark, to reconsider the vote by which the amendment was adopted, it was

Decided in the negative, { Yeas, ... 17. Nays, ... 22.

On motion by Mr. Leach,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Berry, Bullock, Clark, Cowles, Ethcridge, Fercbee, Harris, of Rutherford, Hill, Leach, Matthews, McCorkle, McLean, Paschal, Speed, Thornton and Wilson.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Brown, Cardwell, Covington, Coward, Cunningham, Gash, Hall, Harris, of Franklin, Johnston, Jones, Kelly, Koonce, Love, Loyd, Marshall, McRae, Moore, Wiggins and Willey.

The question upon striking out recurring, it was

Decided in the negative, { Yeas, ... 17. Nays, ... 22.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Battle, Barnes, Cardwell, Covington, Coward, Cunningham, Johnston, Jones, Kelly, Leach, Love, Lloyd, Matthews, McRae, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Avery, Berry, Brown, Bullock, Clark, Cowles, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Kooncc, Marshall, McCorkle, McLean, Moore, Paschal, Speed, Thornton, and Wilson.

Mr. Jones moved to amend by striking out all after the enacting clause and insert as follows, viz :

That upon complaint on oath, being made to any of the officers named in section 1, chapter 7, Revised Code, entitled Attachments, by any lessor of lands or tenements, by lease in writing wherein a sum certain, or a certain part or share of the crops to be made on the demised lands, is reserved as rent, or by the executors, administrators, heirs, or assigns of such lessor, or by his or their agent or agency, that a certain sum of money is due and payable as rent upon such lease, and is unpaid ; or that the rent reserved, in a part of the crop to be made on the demised land, and that the lessee, his executors, administrators, or assigns has removed, or is about to remove from the demised land, the crop or some part thereof made on the demised land, contrary to the stipulations of the lease, without the consent of the lessor or his proper representatives, and without having paid to the lessor or his representatives the rent reserved in the lease, such officer shall issue an attachment as provided in said section ; notwithstanding that oath s not made that the person against whom the attachment is prayed for is a non-resident of the county or State, or that he hath removed, or is removing himself from said county, or hath absconded, or absents himself so that the ordinary process of law cannot be served on him; and notwithstanding that the said defendant is an inhabitant of the county in which the attachment is prayed, and the ordinary process of law can be served on him.

Sec. 2. *Be it further enacted*, Every such officer, before issuing such attachment, shall require the plaintiff, his agent or attorney, to give bond as required in section 3, chapter 7, of Revised Code.

Sec. 3. *Be it further enacted*, The proceedings upon such attachments shall be as in other cases of attachments, except in the following respects: A copy of the attachment, and of

every levy which may be made by the authority thereof, shall be delivered to the defendant as soon after the making of such levy as may be; and no property levied on, under such attachment, shall be replevied, unless the defendant, his agent or attorney, shall give a bond, with good surety, payable to the plaintiff, in double the amount of the debt or demand sued for,—with condition that it shall be void if the plaintiff shall fail to prosecute his suit with effect, or if the defendant shall pay all such debt, damages and costs, as the plaintiff shall recover in his said suit; otherwise to be of full force and virtue: and every defendant, on his giving such bond, to the officer levying the attachment, shall have the property levied on restored to him, and said bond shall be returned to the court with the attachment.

SEC. 4. *Be it further enacted*, Attachments shall also issue, when any lessor, or his proper representative, shall complain on oath, before any proper officer, that the lessee hath broken, or failed and neglected to perform, any covenant or undertaking on his part, entered into any lease in writing, whereby the plaintiff hath sustained any certain damage, the amount of which shall be stated, and the proceedings therein shall be as required in the preceding section of this Act.

SEC. 5. *Be it further enacted*, No attachment shall be issued under this Act where the cause of action shall have existed more than ninety days (Sundays included) before issuing out the same.

SEC. 6. *And be it further enacted*, If, by any lease in writing, for a term of one or more years, in which either a sum certain, or a share of the crop to be made on the demised land, shall be reserved as rent to be paid to the lessor or his proper representative, it shall be stipulated and agreed that the lessee shall not remove from the demised lands, any part of the crop to be made thereon, before paying and delivering to the lessor, or his proper representatives, his or their agreed rent; the said lessor, or his proper representative, to whom said rent is payable, shall have a lien on said crop for said rent. And, in like manner, when it is agreed in any such lease, that the performance of any or all the covenants, on the part of the lessee and his representatives, shall be secured by

a lien on the crop to be made on such demised land, the said lessor, or his representatives, shall have such lien, and if any of the cases in this section provided for the lessee, or his executors, administrators or assigns, should, without the consent of the lessor or his representatives, remove any part of such crop, without having paid the rents and performed all the covenants and understandings on his and their part in said lease contained, he or they, so removing any part of said crop, shall be held guilty of a misdemeanor.

SEC. 7. *And be it further enacted*, Every sale of such crop, or any part thereof, made by any such lessee, shall be held as void, as against the lessor or his proper representatives; and every levy made by any Sheriff, Coroner or Constable, on the said crop, under execution against the said lessee or his representatives, shall be deemed and subject to the claim of the lessor or his representatives, to the payment of the rent, and the performance of all the other covenants by said lessee, in said lease contained.

On motion, by Mr. Leach, to amend the amendment, by striking out the words "that a certain sum of money is due and payable as rent upon such lease," in the first section, and the words "either a sum certain, or," in the sixth section,

They were severally determined in the affirmative.

The question recurring upon striking out and inserting, it was

Decided in the negative, { Yeas,..... 9. Nays,.....28.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Barnes, Covington, Coward, Jones, Leach, McRae, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Adams, Avery, Berry, Brown, Bullock, Cardwell, Clark, Cowles, Cunningham, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Kelly, Koonce, Love, Matthews, McCorkle, McLean, Moore, Paschal, Richardson, Speed, Thornton and Wilson.

The Speaker announced the hour for the consideration of the Special Order, to-wit:

S. 108, bill making provision for the payment of the State bonds now due.

On motion by Mr. Love,

Its consideration was postponed until the bill under debate was disposed of.

The question then recurring upon the passage of the bill, it was

Decided in the affirmative, { Yeas.....30 / Nays.....10

On motion by Mr. Leach,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Cardwell, Clark, Covington, Coward, Cunningham, Etheridge, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Kelly, Koonce, Marshall, Matt ews, McCorkle, McLean, McRae, Moore, Richardson, Thornton and Wilson.

Those who voted in the negative are:

Messrs. Bullock, Cowles, Ferebee, Leach, Love, Lloyd, Paschal, Speed, Wiggins and Willey.

Ordered to be engrossed.

Mr. Clark gave notice that he would, to morrow, move to amend the Rules of the Senate, proposing the Parliamentary rule of the previous question.

S. 108, bill making provision for the payment of State Bonds now due, was considered, as the Special Order, on its second reading.

On motion by Mr. Berry,

The bill was amended in several sections.

Mr. Gash moved to re-consider the several votes by which the amendments were adopted.

Mr. Paschal moved that the Senate adjourn until 10½ o'clock to-morrow.

On motion, by Mr. Hall, to amend by fixing the time at 7½ o'clock, P. M., this evening, it was

Decided in the negative, { Yeas, ... 17.
Nays, ... 21.

On motion by Mr. Hall,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Adams, Battle, Barnes, Berry, Brown, Cardwell, Cunningham, Gash, Hall, Johnston, Jones, Kelly, Koonce, Love, McCorkle, McRae and Willey.

Those who voted in the negative are:

Messrs. Avery, Bullock, Clark, Covington, Cowles, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Hill, Leach, Marshall, Matthews, McLean, Moore, Paschal, Richardson, Speed, Thornton, Wiggins and Wilson.

The question recurring upon the motion of Mr. Paschal,

The Senate adjourned.

THURSDAY, FEBRUARY 7th, 1867.

Mr. Avery, from the joint select Committee on Judicial Reform, to whom were referred sundry bills bills relative to the Relief of the People, reported a bill, as follows:

S. 152, bill to change the jurisdiction of the Courts and the rules of pleading therein, recommending its passage.

On motion, by Mr. Cowles,

The rule was suspended and the bill placed upon its several readings.

On motion, by Mr. Cowles, to amend by striking out in the sixth section the following words, viz: "If the defendant or defendants at the Spring Term, 1867, shall make oath that they have made honest and diligent efforts to pay one-tenth of the principal and interest and costs, but have failed to do so, and they cannot raise the sum without a ruinous sacrifice of property, then," it was

Decided in the affirmative, { Yeas, ... 36.
Nays, ... 5.

On motion, by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Mr. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris of Franklin, Harris of Rutherford, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McLean, Moore, Paschal, Richardson, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. McCorkle, McRae, Speed, Thompson and Willey.

On motion, by Mr. Cowles,

The bill was referred to a Select Committee, with instruction to conform it to the amendment just adopted, and that the first instalment of one-tenth, payable at Spring Term, 1867, shall be postponed until Spring Term, 1868, and that the Committee report as soon as practicable.

The Speaker designated Messrs. Cowles, Leach and Moore, as composing the Committee.

A message was received from the House, transmitting recommendations for Justices of the Peace for the counties of Buncombe, Davidson, Richmond, Halifax, Caldwell, Guilford, Rowan and Mecklenburg, which were concurred in.

Ordered to be transmitted to the Governor for commission.

Messrs. Cowan, Richardson and Kenan were announced by message, as the House branch of the Committee on the Report of the Attorney General, concerning the Cape Fear Navigation Company.

Bills and resolutions of the titles following, being transmitted from the House, were disposed of as follows, viz:

H. 312, engrossed resolution authorizing the Governor to pay freight on supplies furnished by Benevolent Societies.

On motion, by Mr. Kelly,

The rule was suspended and the resolution passed its second and third readings.

Ordered to be enrolled.

H. 320, engrossed bill to amend chapter 46, section 51, Revised Code, making real estates liable to the payment of Widows' year's allowance. Filed.

H. 321, engrossed bill to repeal an Ordinance of the Convention to alter the time of holding the Courts of Pleas and Quarter Sessions of Stanly county.

On motion, by Mr. Marshall,

The rule was suspended, and the bill passed its several readings.

Ordered to be enrolled.

H. 311, engrossed bill to incorporate the town of Rocky Mount, in the county of Edgecombe. Filed.

A message was received from the House, transmitting the following resolution, viz :

Resolved, That this General Assembly do adjourn, *sine die*, on Monday, the 18th inst., at 8 o'clock, A. M.

On motion, by Mr. Love,

Laid on the table.

S. 32, bill to declare valid an Act of the General Assembly amending the Charter of the Chatham Rail Road Company, was considered on its second reading as the Special Order.

The question being on the amendment of Mr. Robins, to strike out the following words in the first section, "the said Act of February, 1863, amending the charter of the Chatham Rail Road Company is compatible with the allegiance of the State to the United States, and consistent with the Constitution of the State and of the United States, and is in full force and,"

It was determined in the affirmative.

On motion by Mr. Berry, to amend by adding the following proviso to the first section, viz :

Provided further, That the Bonds that were exchanged with the city of Raleigh, and the Raleigh and Gaston Rail Road Company, authorized by an Ordinance of the Convention, ratified on the 30th January, 1862, for the purpose of enabling those corporations to subscribe to the capital stock of the Chatham Rail Road Company, are not in accordance with our allegiance to the government of the United States, nor in accordance with an Ordinance passed by the Convention on the 19th October, 1865, repudiating the war debt, and therefore not valid :

It was

Decided in the negative, { Yeas, ... 13 / Nays, ... 23

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Barnes, Berry, Bullock, Covington, Cowles, Cunningham, Edwards, Etheridge, Kelly, McCorkle, Speed, Thompson and Thornton.

Those who voted in the negative are :

Messrs. Adams, Avery, Battle, Brown, Cardwell, Coward, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Koonce, Leach, Love, Matthews, McLean, McRae, Paschal, Wiggins, Willey and Wilson.

The question recurring, "Shall the bill pass its second reading?"

It was

Decided in the negative, { Yeas, ... 19 / Nays, ... 21

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Avery, Brown, Coward, Gash, Hall, Harris of Franklin, Harris of Rutherford, Hill, Jones, Koonce, Leach, Love, Matthews, McLean, McRae, Paschal, Richardson and Wiggins.

Those who voted in the negative are :

Messrs. Battle, Barnes, Berry, Bullock, Cardwell, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Johnston, Kelly, McCorkle, Moore, Speed, Thompson, Thornton, Willey and Wilson.

Mr. Cowles, from the Select Committee, to whom was referred S. 152, bill to change the jurisdiction of the Courts and the rules of pleading therein, reported the bill back with amendments.

On motion by Mr. Wilson,

The Senate adjourned.

FRIDAY, FEBRUARY 8, 1867.

The Speaker laid before the Senate a communication from Henry B. Blackwell, of New York, upon the subject of suffrage.

Referred to the Committee on Federal Relations.

Mr. Love presented a Memorial from the citizens of New Berne, upon the subject of the consolidation of the various Rail Roads from Ducktown to Beaufort. Filed with bill on the Calendar.

Reports from Committees were submitted and filed, as follows, to-wit:

By Mr. Hall, from the Committee on Education and Literary Fund:

S. 156, bill to protect certain interests of the Common Schools, and for other purposes, reported upon communications from the President and Directors of the Literary Fund, recommending its passage.

By Mr. Johnston, from the Committee on Corporations:

S. P. 5, bill to encourage Immigration, with amendments, recommending its passage.

Mr. Battle submitted the following resolution, which was considered and agreed to:

Resolved, That from and after to-day, the rule of last session, prohibiting debate by any one Senator, longer than fifteen minutes on the same subject, without consent, be enforced in the Senate.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were otherwise disposed of as follows, viz:

By Mr. Barnes: Bill (S. P. 98) to amend the Charter of the town of Murfreesboro', in the County of Hertford.

On motion by Mr. Barnes,

The rule was suspended and the bill passed its second and third readings.

Ordered to be engrossed.

By Mr. Johnston: Senate bill 157, to amend the 13th section, chapter 111, Revised Code. Referred to the Committee on Corporations.

By Mr. Speed: Senate bill 158, to grant amnesty and pardon to Females. Filed.

By Mr. Jones: Senate bill 159, to provide for the sale of the Chatham Rail Road. To Internal Improvements.

Senate bill 160, to amend the charter of the Raleigh and Gaston Rail Road Company. To Internal Improvements.

By Mr. Wilson: Senate bill 161, to promote the administration of Justice in the County Courts. To Judicial Reform.

From the House: Engrossed bill (H. 198) to raise Revenue.

Ordered to be printed.

Engrossed bill (H. P. 82) to incorporate the "Dupl n Manufacturing Company." To Corporations.

Engrossed bill (H. P. 88) to amend the charter of the Cape Fear Steam Boat Company. Filed.

Engrossed bill (H. 259) to incorporate the town of Nahunta, in Wayne county. Filed.

On motion by Mr. Thompson,

S. 62, to lay off and establish the county of Vance, was taken from the file, and its consideration postponed to, and made the special order for, Wednesday, February 13th, at 12 o'clock, M.

A message was received from the House, transmitting recommendations for Justices of the Peace for Stokes county. Concurred in.

Ordered to be transmitted to the Governor for commission.

A message was received from his Excellency, the Governor, covering a communication from the President and Directors of the Literary Fund, transmitted from the House, with a proposition to refer to the Committee on Finance, was so ordered.

S. 60, bill to amend the Constitution of North Carolina, came up as the special order.

On motion, by Mr. Berry,

Its consideration was postponed until, and made the Special Order for, Wednesday, February 13th, at 1 o'clock, P. M.

A message was received from the House, transmitting a message from the Governor, covering a communication from

the Public Treasurer, with a proposition to refer to the Committee on Finance. Concurred in.

S. 152, bill to change the jurisdiction of the Courts and the rules of pleading therein, came up as the unfinished business, on its second reading. The amendments of the Select Committee were severally adopted.

On motion, by Mr. Avery, to amend by striking out the word "six" and insert the word "twelve" in the first and third sections,

It was determined in the affirmative.

On motion, by Mr. Harris, of Rutherford, to strike out the word "one-tenth" in the third section and insert the word "one-twentieth,"

It was determined in the negative.

Mr. Speed moved to amend by striking out all after the enacting clause and insert as follows, viz:

"That the civil jurisdiction of Justices of the Peace, the County and Superior Courts of Law and Equity in this State, be and is hereby suspended, from and after the ratification of this Act until the first day of January, 1868.

SEC. 2. That there shall not be any Superior Court of Pleas and Quarter Sessions held in this State for the hearing or determination of any civil cause before the aforesaid first day of January, 1868.

SEC. 3. That the civil jurisdiction of the Supreme Court of North Carolina is hereby suspended from and after the ratification of this Act, until the first day of June, 1868.

SEC. 4. That the Governor be, and is hereby authorized, empowered and required to appoint Courts of Oyer and Terminer, to be held for every county in the State for the trial of all violations of the criminal laws and statutes of the State, at least twice in each county in the State, between the time of the ratification of this Act and the aforesaid first day of January, 1868; and to appoint one of each of the Judges of the Superior Courts of Law and Equity to hold the same in each of the Judicial Districts of the State, under the same rules, regulations, laws and restrictions as heretofore used for the holding of Courts of Oyer and Terminer, and, as far as practicable, at the times and places as is now provided by

law for holding the Superior Courts of Law and Equity in this State.

SEC. 5. That the Governor be, and is hereby authorized and empowered to convene the Supreme Court of North Carolina, at the city of Raleigh, by and with the advice and consent of his Council, at any time after the first day of July, 1867, to hear and determine any criminal causes that may be brought before it by appeal from the Courts of Oyer and Terminer hereinbefore directed to be held, and for no other purpose."

On motion, by Mr. Leach, to amend the amendment by adding the following section, viz :

"That the time from the twentieth day of May, 1861, until the first day of January, 1870, shall not be counted so as to bar actions or suits or presume satisfaction or abandonment of rights,"

It was determined in the affirmative.

On motion, by Mr. Adams, to amend the original bill by adding the following proviso to the sixth section, viz :

"*Provided, however,* That any debtor tendering or paying to his creditor on any debt contracted prior to the first day of May, A. D. 1865, one-tenth of his indebtednesss without a suit having been brought on the same, the said one-tenth shall be entered as a credit on the evidences of said indebtedness, thereupon the remainder of said indebtedness shall not be sued on for twelve months after the payment or tender of said one-tenth."

And it was determined in the affirmative.

The question recurring upon striking out and inserting the amendment offered by Mr. Speed, it was

Decided in the negative, { Yeas, ...10. / Nays, ...32.

On motion, by Mr. Hall,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Bullock, Ferebee, Harris of Rutherford, Jones, Matthews, Paschal, Perkins, Speed, Thornton and Wiggins.

Those who voted in the negative are :

Messrs. Adams, Avery, Battle, Barnes, Berry Brown, Cardwell, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Gash, Hall, Harris of Franklin, Hill, Johnston, Kelly, Koonce, Leach, Love, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Richardson, Thompson, Willey and Wilson.

The question recurring upon the passage of the bill on its second reading, it was

Decided in the affirmative, { Yeas, ... 38 / Nays, ... 4

On motion, by Mr. Kelly,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris of Franklin, Harris of Rutherford, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McLean, McRae, Moore, Paschal, Perkins, Richardson, Speed, Thompson, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Clark, Hill, McCorkle and Wilson.

On motion, by Mr. Matthews, to amend by adding an additional section, as follows, viz:

Be it further enacted, That the jurisdiction of the Supreme Court, for the years 1867 and 1868, is hereby abolished and suspended in all civil actions: *Provided*, That said Court, at said terms, shall have power and jurisdiction to hear and adjudicate all criminal prosecutions that shall come before them for their decision.

It was determined in the negative.

The question "Sshall the bill pass its third reading?" being taken,

It was determined in the affirmative.

On motion by Mr. Leach,

The Senate adjourned.

SATURDAY, FEBRUARY 9, 1867.

Mr. Hall presented the petition of Mr. James F. McRee protesting against the passage of the bill to amend the charter of the Wilmington Railway Bridge Company. Filed with the bill.

Reports from committees were submitted and filed, as follows, viz:

By Mr. Clark, from the Committee on Corporations:

S. 41, bill to repeal part of the 14th section of the 26th chapter of the Revised Code, with favorable recommendation.

S. P. 74, bill to incorporate "The Mecklenburg Female College, in the city of Charlotte," with favorable recommendation.

S. P. 95, bill to incorporate the Agricultural and Mineral Company, recommending its passage.

H. P. 82, engrossed bill to incorporate the "Duplin Manufacturing Company," with favorable recommendation.

By Mr. Thompson, from the same Committee:

S. P. 84, bill to incorporate the Cleveland Mineral Springs Company, with an amendment, recommending its passage.

By Mr. Avery, from the Committee on Internal Improvements:

S. 151, bill to incorporate "The Northwestern Rail Road Company," recommending its passage.

By Mr. Avery, from the Committee on the Judiciary:

S. P. 96, bill to authorize Evan H. Morgan, late Sheriff of Nash county, to collect arrears for taxes, with favorable recommendation.

A message was received from the House, transmitting recommendations for Justices of the Peace for the counties of Washington, Duplin, Chatham, Cherokee, Burke, Carteret, Macon, Bertie, Onslow, Granville, Wake, Caswell and Northampton, which were concurred in.

Ordered to be transmitted to the Governor for commission.

Messrs. Cardwell, Leach, Avery and Cowles made recommendations for Justices of the Peace, for the counties of Rockingham, Davidson, Burke and Yadkin, respectively, which were approved.

Ordered to be transmitted to the House of Commons for concurrence.

On motion by Mr. Wiggins,

S. 158, bill to grant pardon and amnesty to Females, was called up and referred to the Committee on Propositions and Grievances.

Mr. Gash submitted the following resolution for consideration, viz:

Resolved, That the Senate, from and after to-day, hold night sessions, commencing at 7½ o'clock, Monday evening.

Determined in the negative.

A message was received from the House, transmitting the following resolution, viz:

Resolved, That a message be sent to the Senate, to raise a Joint Committee of three on the part of each House, to recommend a day of adjournment of this General Assembly.

On motion, by Mr. Love, to lay on the table, it was

Decided in the affirmative, { Yeas,.....17. Nays,.....16.

On motion by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Bullock, Ferebee, Harris, of Franklin, Harris, of Rutherford, Hill, Leach, Love, Marshall, Matthews, McLean, Perkins, Speed, Thornton and Wiggins.

Those who voted in the negative are:

Messrs. Berry, Brown, Cardwell, Clark, Covington, Cowles, Cunningham, Etheridge, Gash, Hall, Jones, Lloyd, McCorkle, McRae, Willey and Wilson.

Bills and resolutions of the titles following, being received from the House, passed their first reading, and were further disposed of as follows, viz:

Engrossed bill, (H. 309,) to establish a Criminal Court in the county of Craven.

On motion, by Mr. Hall,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

Engrossed bill (H. 271,) to establish a Criminal Court in the county of New Hanover.

On motion, by Mr. Hall,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

Engrossed bill (H. 72,) in favor of Widows. Referred to the Committee on the Judiciary.

Engrossed bill (H. 230,) to incorporate the North Carolina Agricultural and Manufacturing Company. Filed.

Engrossed resolution (H. P. 91,) in favor of J. J. Kitchum, Elisha Davis, of Wilkes, and others.

On motion, by Mr. Cowles,

The rule was suspended and the resolution passed its second and third readings.

Ordered to be enrolled.

A message was received from the House, transmitting the bill (S. 84,) to transfer the Land Scrip donated by the United States for an Agricultural College, with amendments, asking the concurrence of the Senate therein.

The Senate concurred in the amendments.

Bills and resolutions of the titles following, being read the second time, were disposed of as follows, viz:

S. P. 5, bill to encourage Immigration. Laid on the table.

S. P. 14, resolution in favor of Thomas J. Whitaker, late Sheriff of Jones county. Rejected.

S. P. 15, resolution in favor of Daniel G. Fowle. Indefinitely postponed.

H. P. 14, engrossed resolution in favor of Hon. A. S. Merrimon. Passed second and third readings.

Ordered to be enrolled.

H. 21, engrossed bill to incorporate the South Union Manufacturing Company, of Richmond county. Passed second and third readings.

Ordered to be enrolled.

S. P. 24, resolution in favor of Mrs. P. P. Dick, Executrix of the late Judge John M. Dick. Passed second and third readings.

Ordered to be engrossed.

H. 160, engrossed bill to incorporate the Rocky Mount Manufacturing Company.

On motion, by Mr. Clark, to amend by adding to the first section the following words: "On corporations organized under the provisions thereof."

It was determined in the affirmative.

As amended, the bill passed its second and third readings.

Ordered to be transmitted to the House for concurrence in the amendments.

S. 94, resolution in favor of the Public Librarian. Passed second and third readings.

Ordered to be engrossed.

H. P. 15, engrossed bill to be entitled "An Act for the relief of Henry Williams." Passed second and third readings.

Ordered to be enrolled.

H. P. 19, engrossed bill in favor of the Trustees of the Rex Hospital Fund. Referred to the Committee on Finance.

S. P. 38, bill to incorporate the Board of Trade of the city of New Berne. Passed second and third readings.

Ordered to be engrossed.

S. P. 39, bill to change the name of Wayne Female College. Passed second and third readings.

Ordered to be engrossed.

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased. Referred to the Committee on Finance.

A message was received from the House, transmitting the bill (S. 152,) to change the jurisdiction of the Courts and the rules of pleading therein, which had been passed by that body with amendments. The Senate concurred in the amendments.

On motion, by Mr. Ferebee,

The Senate adjourned.

MONDAY, FEBRUARY 11, 1867.

Messrs. Gash, Ferebee, and Etheridge were designated as the Committee on Enrolled Bills for the week.

Messrs. Granbery, Guess, McRae, Stone and Kelsey were announced as the House branch of the Committee.

Mr. Covington presented a petition from citizens of Union county, in regard to the appointment of John D. Williams a Justice of the Peace for said county, protesting against the same. Referred to the Committee on the Judiciary.

Reports from Committees were filed as follows, viz:

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 144, bill to increase the fees of the Inspectors of Naval Stores for the city of Wilmington, recommending its rejection.

By Mr. Wilson, from the Committee on the Judiciary:

S. 146, bill prescribing the duties of Clerks in issuing marriage licenses, recommending the passage of a substitute.

The House of Commons concurred in the recommendations for Justices of the Peace for the counties of Davidson, Rockingham, Burke and Yadkin.

Recommendations for Justices of the Peace for the counties of Cumberland and Jones, transmitted from the House, were concurred in.

Ordered to be transmitted to the Governor for commission.

The following resolution, transmitted from the House, was adopted, viz:

Resolved, That a message be sent to the Senate, proposing to rescind the joint order in reference to the daily sittings of the two Houses of the Legislature, so as to meet at ten instead half past ten o'clock.

The following resolution, transmitted from the House, viz:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, to consist of three on the part of each House, to take into consideration the whole subject of Adjournment; whether, when the Legislature adjourns, it shall do so *sine die*, or to some future day.

Decided in the affirmative, { Yeas, ...22. / Nays, ...15.

On motion of Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Brown, Cardwell, Clark, Covington, Cowles, Cunningham, Etheridge, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Koonce, Lloyd, McRae, Paschal, Richardson, Snead, Thompson, Willey and Wilson.

Those who voted in the negative are:

Messrs. Adams, Avery, Berry, Bullock, Ferebee, Gash, Love, Marshall, Matthews, McLean, Moore, Perkins, Robins, Thornton and Wiggins.

The Speaker designated Messrs. Cowles, Wiggins and Clark, as the Senate branch of the Committee.

Mr. Cowles submitted the following resolution for consideration, viz:

Resolved, That the Public Printer be instructed to print twenty copies of the "Stay Law," for the use of each member of the General Assembly.

It was determined in the affirmative, and ordered to be transmitted to the House for concurrence.

Mr. Berry moved that the vote, by which the Senate passed the engrossed resolution (H. P. 91) in favor of J. J. Kitchum, Elisha Davis, of Wilkes, and others, be rescinded. Filed on the Calendar.

Bills and resolutions of the titles following, being introduced, passed their first reading and were disposed of, as follows, viz:

By Mr. Hall: Resolution (S. P. 103) in favor of Edmund Bradford. Referred to the Committee on Finance.

Bill (S. P. 104) to incorporate the Wilmington Hook and Ladder Company. To Corporations.

By Mr. Speed: Senate resolution 167, in regard to Federal Relations. To Committee on Federal Relations.

The house having concurred in the amendments to the engrossed bill (H. 160) to incorporate the Rocky Mount Manufacturing Company, it was

Ordered to be enrolled.

A message was receiued from the House, proposing to have five copies of the "Stay Law" printed for each member of the General Assembly.

On motion, by Mr. Cowles,

Laid on the table.

On motion by Mr. Adams,

S. P. 86, bill to amend an act, entitled "An Act to incorporate the Trustees of the Greensboro 'Female College," passed its second and third readings, under a suspension of the rule.

Ordered to be engrossed.

S. 99, bill authorizing Executors and Administrators of Insolvent Estates, to settle the same, *pro rata*, was taken up and referred to the Committee on the Judiciary.

H. 174, engrossed bill to amend section 7th, of the 40th chapter of the Acts of 1866, was taken up and referred to the Committee on the Judiciary.

S. 10, bill to consolidate the Atlantic and North Carolina Rail Road Company, was considered on its second reading as the special order.

On motion by Mr. Love, to amend by adding the following words after the word "company," in the eleventh line of the third section, viz:

"And if they deem it advisable for the best interest of the Company and State, shall, (out of their number,) have power to elect a Vice President, who shall assist the President in the discharge of his duties, and may elect or appoint a Secretary and Treasurer, and such other officers, Engineers, Superintendents, Clerks, Agents, Assistants and other employees as they shall from time to time, find necessary for the proper transaction of the business of said Company."

It was determined in the affirmative.

On motion by Mr. Love, to amend by adding an additional section as follows, viz:

SEC. 6. *Be it further enacted*, That said consolidated Company be, and the same is hereby authorized and empowered

to connect with the roads from the States of Tennessee and Georgia, upon such terms as may be agreed on between the companies of the respective roads and States: *Provided, however*, That in making such connections no discriminations shall be made against the Rail Roads and Sea-ports of this State; *And provided further*, That the same shall be approved by the Legislature."

It was determined in the affirmative.

Mr. Hall moved to amend the second section so that the question of consolidation should be left to the Stockholders. Adopted.

The question recurring, "Shall the bill pass its second reading?"

It was

Decided in the negative, { Yeas..... 8 / Nays.....29

On motion by Mr. Harris, of Rutherford,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Covington, Cowles, Gash, Koonce, Love, Matthews and Snead.

Those who voted in the negative are:

Messrs. Adams, Battle, Berry, Brown, Bullock, Cardwell, Clark, Cunningham, Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Lloyd, McCorkle, McLean, RcRae, Moore, Paschal, Perkins, Richardson, Robins, Speed, Thornton, Wiggins, Willey and Wilson.

A message was received from the House, proposing to go into the election for Judge of the Criminal Court of New Hanover county to-morrow at 11½ o'clock. Concurred in.

Mr. O. P. Meares was in nomination in the House.

S. 108, bill making provision for the payment of the State Bonds, now due, was considered on its second reading as the unfinished business.

After debate,

On motion by Mr. Cowles,

The Senate adjourned.

TUESDAY, FEBRUARY 12, 1867.

Prayer by the Rev. J. M. Atkinson.

Reports from Committees were submitted and filed as follows, viz:

By Mr. Johnston, from the Committee on Corporations:

S P. 104, bill to incorporate the Wilmington Hook and Ladder Company, recommending its passage.

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 158, bill to grant amnesty and pardon to Females, with favorable recommendation.

By Mr. Wiggins, from the Committee on Finance:

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased, with adverse report.

By Mr. Hall, from the Joint Select Committee on Cape Fear Navigation Company:

S. 168, resolution in regard to the Cape Fear Navigation Company, recommending its passage.

By Mr. Avery, from the Joint Select Committee on Judicial Reform:

S. 45, bill to direct the mode of holding the Superior Courts in the Judicial Circuits by the Judges thereof, recommending the adoption, in lieu thereof, of the bill (S. 169) to change the Judicial system of the State.

S. 169, bill to change the Judicial system of the State, reported in accordance with the resolution to remodel the Judicial System of the State, recommending its passage. The bill was ordered to be printed and made the Special Order for Friday, February 15th, at 8 o'clock, P. M.

A message was received from the House, transmitting the names of Messrs. Waugh, Harper and Kenan, as the House branch of the Committee on Adjournment.

A message was also received from the Housa, informing the Senate that the House refused to concur in the proposition to print twenty copies of the "Stay Law," for each member of the General Assembly.

On motion by Mr. Wiggins,

The resolution from the House, proposing to print five copies of the "Stay Law," for each member of the General Assembly, was taken from the table and adopted.

A further message was received from the House, proposing to go into an election for Judge of the Criminal Court of Craven County, at fifteen minutes before 12 o'clock, Mr. George Green being in nomination. Concurred in.

On motion by Mr. Wiggins,

H. 198, engrossed bill to raise Revenue, was taken from the file, and its further consideration was postponed to, and made the Special Order for, Thursday, February 14th, at 12 o'clock, M.

S. 108, bill making provision for the payment of the State bonds, was considered on its second reading, as the unfinished business.

On motion, by Mr. Berry, to amend, by inserting in the first section and twelfth line, after the word "Comptroller," the words: "*Provided*, That said officers may, if deemed advisable, cause their signatures to be engraved on said notes, with proper guards against counterfeiting."

It was determined in the affirmative.

On motion, by Mr. Berry, to add the following proviso to the first section, viz: "*Provided*, That this act shall not extend to any interest or principal, fundable under the provisions of the act of March 10th, 1866, commonly called the Funding Act,"

It was determined in the affirmative.

A message was received from the House, transmitting the names of Messrs. Neal and Sudderth, as the House branch of the Committee to superintend the election for Judge for the Criminal Court of New Hanover County, and that the House would vote upon the return of the messenger.

Mr. Paschal nominated Hon. Hugh Waddell.

Mr. Etheridge nominated William A. Wright.

The Speaker designated Messrs. Lloyd and Hill to superintend the election.

The following Senators voted for Mr. Meares, viz:

Messrs. Speaker, Avery, Battle, Berry, Brown, Cardwell, Covington, Hall, Harris, of Franklin, Hill, Johnston, Koonce, McLean, Moore, Thompson and Wilson—16.

The following Senators voted for Mr. Waddell:

Messrs. Bullock, Cowles, Ferebee, Joncs, Marshall, Matthews, Paschal, Richardson, Snead, Speed, Thornton and Wiggins—12.

The following Senators voted for Mr. Wright:

Messrs. Adams, Cunningham, Etheridge, Gash, Love, Lloyd, McCorkle, Perkins, Robins, and Willey—10.

A message was received from the House, transmitting the name of David Carter as in nomination for Judge of the Criminal Court of Craven county, and that Messrs. Chadwick and Neal constituted the House branch of the Committee to superintend the election.

The Senate proceeded to vote, under the superintendence of Messrs. Koonce and Perkins, as follows, viz:

The following Senators voted for Mr. Green:

Messrs. Speaker, Adams, Avery, Battle, Berry, Brown, Bullock, Cardwell, Covington, Cowles, Cunningham, Etheridge, Ferebee, Hall, Harris of Franklin, Johnston, Koonce, Love, Marshall, Matthews, McCorkle, McLean, Moore, Paschal, Perkins, Robins, Speed, Thompson, Thornton, Wiggins, Willey and Wilson.

The following Senators voted for Mr. Carter:

Messrs. Gash, Harris of Rutherford and Snead.

A message was received from the House, transmitting the report of the committee to superintend the election for Judges of the Criminal Court of New Hanover county, as follows, viz:

Whole vote 139. Necessary to a choice 70. Mr. Meares received 63 votes, Mr. Waddell 59, Mr. Wright 14, scattering 3. No election. Concurred in.

The House proposed to go forthwith into the election for Judge of the Criminal Court for New Hanover county. Concurred in.

The Senate, under the superintence of Messrs. Lloyd and Hill, voted as follows:

For Mr. Waddell:

Messrs. Adams, Bullock, Cowles, Ferebee, Harris of Rutherford, Jones, Love, Marshall, Matthews, Paschal, Richardson,

Robins, Snead, Speed, Thompson, Thornton, Wiggins and Willey—18.

For Mr. Meares:

Messrs. Speaker, Avery, Battle, Berry, Brown, Cardwell, Covington, Hall, Harris of Franklin, Hill, Johnston, Koonce, Lloyd, McLean, Perkins and Wilson—16.

For Mr. Wright:

Messrs. Cunningham, Etheridge, Gash, McCorkle and Moore.

The report of the Committee to superintend the election for Judge of the Criminal Court of Craven county was received from the House, and was as follows, viz:

Whole vote 139. Necessary to a choice 70. Mr. Green received 114 votes, Mr. Carter 24, and Mr. Williams of Martin, 1. Mr. Green having received a majority of the whole number cast, was duly elected. Concurred in.

Bills and resolutions of the titles following, being received from the House, passed their first reading, and were filed or referred as follows, viz:

H. P. 42, engrossed bill to incorporate Jerusalem Lodge, No. 95, A. Y. M.

H. P. 44, engrossed bill to incorporate the Rockford Male and Female Seminary.

H. P. 45, engrossed bill to incorporate Tuckasegee Gold and Copper Mining Company.

H. P. 46, engrossed bill in favor of Jacob Siler, Agent of Cherokee Lands.

H. P. 66, engrossed bill to incorporate Carolina Lodge, No. 141, F. and A. M.

H. P. 40, engrossed bill to incorporate St. Phillip's Singing Society.

H. 261, engrossed bill to incorporate the Wilmington Manufacturing Company.

H. P. 43, engrossed bill to incorporate the New Market Foundry and Manufacturing Company of Randolph county.

H. P. 59, engrossed bill to incorporate the Wilson Lodge, No. 226, F. and A. M.

H. P. 72, engrossed bill to incorporate the Trustees of Table Rock Seminary, in the county of Burke.

H. P. 65, engrossed resolution in favor of Horton S. Reeves, of Alleghany county.

H. 224, engrossed bill to establish the dividing line between the towns of Salem and Winston.

H. P. 49, engrossed bill to enable the representatives of W. E. Mann, deceased, late Sheriff of Pasquotank county, to collect arrears of taxes.

H. P. 39, engrossed bill to incorporate the New Berne Memorial Association.

H. P. 79, engrossed bill to incorporate Wilmington Institute, in the city of Wilmington, county of New Hanover.

H. P. 86, engrossed bill to incorporate the Wadesboro Savings Institute. Referred to Corporations.

H. 270, engrossed bill to authorize the formation of the English and American Wool and Vine growing, Manufacturing, Mining and Agricultural Association in the United States of America.

H. 202, engrossed bill to incorporate the Chamber of Commerce, of the city of Wilmington, North Carolina.

On motion, by Mr. Speed, to suspend the rule to take from the file the resolution (S. 147,) in favor of the creditors of the Insane Asylum,

It was determined in the negative, (two-thirds being required,)

Yeas.....19.

Nays.....16.

On motion, by Mr. Gash,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Brown, Bullock, Cardwell, Etheridge, Ferebee Gash, Harris of Franklin, Hill, Jones, Koonce, Lloyd, Matthews, McLean, Perkins, Snead, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative are :

Messrs. Adams, Avery, Battle, Covington, Cowles, Cunningham, Harris of Rutherford, Johnston, Love, McCorkle, Moore, Paschal, Richardson, Robins, Speed and Thompson.

H. 222, Engrossed bill to abolish imprisonment for debt, came up as the special order, on its second reading.

On motion, by Mr. Avery, to amend, by adding the following proviso to the — section, viz :

"*Provided*, That a lien shall attach upon all the property of a defendant from the time of the service of the writ, and shall have the force of an execution." It was

Decided in the negative, { Yeas, ... 9. Nays, ... 26.

On motion by Mr. Speed,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Covington, Cunningham, Gash, Hill, McCorkle, Moore, Robins and Wilson.

Those who voted in the negative are :

Messrs. Adams, Battle, Berry, Brown, Bullock, Cardwell, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Johnston, Jones, Koonce, Love, Lloyd, Matthews, McLean, Paschal, Perkins, Richardson, Speed, Thompson, Thornton, Wiggins and Willey.

The question recurring upon the passage of the bill, it was

Decided in the affirmative, { Yeas, ... 24. Nays, ... 12.

On motion, by Mr. Speed,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Brown, Bullock, Cardwell, Cowles, Cunningham, Etheridge, Ferebee, Gash, Harris, of Franklin, Harris, of Rutherford, Johnston, Jones, Koonce, Lloyd, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Avery, Battle, Berry, Covington, Hall, Hill, Love, McCorkle, McLean, Moore, Robins and Wilson.

Mr. Bullock moved that the Senate do now adjourn.

On motion, by Mr. Johnston, to amend, by adjourning until 7½ o'clock, P. M., it was

Decided in the negative, { Yeas ..... 16 Nays 17

On motion by Mr. Johnston,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Cardwell, Covington, Cunningham, Gash, Hall, Hill, Johnston, Koonce, Love, McCorkle, Moore, Perkins, Richardson, Snead and Willey.

Those who voted in the negative are :

Messrs. Adams, Berry, Bullock, Cowles, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Jones, Matthews, McLean, Paschal, Robins, Speed, Thornton, Wiggins and Wilson.

The question recurring,

The Senate adjourned.

WEDNESDAY, FEBRUARY 13, 1867.

Prayer by the Rev. Mr. Hardie.

Reports from Committees were submitted and filed as follows, viz :

By Mr. Wiggins, from the committee on Finance :

H. P. 19, engrossed resolution in favor of the Trustees of the Rex Hospital Fund, recommending its passage.

S. P. 103, resolution in favor of Edmund Bradford, asking to be discharged from its further consideration, and its reference to the committee on Claims.

Ordered accordingly.

By Mr. McCorkle, from the Committee on the Judiciary :

H. 174, engrossed bill to amend section 7th, of the 40th chapter of the Acts of 1866, recommending its rejection.

By Mr. Brown, from the same Committee :

H. 72, engrossed bill in favor of Widows, with unfavorable recommendation.

By Mr. Moore, from the same committee :

Memorial from citizens of Union county, asking for the removal of John D. Wilhams, as Justice of the Peace of said county, asking to be discharged from its further consideration. Discharged.

Bills, &c., of the titles following being introduced, passed their first reading, and were disposed of as stated:

By Mr. Gash: Bill (171) to authorize the Comptroller to employ a Clerk. Referred to the committee on Finance.

By Mr. Wilson: Bill (S. P. 122) to incorporate "The Charlotte Water Works." To Corporations.

By Mr. Hall: Bill (S. 172) in relation to Inspectors of Wilmington. To Propositions and Grievances.

By Mr. Love: Bill (S. 173) to harmonize and give through freight and travel without the expense of transhipment on the different rail road lines of this State. To Internal Improvements.

Mr. Speed, by permission, presented a petition from citizens of Elizabeth city to sell the Academy Lot in said town. Referred to the committee on Propositions and Grievances.

Mr. Kelly submitted a recommendation for Justice of the Peace for Duplin county, which was made.

Ordered to be transmitted to the House for concurrence.

A message was received from the House, transmitting a recommendation for Justice of the Peace for Bladen county, which was concurred in.

Ordered to be transmitted to the Governor for commission.

The report of the committee to superintend the election of Judge for the Criminal Court of New Hanover county, was transmitted from the House, and is as follows, viz:

Whole vote 140. Necessary to a choice 71. Mr. Meares received 73 votes, Mr. Waddell 58, Mr. Wright 7, Scattering 2. Mr. Meares having received a majority of the whole was elected. Concurred in.

Engrossed bill (H. 204,) to charter the Oxford branch of the Raleigh and Gaston Railroad, transmitted from the House, passed its first reading. Filed.

On motion, by Mr. Koonce,

H. 266, engrossed bill to authorize the appointment of special Magistrates for incorporated towns in Carteret county, was taken up and passed its several readings.

Ordered to be enrolled.

On motion, by Mr. McCorkle,

H. 127, engrossed bill to supply Artificial Arms to disabled soldiers and for other purposes, was taken up and passed third reading.

Ordered to be transmitted to the House for concurrence in the amendment.

On motion, by Mr. Hall,

The rule was suspended and the bills on the Private Calendar were considered on their second and third readings.

Bills of the titles following were passed and ordered to be engrossed, viz:

S. P. 41, bill to incorporate Monroe Lodge, No. 224, of F. A. M., in the town of Monroe, county of Union.

S. P. 60, bill to incorporate the American Mining and Manufacturing Company.

S. P. 51, bill to incorporate the "Pigeon River Mining and Manufacturing Company of Haywood county."

S. P. 62, bill to incorporate the Waynesville Baptist College, in the county of Haywood.

The following bills were ordered to be enrolled, viz:

H. 55, engrossed bill to amend the charter of the Oceanic Hook and Ladder Company, of the town of Beaufort.

H. 167, engrossed bill to amend an act entitled "An Act to incorporate the North Carolina Joint Stock Publishing Co."

The following bills were referred as follows, viz:

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased. Recommitted to Finance.

H. 176, engrossed bill to amend the charter of the Plaster Bank and Salt Works Rail Road Company. To Internal Improvements.

H. 90. engrossed bill to revive and amend the charter of the Shelby and Broad River Rail Road Company. To Internal Improvements.

Resolutions of the titles following were disposed of as stated, viz:

S. P. 43, resolution in favor of R. F. Armfield. Indefinitely postponed.

S. P. 44, resolution in favor of Lewis Hummell, of Wayne county. Indefinitely postponed.

S. P. 54, resolution in favor of A. E. Jacobs. Rejected.

Mr. Hall moved that the Senate resolve itself into Committee of the Whole upon the bill (S. 62,) to lay off and establish the county of Vance, and

It was determined in the affirmative.

The Senate accordingly resolved into the Committee of the Whole, and after some time spent therein, the Speaker resumed the Chair, and Mr. Wilson reported that the Committee having, according to order, had the bill (S. 62,) to lay off and establish the county of Vance under consideration, had directed him to report the said bill back, with an amendment, recommending its rejection.

The amendment offered to the bill, to change the name from "Vance" to "Pamplico," was agreed to.

On motion by Mr. Gash,

To amend by adding the following as an additional section, viz:

Be it further enacted, That the said County of Pamplico shall assume and pay her just proportion of the public debt of Craven County, justly owing on the first day of January last, apportioned according to the taxable property of the two counties, after the next assessment of taxable property in this State: *Provided, however*, That only that portion of Pamplico county, originally belonging to Craven county, shall be computed in said assessment; but that portion taken from Beaufort county may be assessed in the same manner, to pay the just proportion of the public debt of Beaufort county.

It was decided in the affirmative.

On motion by Mr. Hall,

To amend, by striking out the words "within the limits of the proposed new county of Pamplico," and insert "within each of the counties of Craven and Beaufort,"

It was decided in the negative.

The question recurring upon the passage of the bill,

It was decided in the negative, { Yeas, ...19 / Nays, ...19

On motion by Mr. Covington,

The yeas and nays were ordered,

Those who voted in the affirmative, are:

Messrs. Adams, Brown, Bullock, Covington, Etheridge, Fercbee, Gash, Johnston, Jones, Kelly, Koonce, Lloyd, Marshall, Matthews, Perkins, Richardson, Snead, Thompson and Thornton.

Those who voted in the negative are:

Messrs. Avery, Battle, Berry, Cardwell, Cowles, Cunningham, Hall, Harris, of Franklin, Hill, Love, McCorkle, McLean, Moore, Respass, Robins, Speed, Wiggins, Willey and Wilson.

The Speaker voted with the negative.

On motion by Mr. Wilson,

The Senate adjourned.

THURSDAY, FEBRUARY 14, 1867.

Prayer by the Rev. Mr. Hudson,

Reports from Committees were submitted, and filed as follows, viz:

By Mr. Wilson, from the Committee on the Judiciary:

H. 107, engrossed bill to amend an act for the relief of landlords, with adverse recommendation.

By Mr. Gash, from the Committee on Claims:

S. P. 103, resolution in favor of Edmund Bradford, with recommendation adverse to its passage.

By Mr. Wiggins, from the Committee on Finance:

S. 171, bill to authorize the Comptroller to employ a Clerk.

By Mr. Johnston, from the Committee on Corporations:

S. P. 122, bill to incorporate "The Charlotte Water Works Company," recommending its passage.

By Mr. Moore, from the same Committee:

S. P. 17, bill to incorporate the North Carolina Dental Association, and for the establishment of a Board of Dental Examiners, and

S. 47, bill to incorporate "The North Carolina Land and Immigration Aid Company," with amendments, recommending their passage.

Bills of the titles following, being introduced, were disposed of as follows, viz :

By Mr. Paschal : Senate bill 175, to consolidate the Chatham Rail Road and the Western Rail Road. Referred to the Committee on Internal Improvements.

By Mr. Hall : Senate bill 176, to secure advances for agricultural purposes. To the Judiciary.

From the House : Engrossed bill (H. 126) concerning Surveyors and Processioners. Filed.

Engrossed bill (H. 138) to pay jurors in capital cases. Filed.

Engrossed bill (H. 149) to amend an act, entitled "An Act to extend the time for perfecting titles to lands," passed 7th day of February, A. D., 1865. Filed.

Engrossed bill (H. 297) to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract. Referred to Committee on Internal Improvements.

Engrossed bill (H. 323) concerning mileage. Filed.

Engrossed resolution (H. 361) in favor of the Memorial Association of the City of Raleigh.

On motion by Mr. Cunningham,

The rule was suspended and the resolution passed its second and third readings.

Ordered to be enrolled.

A message was received from the House, informing the Senate of the non-concurrence of that body in the amendment to the engrossed bill (H. 127) to supply artificial arms to disabled soldiers, and for other purposes.

The Senate receded.

Ordered to be enrolled.

On motion, by Mr. Cardwell,

To re-consider the vote by which the Senate rejected Senate bill 62, to lay off and establish the county of Vance,

Mr. Wiggins moved to lay on the table, and it was

Decided in the negative, { Yeas, ...14. Nays, ...24.

On motion, by Mr. Covington,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Barnes, Berry, Cowles, Cunningham, Edwards, Hall, Harris, of Franklin, Hill, Johnston, Robins, Speed, Wiggins, Willey and Wilson.

Those whovoted in the negative are:

Messrs. Adams, Avery, Battle, Brown, Cardwell, Covington, Etheridge, Ferebee, Gash, Harris, of Rutherford, Jones, Koonce, Leach, Lloyd, Marshall, Moore, Paschal, Perkins, Respass, Richardson, Snead, Thompson, Thornton, and Williams.

The motion to re-consider prevailed.

The question recurring upon the passage of the bill, it was

Decided in the negative, { Yeas, ...20. Nays, ...20.

On motion by Mr. Covington,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Covington, Etheridge, Ferebee, Gash, Harris, of Rutherford, Jones, Kelly, Koonce, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Richardson, Snead, Thompson, Thornton and Williams.

Those who voted in the negative are:

Messrs. Avery, Battle, Barnes, Berry, Cardwell, Cowles, Cunningham, Edwards, Hall, Harris, of Franklin, Hill, Johnston, Love, McLean, Moore, Robins, Speed, Wiggins, Willey and Wilson.

A message was received from the House, transmitting recommendations for Justices of the Peace for Stanly and Sampson counties. Those from Stanly were laid on the table, those for Sampson were concurred in, and

Ordered to be transmitted to the Governor for commission.

Mr. Marshall submitted recommendations for Justices of the Peace for Stanly county, which were approved and transmitted to the House for concurrence.

S. 108, bill making provision for the payment of State bonds now due, was taken up as the unfinished business, on

its second reading, and the question being upon its passage, it was

Decided in the negative, { Yeas, ... 15 / Nays, ... 27

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Berry, Bullock, Covington, Etheridge, Gash, Johnston, Jones, Koonce, Love, Lloyd, Matthews, Wiggins and Wilson.

Those who voted in the negative are:

Messrs. Battle, Barnes, Brown, Cardwell, Cowles, Cunningham, Edwards, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Kelly, Leach, Marshall, McCorkle, McLean, Moore, Paschal, Perkins, Richasdson, Robins, Snead, Speed, Thornton, Willey and Williams.

On motion by Mr. Bullock,

H. 204, engrossed bill to charter the Oxford Branch of the Raleigh and Gaston Railroad, was taken from the file and referred to the Committee on Internal Improvements.

On motion by Mr. McLean,

Leave of absence was granted to the Speaker.

On motion by Mr. Battle,

Leave of absence was granted to Mr. Hall, until Monday next.

On motion by Mr. Moore,

The Senate reconsidered the vote by which it rejected the bill (S. 198,) making provisions for the payment of the State bonds now due. Filed.

A message was received from the House, proposing to raise the number of the Joint Select Committee on Federal Relations to five in each House. The Senate refused to concur.

Mr. Cowles submitted the following resolution for consideration, viz:

Resolved, That the Senate and House of Commons assemble to-morrow at 12 M., in joint convention upon the State of the Union, for the purpose of considering the resolution, (S. 167,) upon Federal Relations, and for the purpose of ma-

turing some plan as a basis of reconstruction of the Government.

On motion by Mr. Hall,

To amend by changing the time until Wednesday next,

It was determined in the affirmative.

On motion by Mr. Leach,

Laid on the table.

H. 198, engrossed bill to raise revenue, came up as the Special Order, on its second reading.

Mr. Wiggins moved to amend Rule 8, by inserting, after word "authorized" in the second line, the words "and required." Adopted.

On motion by Mr. Jones,

To amend the section on Poll Tax, by striking out the words, "It shall be the duty of all persons and corporations to list and pay the tax of such persons liable to the same, as are in their employment, on the 1st. day of April of each year, as laborers, and the amount of said tax may be retained out of any moneys due such employees. Such employees shall be listed in the county where they are employed," and insert in lieu thereof the words, "Every person who on the first day of April shall have any person subject to poll tax as a member of his family, or in his employment or living on his land or in his h use by consent of the owner of said lands, shall list such persons and pay the tax and may retain the same out of any moneys due him :"

It was determined in the negative.

On motion by Mr. Avery,

To add to the section the following proviso, to wit :

"*Provided*, That no species of property shall be exempt from execution for poll tax,"

It was decided in the affirmative.

Mr. Jones moved to amend section third of class one, by striking out the words, "and kitchen." Adopted.

On motion by Mr. Leach,

To amend the same section by striking out the figures "100" and insert "500,"

It was decided in the affirmative.

On motion by Mr. Gash,

To amend by striking out the proviso to the ninth section, class one as, follows:

"*Provided*, That this section does not apply to vessels of more than five tons burden,"

It was determined in the affirmative.

On motion by Mr. Wilson,

To amend the sixth section of the second class, by adding the following proviso, viz:

"*Provided*, That the salaries of the Judges of the State shall not be subject to the operations of this section,"

Mr. Moore moved to amend the amendment by striking out the words "or of this or any other State," in the bill, and insert the words "or of any other State than this," which was not adopted; and the question recurring upon the amendment of Mr. Wilson, it was

Decided in the negative, { Yeas, ... 3. Nays, ... 36.

On motion by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Harris, of Rutherford, Speed and Wilson.

Those who voted in the negative are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Covington, Cowles, Cunningham, Edwards Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Hill Johnston, Jones, Kelly, Koonce, Love, Matthews, McLean Moore, Paschal, Respass, Richardson, Robins, Snead, Thompson, Thornton, Wiggins, Willey and Williams.

On motion by Mr. Jones,

To amend the same section by adding the following proviso, viz:

"*Provided*, That the salaries and fees of mechanics shall not be taxed, where their salaries and fees do not exceed one thousand dollars."

It was decided in the negative.

On motion by Mr. Wiggins,

The Senate adjourned.

FRIDAY, FEBRUARY 15, 1867.

The Senate was called to order by Mr. Wilson, Speaker *pro tem.*

Reports from Committees were submitted and filed as follows, viz:

By Mr. Wiggins, from the committee on Finance:

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased, recommending the adoption of a substitute.

By Mr. Wiggins, from the committee on Internal Improvements:

H. 160, bill to amend the charter of the Raleigh and Gaston Rail Road Company, with an amendment, recommending its passage.

By Mr. Koonce, from the same committee:

H. 297, engrossed bill to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract, with favorable recommendation.

By Mr. Love, from the same committee:

H. 176, engrossed bill to amend the charter of the Plaster Bank and Salt Works Rail Road Company, recommending its passage.

By Mr. McCorkle, from the Committee on the Judiciary:

S. 99, bill authorizing Executors and Administrators of insolvent estates to settle the same *pro rata*, recommending its rejection.

By Mr. Johnston, from the Committee on Corporations:

H. P. 86, engrossed bill to incorporate the Wadesboro' Savings Institution, recommending its passage.

Bills and resolutions of the titles following being introduced, passed their first reading, and were disposed of as follows, viz:

By Mr. McCorkle: Resolution (S. P. 123) in favor of Jas. H. White. Referred, with accompanying memorial, to the committee on Finance.

By Mr. Gash: Senate bill 183, to encourage the sale of State bonds and for other purposes. To Finance.

By Mr. Leach: Senate bill 184, to establish a Board of Regents for the University and the Male Colleges of the State. To Education and Literary Fund.

By Mr. Jones: Senate bill 185, to amend the 11th section of the 31st chapter of the Revised Co e. To the Judiciary.

From the House: Engrossed bill (H. 199) to regulate taxation by the County Courts. Filed.

On motion by Mr. Avery,

The order making the bill (S. 169) to change the Judicial System of the State, the Special Order for Friday, February 15th, at 8 o'clock, P. M. was rescinded.

The following resolution, transmitted from the House, was concurred in, viz:

Resolved, That for the purpose of facilitating the public business, from and after Monday next, the two Houses hold evening sessions, commencing at half past seven o'clock.

A message was received from the House, concurring in the recommendations for Justices of the Peace for the county of Stanly, and also transmitting recommendations for Gaston, Beaufort and Columbus counties, which were concurred in.

Ordered to be transmitted to the Governor for commission.

Also, transmitting bill (S. P. 75) to amend the charter of the town of Hendersonville, with an amendment, asking the concurrence of the Senate.

The Senate refused to concur.

Also, proposing to hold a Joint Convention of the two Houses, on Monday next at 12 o'clock, M., in the Hall of the House of Commons, and that Messrs. Brown, Boyden, Hanes and Leach be requested to meet the Convention and make such revelations as will enable the members of this General Assembly to enter upon the imporant subject of Federal Relations understandingly.

The Senate refused to concur.

On motion by Mr. Leach,

The resolution introduced by Mr. Cowles, on the same subject, was taken from the table, by

The following vote, { Yeas, ... 22. / Nays, ... 17.

On motion by Mr. Kelly,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Barnes, Brown, Bullock, Covington, Cowles, Gash, Harris, of Rutherford, Hill, Johnston, Jones, Leach, Lloyd, Marshall, Matthews, McCorkle, McLean, Paschal, Perkins, Respass, Robins, and Snead.

Those who voted in the negative are:

Messrs. Avery, Battle, Cardwell, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Franklin, Kelly, Koonce, Love, Moore, Richardson, Thornton, Wiggins, Willey and Williams.

Mr. Love moved to amend, by striking out all after the word "resolved," and insert as follows:

"That a message be sent to the House of Commons, proposing to hold a joint Convention of the two Houses on Wednesday next, at 12 o'clock, in the Hall of the House of Commons, and that Messrs. Brown, Boyden, Hanes and Leach be requested to meet the Convention and make such revelations as will enable the members of this General Assembly to enter upon the important subject of Federal Relations understandingly."

Mr. Avery moved to amend the substitute, by striking out the words, "to hold a joint Convention of the two Houses on Wednesday next, at 12 o'clock, M., in the Hall of the House of Commons, and that," and insert in lieu thereof, the words "to invite," and strike out the words "be requested to meet the Convention," and insert the words, "to address the members of the two Houses informally assembled in the Hall of the House of Commons."

Mr. Leach proposed the following as a substitute for the resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to hold a joint Convention of the two Houses on Wednesday next at 12 o'clock, in the Hall of the House of Commons, to confer together, and consider the condition of the country, and the subject matter of the resolutions introduced into the Senate by the Senator from Pasquotank.

On motion by Mr. Kelly, to lay on the table, it was

Decided in the affirmative, { Yeas, ...21. / Nays, ...20.

On motion, by Mr. Kelly,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Avery, Battle, Bullock, Cardwell, Cunningham, Edwards, Etheridge, Ferebee, Gash, Harris, of Franklin, Kelly, Koonce, Mqsa aall, Moore, Paschal, Thompson, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are,

Messrs. Barnes, Brown, Covington, Cowles, Harris, of Rutherford. Hill, Johnston, Jones, Leach, Love, Lloyd, Matthews, McCorkle, McLean, Perkins, Respass, Richardson, Robins, Snead and Speed.

On motion by Mr. Wiggins,

H. 323, engrossed resolution concerning mileage, was taken up on its second reading.

And the question, "Shall the resolution pass? was

Decided in the affirmative, { Yeas, ...27 / Nays, ...14

On motion, by Mr. Cardwell,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Avery, Bullock, Covington, Edwards, Ferebee, Gash, Harriss, of Franklin, Hill, Johnston, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, Moore, Paschall, Richardson, Respass, Speed, Thompson, Wiggins, Willey, Williams.

Those who voted in the negative are.

Messrs. Battle, Barnes, Brown, Cardwell, Cowles, Cunningham, Etheridge, Harris, of Rutherford, Jones, Kelly, Perkins, Robins, Snead and Thornton.

The resolution paseed its third reading.

Ordered, To be enrolled.

On motion by Mr. Gash,

S. 139, bill to establish a State Penitentiary, was taken up, and its further consideration was postponed to and made the Special Order for Monday, February 18th, at 8 o'clock. P. M.

On motion by Mr. Adams,

S. 60, bill to amend the Constitution of North Carolina, was called up and its further consideration was postponed to

and made the Special Order for Wednesday, February 20th. at 12 o'clock M.

H. 198, engrossed bill to raise Revenue came up as the unfinished business.

On motion by Mr. Speed,

To amend by inserting the following words after the word "State" in the seventh line, section six, class one, viz:

Provided, That any holder of credits liable to taxation shall return the same to the tax list taker at the same time that other property is listed for taxation in each and every year, a statement of each Bond, Note or Bill of Exchange, held or owned by him, with the amount of principal money due upon each. It was

Decided in the negative, { Yeas, ... 7
Nays, ... 30

On motion, by Mr. Speed,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Bullock, Etheridge, Ferebee, Harris, of Rutherford, Jones, Koonce and Speed.

Those who voted in the negative are:

Messrs. Adams, Avery, Barnes, Brown, Cardwell, Covington, Cowles, Gunningham, Edwards, Gash, Hill, Johnston, Kelly, Koonce, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, Moore, Paschal, Perkins, Richardson, Robins, Thompson, Thornton, Wiggins, Willey and Williams.

On motion by Mr. Speed, to amend the second section of third class, by striking out the word "ten," in fifth line, and insert the words, "seven and one-half,

It was determined in the negative.

On motion by Mr. Cowles, to amend the same section by striking out the word "fifteen," in the seventh line, and insert the word "fifty."

It was decided in the affirmative.

On motion by Mr. Moore, to strike out the proviso, at the close of the same section, and insert, in the next section, after the word "gallon," in the fifth line, the following proviso, viz:

Provided, That whenever the purchaser of liquors, mentioned in this or the preceding section, agrees to pay the tax

due the United States, or this State, on such liquor, said tax shall be held part of the purchases,

It was decided in the affirmative.

On motion by Mr. Speed, to amend, by striking out all after the words "one dollar," in the fourth line of section fourteen, class three,

It was decided in the negative.

On motion by Mr. Cowles, to amend the fifth section of Schedule B, by adding the following words, viz: "On each lecture for reward, five dollars,"

It was decided in the affirmative.

On motion by Mr. Cowles, to amend the sixth section of Schedule B, by inserting in the first line, after the word "each," the word "public,"

It was decided in the affirmative.

On motion by Mr. Gash, to insert in the third line of the fourteenth section, Schedule B, after the word "gallon," the words, "if from fruit, ten cents per gallon,"

It was determined in the negative.

On motion by Mr. Johnston, to amend, by striking out the word "twenty-five," in the same line, and insert the words, "twelve and one-half,"

It was decided in the negative.

Mr. Cowles moved to amend the same section, by adding the following words, viz: "The County Courts shall have power to discriminate in levying taxes for county purposes, by taxing liquors distilled at a higher or lower rate than on other subjects of taxation."

On motion by Mr. Gash, to amend the amendment, by adding the following words, "and that they may also tax brandy at their discretion for the same purpose,"

It was decided in the negative.

Mr. Cowles' amendment then prevailed.

On motion by Mr. Robins, to amend the eighteenth section of Schedule B, by inserting, after the word "Court," in the seventh line, the words "or Justices,"

It was adopted.

On motion, by Mr. Robins, to amend the twentieth section, by inserting after the word "Court," in the sixth line, the words "or Justices."

It was adopted.

On motion by Mr. Robins, to amend the fourth section of Schedule C, by striking out the figures "500," and insert the figures "100,"

It was determined in the affirmative.

On motion by Mr. Gash, to amend the fifth section, by inserting after the word "Treasury," in line twelve, the words, "for the seal of a Court of Equity or Superior or County Court, twenty-five cents,"

It was not adopted.

On motion by Mr. Robins, to amend the same section, by adding the following proviso, viz:

"*Provided*, That the provisions of this section shall not extend to seals of Courts of Equity, Superior or County Courts,"

It was determined in the affirmative.

Mr. Gash moved to amend the seventh exception in the sixth section, by striking out the words, "in the military, naval or marine service of the State or the late Confederate States," in the second and third lines.

On motion by Mr. Cowles,

To amend by striking out the words "military, naval, or marine service of the State or the late Confederate States," and insert the words "in the late war,"

It was not adopted.

The question recurring on the amendment of Mr. Gash, it was

Decided in the affirmative, { Yeas, ... 28. / Nays, ... 8.

On motion by Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Brown, Bullock, Cardwell, Covington, Cowles, Cunningham, Etheridge, Ferebee, Gash, Hill, Johnston, Jones, Koonce, Leach, Love, Matthews, McCorkle, McLean, Moore, Paschal, Perkins, Robins, Snead, Speed, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Battle, Barnes, Edwards, Harris, of Franklin, Kelly, Thompson, Thornton and Williams.

On motion, by Mr. Gash,

The section was still further amended by striking out the words, "in said service," in the sixth line, and the words, "of all persons who have lost their lives in said service," in the sixth and seventh lines.

On motion by Mr. Wiggins,

To amend by inserting the following as an additional section, to be numbered the seventh, viz:

"On every charter of incorporation of any Company, granted by the General Assembly, other than those for charity, benevolence or literature, when the corporators had power to become incorporate under the provisions of chapter 26, Revised Code, entitled "Corporations," and on amendments of every such charter, whether originally granted by the General Assembly or secured by letters patent or otherwise, there shall be a tax of twenty-five dollars, paid directly to the Public Treasurer. No Company shall be organized under such special act of incorporation, or derive benefit from any act to amend their charter, without first obtaining a certified copy of such act from the Secretary of State, which shall not not be furnished until the Treasurer's receipt for the said tax shall be filed in the office of the said Secretary."

It was determined in the affirmative.

The bill as amended passed its second reading.

On motion by Mr. Wiggins,

It was made the Special Order for Monday, February 18th, at 12 o'clock, M.

On motion by Mr. Wiggins,

The Senate adjourned.

SATURDAY, February 16, 1867.

Mr. Wilson, Speaker *pro tem.*, in the chair.

Reports from standing committees were submitted and filed, as follows, viz:

By Mr. Wiggins, from the committee on Finance :

S. 183, bill to encourage the sale of State bonds, and for other purposes, recommending its passage.

By Mr. Gash, from the same committee :

S. P. 123, resolution in favor of James H. White, with favorable recommendation.

By Mr. McLean, from the committee on Internal Improvements :

S. 175, bill to consolidate the Chatham Rail Road and the Western Rail Road, recommending its passage.

Bills and resolutions of the titles following, being introduced, passed their first reading and referred, as follows, viz :

By Mr. Jones : Bill (S. 178) to incorporate the Colored Educational Association of North Carolina. To Education and Literary Fund.

By Mr. Cowles : Resolution (S. P. 124) in favor of Horace C. Davis, of Yadkin county. To Finance.

By Mr. Jones : Bill (S. 188) to donate to the Wake county Work House the tract of land known as the Camp Mangum tract. To Propositions and Grievances.

A message was received from the House, refusing to recede from its amendments to the Senate Bill 75, to amend the Charter of the town of Hendersonville.

The Senate insisted upon its disagreement.

Also, covering a message from his Excellency, the Governor, transmitting a communication from the Assistant Adjutant General of the United States, in reference to prisoners of war.

Also, a joint resolution proposing to raise a joint select committee of inquiry, concerning the University of the State. Concurred in.

Mr Barnes, by leave, introduced a bill of the title following, which passed its first reading, and was filed, viz :

S. P. 125, bill to incorporate Wiccacon Lodge, No. 240, A. Y. M.

On motion, by Mr. Paschal,

The motion to re-consider the vote by which the Senate passed the engrossed resolution, (H. P. 91,) in favor of J. J

Ketchum, Elisha Davis, of Wilkes County, and others, was laid on the table.

Bills and resolutions of the titles following, on their second reading, were referred as stated :

H. P. 41, engrossed resolution in favor of Mrs. Theresa Bell. To Claims.

H. P. 57, engrossed bill to incorporate the Trustees of the "Lowell Colored School Society," in the County of Washington. To Education and the Literary Fund.

S. P. 73, resolution to authorize the issue of duplicates of destroyed Bonds, to Charles S. Mills. To the Judiciary.

Bills and resolutions of the titles following passed their second and third readings, and were ordered to be engrossed, viz :

S. P. 17, bill to incorporate the North Carolina Dental Association and for the establishment of a Board of Dental Examiners.

S. P. 74, bill to incorporate "The Mecklenburg Female College, in the city of Charlotte."

S. P. 82, bill to incorporate the Cleveland Mineral Springs Company.

S. P. 87, bill to incorporate Kittrells' Springs Female College.

S. P. 92, bill to incorporate the town of Franklinville, in the county of Randolph.

S. P. 84, bill to set apart and make perpetual the McIntyre Cemetery in the county of Cumberland.

S. P. 95, bill to incorporate the American Agricultural and Mineral Company.

Bills and resolutions of the titles following, were passed and ordered to be enrolled :

House bill 259, engrossed bill to incorporate the town of Nahunta, in Wayne county.

H. P. 19, engrossed bill in favor of the Rex Hospital Fund.

House bill 176, engrossed bill to amend the charter of the Plaster Bank and Salt Works Rail Road Company.

House bill 76, engrossed bill to prevent the cutting and felling timber in Pigeon River, in Haywood county, above Killian's.

House bill 110, engrossed bill to incorporate "Franklin Lodge, No. 109," of Free and Accepted Masons, in the town of Beaufort.

House bill 157, engrossed bill to regulate the retailing of spirituous liquors in the town of Williamston.

H. P. 88, engrossed bill to amend the charter of the Cape Fear Steam Boat Company.

H. P. 24, engrossed bill to incorporate Perquimans Male and Female Academy.

H. P. 56, engrossed bill for the benefit of Daniel Johnson, Senior, of Bladen county.

H. P. 82, engrossed bill to incorporate the Duplin Manufacturing Company.

Bills and resolutions of the titles following being amended, were ordered to be transmitted to the House for concurrence, as follows, viz:

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased.

House bill 64, engrossed bill to incorporate the Albemarle Swamp Land Company.

House bill 311, engrossed bill to incorporate the town of Rocky Mount in the county of Edgecombe.

Bills and resolutions of the titles following were laid on the table, viz:

S. P. 71, resolution in favor of Churchill Perkins.

S. P. 89, resolution in favor of Seward and Wright.

S. P. 96, bill to authorize Evan. H. Morgan, late Sheriff of Nash County, to collect arrears of taxes.

On motion by Mr. Perkins,

William H. Perkins, Tax Collector, of the county of Pitt, was included under the provisions of the bill.

On motion by Mr. Jones, that it be laid on the table,

Decided in the negative, { Yeas.....13 / Nays.....20

On motion by Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Cardwell, Edwards, Etheridge Gash, Harris, of Rutherford, Johnston, Kelly, Love, Matthews, McCorkle, Paschal, Thompson and Williams.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Bullock, Clark, Covington, Cowles, Ferebee, Harris of Franklin, Hill, Jones, Koonce, McLean, Perkins, Respass, Robins, Speed, Thornton, Wiggins and Willey.

Mr. Speed moved amend by including the legal representatives of W. E. Mann, late Sheriff of Pasquotank county.

On motion by Mr. Cowles,

To lay the amendment on the table,

It was decided in the affirmative.

S. P. 103, resolution in favor of Edmund Bradford, on its second reading, was rejected.

On motion by Mr. Johnston,

The Senate took a recess until 7½ o'clock P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

S. P. 104, bill to incorporate the Wilmington Hook and Ladder Company passed its second and third readings.

Ordered, to be engrossed.

Bills and resolutions of the titles following being read the second and third times were ordered to be enrolled, as follows:

H. P. 45, engrossed bill to incorporate the Tuckaseege Gold and Copper Mining Company.

H. P. 45, engrossed bill to incorporate Jerusalem Lodge, No. 95, of Free and Accepted Masons.

H. P. 44, engrossed bill to incorporate the Rockford Male and Female Seminary, in the county of Surry.

H. P. 39, engrossed bill to incorporate the New Berne Memorial Association.

H. P. 43, engrossed bill to incorporate the New Market Foundry and Manufacturing Company of Randolph county.

H. P. 59, engrossed bill to incorporate Wilson Lodge, No. 226, of Free and Accepted Masons.

H. P. 46, engrossed resolution in favor of Jacob Siler, Ag nt of the State for the collection of Cherokee lands.

H. P. 40, engrossed bill to incorporate the St. Phillip's Episcopal Singing Society, of New Berne.

H. P. 49, engrossed bill to enable the representatives of W. E. Mann, deceased, late Sheriff of Pasquotank county, to collect arrears of taxes, was rejected.

On motion by Mr. Clark,

The Senate adjourned.

MONDAY, FEBRUARY 18, 1867.

Prayer by the Rev. Mr. Hardie.

The Speaker *pro tem.* designated Messrs. Harriss, of Rutherford, Johnston and Paschal as the committee on Enrolled Bills for the weeek.

Messrs. Horton of Wilkes, Shelton, Lutterloh, May and Martin were announced, by message, as the House branch of the committee.

On motion by Mr. Berry,

Leave of absence was granted to Mr. Robins, Chairman of the committee on the North Carolina Railroad Company, for the day, in order to prepare his report.

Reports from committees were submitted and filed as follows, viz :

By Mr. Cunningham, from the committee on Propositions and Grievances :

Communication from His Excellency the Governor, enclosing a petition from sundry citizens of Granville County, praying for the erection of a suitable Tobacco Ware House at Henderson, and the establishment of a tobacco inspection, with adverse recommendation.

By Mr. McLean, from the Committee on Internal Improvements :

H. 90, engrossed bill to revive and amend the charter of the Shelby and Rroad River Railroad Company, recommending its passage.

By Mr. Gash, from the Committee on Claims :

H. P. 44, engrossed resolution in favor of Mrs. Theresa Bell, with favorable recommendation.

A message was received from the House, transmitting recommendations for Justices of the Peace for the counties of Buncombe, Wilkes, Cabarrus, Gates, Chatham and Mecklenburg, which were concurred in.

Ordered, To be transmitted to the Governor for commission.

Messrs. Loyd, McCorkle and Perkins submitted recommendations for Justices of the Peace, for the counties of Brunswick, Catawba and Pitt, which were approved, and

Ordered, To be transmitted to the House for concurreuce.

Bills and resolutions of the titles following being introduced, passed their first reading and were otherwise disposed of as follows, viz :

By Mr. Hall, resolution (S. P. 126,) in favor of S. R. Bunting. Referred to the Committee on Claims.

From the House : Engrossed bill (H. 45,) to declare the Roanoke River a sufficient fence in the County of Martin. Filed.

Engrossed bill (H. 101) to amend section 12, chapter 52, of the revised Code. Filed.

Engrossed bill (H. 109) to incorporate Pythagoras Lodge, No. 249, in the town of Smithville. Filed.

Engrossed bill (H. 115) to incorporate Black Rock Lodge, No. 135, in the county of Brunswick. Filed.

Engrossed bill (H. 143) to convert the debt due the State from the Atlantic and North Carolina Rail Road Company, into capital stock. Filed.

Engrossed bill (H. 231) to enable the Western Rail Road Company, to extend its road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in the county of Surry. To Committee on Internal Improvements.

Engrossed bill (H. 263) to declare Tar River, through the county of Edgecombe, a water course sufficient for a fence. Filed.

Engrossed bill (H. P. 54) to amend an act, entitled "An Act to establish Work Houses or Houses of Correction, in the several counties of the State," ratified 2d day of March, 1866. To the Judiciary.

A message was received from the House, asking for a committee of Conference upon the disagreement between the Houses upon the amendment to Senate bill 75, to amend the charter of the town of Hendersonville. Concurred in.

Messrs. Gash, Love and Covington were designated as the Senate branch of the Committee.

Messrs. Logan, Harper and Garrett were announced, by message, as the House branch.

A message was received from the House, transmitting the concurrence of that body in the amendments to the following bills, which were ordered to be enrolled, viz :

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased.

H. 64, engrossed bill to incorporate the Albemarle Swamp Land Company.

H. 311, engrossed bill to incorporate the town of Rocky Mount, in the county of Edgecombe.

Bills and resolutions of the titles following, passed their second reading, and were filed for a third reading, viz :

S. 41, bill to repeal part of the 14th section of the 26th chapter of the Revised Code.

S. 61, bill to repeal an act entitled "An Act for the better regulation of the Western Turnpike Road," and for other purposes.

H. 26, engrossed bill for the benefit of the Poor of the county of Bladen, and for other purposes.

S. 78, bill to amend chapter 42, Private Laws, 1866.

S. 83, resolution in regard to re-printing the Reports of the Supreme Court.

H. 102, engrossed bill to abolish jury trials in the County Court of Macon County.

On motion by Mr. Love,

To amend, by adding to the fourth section the following:

"*Provided*, That if jury trials should not be dispensed with the Clerks of the County and Superior Courts shall not be required to perform any of the duties imposed in this act."

It was determined in the affirmative.

H. 32, engrossed bill to amend section 30, chapter 54, of the Revised Code, entitled Guardian and Ward. Referred to the Committee on the Judiciary.

Bills of the titles following were laid on the table, viz:

S. 45, bill to direct the mode of holding the Superior Courts in the Judicial circuits, by the Judges thereof.

S. 47, bill to incorporate "the North Carolina Land and Immigration Aid Company."

H. 20, engrossed bill to repeal an act ratified February 7th, 1866.

H. 146, engrossed bill to amend second section of chapter 58, Revised Code.

S. 75, bill to repeal an act entitled "An Act to improve the law of evidence."

Bills of the titles following were rejected, viz:

H. 80, engrossed bill to amend section 2nd, chapter 43, of an act ratified the 12th day of March, A. D., 1866, entitled an Act to improve the law of evidence.

S. 77, bill extending the jurisdiction of the Courts on persons failing to work the Public Roads and Highway.

H. 97, engrossed bill restoring to married women their common law right of dower, by

The following vote, { Yeas, ...15. / Nays, ...16.

On motion by Mr. Kelly,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Bullock, Clark, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Kelly, Koonce, Lloyd, Matthews, Paschal, Respass, Speed, Thornton and Williams.

Those who voted in the negative are:

Messrs. Battle, Barnes, Berry, Brown, Cardwell, Covington, Cunningham, Edwards, Gash, Hall, Jones, Love, McCorkle, Moore, Perkins and Wiggins

Mr. Jones filed a motion to reconsider this vote.

By permission, bills and resolutions of the titles following being introduced, passed their first reading and were referred as follows, viz :

By Mr. Speed : Resolution (S. 195,) in regard to what debts are valid and what not valid under the ordinance of the Convention. To the Judiciary.

By Mr. Hall: Resolution (S. 196,) in favor of Sheriffs. To the Judicary.

By Mr. Moore : Bill (S. 197,) to aid the Williamston and Tarboro Railroad Company. To Internal Improvements.

A message was received from the House, transmitting the following communication from the Ladies' Memorial Association of Raleigh :

To the Gentlemen of the Legislature of North Carolina :

The Ladies Memorial Association tender to you their heartfelt thanks for the generous appropriation of fifteen hundred dollars to the memorial cause.

The blessing of those whose loved ones lie beneath our soil, will follow you to your homes ; and they will have the consolation of knowing that the valor and virtues of their countrymen are cherished by a grateful people. The heart-rending sacrifice still lingers around our sorrowing hearth-stones. "Tho' lost to sight, to memory dear."

Very Respectfully,
S. A. PARTRIDGE,
Secretary of L. M. A.

Feb. 18th, 1867.

H. 198, engrossed bill to raise Revenue, came up as the Special Order, on its third reading.

On motion by Mr Battle,

To amend the section on Poll Tax, by adding the following, viz :

"And upon failure so to do any person or persons, subject to such Poll Tax. removing himself or selves from one county into another, on, before or just after the 1st day of April of each year, shall take with him or them a certificate from the

Tax list-taker of his or their district, or some other responsible man, who may have listed him or them, showing him or them to be duly listed for said Tax. Upon failure so to do, shall be subject to double tax, retained from his or their wages by the first person employing him or them, whose duty it shall be to pay over the same to the Sheriff, and take his receipt therefor; otherwise be subject to said double tax, in every instance ascertained and collected by distraint."

It was determined in the affirmative.

On motion by Mr. Leach,

To strike out the word "if" in the third section, first line of class one.

It was adopted.

On motion by Mr. Gash,

To amend the same section by inserting the words "in value" after the figures "300" in the second line,

It was adopted.

On motion by Mr. Mr. McLean,

To amend the sixth section of class 2, by striking out the figures "500" and inserting the figures "100 ,"

It was rejected.

On motion by Mr. Wiggins,

To amend section one of class 3, by inserting after the second section, class 3, in the seventh line, the word "fifty," and insert the word "thirty,"

It was adopted.

On motion by Mr. McLean,

To amend the eighth section of the same class by striking out the word "gross" and insert the word "nett,"

It was decided in the negative.

On motion by Mr. Clark,

To amend class 2, of section sixteen, by striking out the last paragraph thereof, and insert the following, viz:

"To facilitate the collection of the tax on collaterals, every person applying to be qualified as Executor or Administrator on any estate shall make a statement in writing of the names of the heirs or legatees of the deceased and their degrees of relationship as far as known. And no one shall be allowed to qualify without furnishing the aforesaid statement to be

recorded with the application, and the Clerk of the Court of Pleas and Quarter Sessions shall furnish the Sheriff, at the close of each term, with a list of each Executor or Administrator qualified during the term."

It was determined in the affirmative.

On motion by Mr. Hall,

To amend section one of Schedule B, by adding the following words, viz:

"Where theatrical exhibitions are by the season of not less than three months, the tax shall be one hundred dollars,"

It was adopted.

On motion by Mr. Speed,

To amend the seventh section by inserting, in the first line, between the words "on" and "gift" the word "all," and strike out the words "so called,"

It was decided in the affirmative.

On motion by Mr. Hall, to amend section ten, by adding the following: "When said tables may be used for four months or less, one-half of the above rates shall only be payable,"

It was adopted.

On motion by Mr. Hall, to amend, by adding the following to the eleventh section, viz: "When the same may be used for four months or less, one-half of the above rates shall only be paid,"

It was adopted.

On motion by Mr. Gash, to amend, by striking out the following words at the end of the fourteenth section, viz: "The County Court shall have power to discriminate in levying taxes for county purposes, by taxing liquors distilled, at a higher or lower rate, than on other subjects of taxation,"

It was adopted.

On motion by Mr. Gash, to amend the same section, by inserting after the word "pay," in the third line, the words "if from fruit, ten cents per gallon,"

It was rejected.

On motion by Mr. McLean, to amend the same line, by inserting, after the word "gallon," the words "if from fruit, five cents per gallon,"

It was not adopted.

On motion by Mr. Speed, to insert, after the word "gallon," the words "if from fruit, seven and one-half cents per gallon," it was

Decided in the negative, { Yeas.....10 / Nays.....25

On motion by Mr. Speed,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Berry, Covington, Edwards, Etheridge, Ferebee, Gash, Johnston, Kelly, McLean, and Speed.

Those who voted in the negative are:

Messrs. Avery, Battle, Barnes, Brown, Bullock, Cardwell, Clark, Cunningham, Hall, Harris, of Franklin, Harris, of Rutherford, Koonce, Leach, Love, Marshall, Matthews, McCorkle, Moore, Paschal, Perkins, Respass, Thornton, Wiggins, Willey and Williams.

On motion by Mr. Gash, to amend the seventh section of Schedule C, by adding the following, viz: "The benefits of this section shall extend to all corporations granted at the sessions of the Legislature for 1865 and 1866, and the Convention, not heretofore accepted by the corporators,"

It was decided in the affirmative.

On motion by Mr. Speed, to amend the seventh exception of the eighth section, Schedule C, by inserting, in the tenth line, after the word "value," the words, "in addition to property exempted in section 3, clause 1,"

It was rejected.

The bill then passed its third reading.

Ordered to be transmitted to the House for concurrence.

On motion by Mr. Covington,

The Senate took a recess until 7½ o'clock, P. M.

Seven and a-Half O'Clock, P. M.

A message was received from the House, transmitting a joint resolution to provide for the distribution of seats to the members of the General Assembly.

The Senate refused to concur.

Also, transmitting the following bills and resolutions, which had their first reading and were filed, or referred, as follows, viz:

Engrossed bill (H. 368) in regard to Weights and Measures. To Education and the Literary Fund.

Engrossed bill (H. P. 90) to incorporate the Charlotte Merchants' and Planters' Benefit Association. To Corporations.

Engrossed resolution (H. P. 102) in favor of Mary M. Transom. To Claims.

Engrossed bill (H. P. 96) to incorporate the Town Fork Coal and Petroleum Company.

Engrossed bill (H. 226) to incorporate the Olivia Quick Silver Mining Company, of Macon county.

Engrossed bill (H. 235) to incorporate the town of Hookerton, in Greene county.

Engrossed bill (H. 249) to amend the charter of the Cheoih Turnpike.

Engrossed bill (H. 337) to amend the act to incorporate the town of Jefferson, in the county of Ashe.

Engrossed bill (H. 353) to incorporate the North Carolina Orphan Asylum. To Corporations.

Engrossed bill (H. P. 104) to amend the Charter of Olin High School. To Education and the Literary Fund.

Engrossed bill (H. 136) to incorporate Centre Hill Lodge, No. 260, Free and Accepted Masons, in the county of Chowan.

Engrossed bill (H. 231) to incorporate the Flat Swamp, Lock's Creek and Evan's Creek Canal Company, of the county of Cumberland. To Corporations.

Engrossed bill (H. 305) to extend the limits of the town of Lumberton, in Robeson county.

Engrossed resolution (H. P. 103) in favor of J. L. Withers and James H. White. To Claims.

Engrossed bill (H. P. 89) to incorporate the Neuse River Ferry Company. To Corporations.

Engrossed bill (H. P. 111) to incorporate the Rocky Point Manufacturing Company in the county of Cumberland. To Corporations.

Engrossed (H. P. 109) to incorporate the town of Rockingham in the county of Richmond.

S. 139, bill to establish a State Penitentiary came up on its third reading, as the order of the day.

On motion by Mr. Gash,

To amend by adding an additional section referring the question to the ratification of the people,

It was decided in the affirmative, { Neas.....28. Yeas.....8.

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Berry, Brown, Bullock, Cardwell, Covington, Coward, Cunningham, Edwards, Etheridge, Gash, Harris, of Franklin, Johnston, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, Paschal, Perkins, Respass, Snead, Thornton, Willey and Williams.

Those who voted in the negative are:

Messrs. Battle, Barnes, Clark, Hall, Harris, of Rutherford, Kelly, Moore and Wiggins.

On motion by Mr. Covington,

To amend by adding to the last section the following proviso, viz:

"*Provided*, That nothing in this act shall prevent any future General Assembly from modifying or changing the plan of the Penitentiary herein provided for,"

It was not adopted.

The question recurring upon the passage of the bill,

It was

Decided in the affirmative, { Yeas, ...32. Nays, ... 2.

On motion, by Mr. Kelly,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Covington, Coward, Cunningham, Edwards, Etheridge, Gash, Hall, Harris, of Franklin, Johnston, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, Moore, Paschal, Perkins, Snead, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Harris, of Rutherford, and Kelly.

Ordered to be engrossed.

On motion by Mr. Leach,

H. 297, engrossed bill to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract, was taken up under a suspension of the rule, and considered on its second reading.

Mr. Battle moved that it lie on the table.

On motion by Mr. Berry,

That the Senate adjourn, it was

Decided in the affirmative, { Yeas,.....18. / Nays,.....14.

On motion by Mr. Battle,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Berry, Bullock, Cardwell, Clark, Coward, Edwards, Etheridge, Hall, Harris, of Franklin, Jones, Koonce, Leach, Lloyd, Matthews, McCorkle, Moore, Wiggins and Williams.

Those who voted in the negative are:

Messrs. Avery, Battle, Barnes, Brown, Covington, Cunningham, Harris, of Rutherford, Johnston, Kelly, Love, Perkins Thornton and Willey.

So the Senate adjourned.

TUESDAY, FEBRUARY 22, 1867.

Reports from committees were submitted and filed, as follows, viz:

By Mr. Berry, from the joint committee on Public Buildings:

S. 199, resolution in regard to repairs on Executive Mansion;

S. 200, bill in regard to Burke Square and other public property in the city of Raleigh;

S. 201, bill for the assignment of certain rooms in the Capitol; recommending their passage.

By Mr. Cunningham, from the committee on Propositions and Grievances:

S. P. 145, bill to authorize the sale of the Academy lot in the town of Elizabeth City, recommending its passage.

On motion by Mr. Clark,

Ordered, That the Judiciary committee be instructed to prepare and report, without delay, a Supplementary Bill, modifying an act passed the present session of the General Assembly, entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein."

Bills and resolutions of the titles following, being introduced, passed their first reading and were disposed of as follows, viz:

By Mr. Hall: Resolution (S. P. 146) in favor of John A. Gilmer, Jr. To Claims.

By Mr. Kelly: Bill (S. 202) to more effectually prevent crime and lawlessness. To the Judiciary.

By Mr. Jones: Bill S. (203) to authorize the Courts of Pleas and Quarter Sessions for Wake county to borrow money and issue bonds. To Finance.

Bill (S. P. 147) to amend the charter of the North Carolina Mutual Life Insurance Company. To Corporations.

Bill (S. P. 148) to amend the charter of the North Carolina Mutual Fire Insurance Company. To Corporations.

By Mr. Wilson: Bill (S. 204) to extend the Term of Chowan Superior Court.

On motion by Mr. Wilson,

The rule was suspended and the bill passed its second and third readings.

Ordered to be engrossed.

On motion by Mr. Berry,

H. 235, engrossed bill to incorporate the town of Hookerton, in Greene county, passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Speed,

S. 147, resolution in favor of the creditors of the Insane Asylum, was considered on its second reading, and

On motion by Mr. Hall,

The bill was re-committed to the committee on the Insane Asylum, with instructions to adjust the claims by the scale of depreciation adopted by the last General Assembly.

On motion by Mr. Clark,

Ordered, That a message be sent to the House of Commons, proposing to appoint an additional committee on Enrolled Bills, for the present week.

Engrossed resolution (H. 186,) in favor of soldiers in the late war, received from the House, had its first reading.

On motion by Mr. Jones,

The rule was suspended and the resolution read the second time.

On motion by Mr. Love,

To amend by including, under the provisions of the resulution, those who had lost arms,

It was adopted.

On motion by Mr. Hall,

To extend the provisions of the resolution to those who had lost both eyes,

Decided in the affirmative, { Yeas.....34 / Nays..... 0

On motion by Mr. Hall,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Barnes, Berry, Brown, Bullock, Cardwell, Cunningham, Edwards, Etheridge, Gash, Hall, Johnston, Jones, Kelly, Koonce, Leach, Lloyd, Marshall, Matthews, McCorkle, McLean, Moore, Paschal, Perkins, Respass, Snead, Speed, Thornton, Wiggins, Willey and Wilson.

On motion by Mr. Respass,

To extend its provisions to women,

Decided in the affirmative, { Yeas.....17 / Nays.....15

On motion by Mr. Respass,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Berry, Brown, Bullock, Covington, Coward, Etheridge, Gash, Harris, of Rutherford, Johnston, Jones, Koonce, Perkins, Respass, Snead, Speed and Willey.

Those who voted in the negative are :

Messrs. Battle, Barnes, Cardwell, Clark, Cunningham, Edwards, Hall, Kelly, Marshall, Matthews, McCorkle, Moore, Paschal, Thornton and Wilson.

Mr. Cunningham moved to amend by adding the following :

"*Provided further*, That where they have lost both arms or legs they shall have double the amount."

On motion, by Mr. Perkins,

That the amendment lie on the table,

Decided in the negative, { Yeas,..... 9. Nays,.....29.

On motion, by Mr. Perkins,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Battle, Barnes, Clark, Harris, of Rutherford, Kelly, McCorkle, Perkins, Willey and Wilson.

Those who voted in the negative are :

Messrs. Avery, Berry, Brown, Bullock, Cardwell, Covington, Coward, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Johnston, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McLean, Moore, Paschal, Respass, Snead, Speed and Thornton.

The question recurring upon the amendment offered by Mr. Cunningham, it was

Decided in the affirmative, { Yeas, ...33 Nays, ... 0

On motion by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Battle, Brown, Bullock, Cardwell, Clark Covington, Coward, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Johnston, Jones, Kelly, Koonce, Leach, Love, Marshall, Paschal, Perkins, Respass, Snead, Speed, Thornton, Wiggins, Willey and Wilson.

On motion by Mr. Avery, to amend, by adding the following :

"And that the Governor be authorized to pay to such soldiers as can produce satisfactory evidence that they have been totally disabled, the amount paid as commutation for the most costly legs."

It was adopted.

The question recurring upon the passage of the resolution,

It was decided in the negative, { Yeas, ... 36 / Nays, ... 0

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Coward, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Matthews, McCorkle, McLean, Moore, Respass, Snead, Speed, Thornton, Wiggins, Willey, Williams and Wilson.

The resolution then passed its third reading.

Ordered, To be transmitted to the House for concurrence.

On motion of Mr. Wiggins,

The Senate took a recess until 7½ o'clock, P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

Bills and resolutions of the titles following, received from the House of Commons, had their first reading and were disposed of as follows, viz:

House bill 357, engrossed bill to authorize the exchange of certain bonds, issued during the war for internal improvement purposes, for new bonds. Filed.

H. P. 94, engrossed bill to incorporate Rocky Point Academy in the county of New Hanover. Filed.

H. P. 93, engrossed bill to incorporate Scotland Neck.—Filed.

H. P. 101, engrossed bill to authorize the Trustees of Vine Hill Academy, in the County of Halifax, to sell a part of the lands belonging to the Institution. Filed.

H. P. 80, engrossed bill to incorporate the National Loan and Trust Company. To Corporations.

H. P. 92, engrossed bill to incorporate the Jones County Savings Institution. To Corporations.

H. 233, engrossed bill to enable the Buncombe Turnpike Company to subscribe the stock in their road to the Western North Carolina Rail Road. Filed.

H. 310, engrossed bill supplemental to "An Act to empower the County Court of Mecklenburg to hold extra terms." Filed.

H. 223, engrossed bill to amend the 39th chapter of Acts of 1860-'61. Filed.

H. P. 190, engrossed bill to amend an act, entitled "An Act to authorize the Roanoke Navigation Company to discontinue the use of their Canal." Filed.

H. 232, engrossed bill to incorporate the Greensboro' and Dan River Rail Road Company. To Internal Improvements.

On motion by Mr. Speed,

Resolved, That the Committee on the Insane Asylum be, and they are hereby authorized, to send for persons and papers, to administer oaths, examine witnesses upon oath, in regard to the outstanding claims against said Asylum, and also to appoint a clerk, who shall be paid a reasonable compensation for his services.

On motion by Mr. Avery,

S. 150, bill to authorize the President of the Western North Carolina Rail Road Company, to borrow money on the faith and credit of the State, was called up on its second reading.

On motion by Mr. Avery, to amend, by striking out all after the enacting clause, and insert a substitute,

It was decided in the affirmative.

As amended, the bill passed its second and third readings.

On motion by Mr. Avery,

The bill was changed, so as to read, "A Bill to enable the Western North Carolina Rail Road to discharge its debts."

Ordered to be engrossed.

A message was received from the House, transmitting Senate bill 2, to establish Freehold Homesteads for the citizens of the State, with a substitute in lieu thereof.

The question, "Shall the Senate concur?" was put and

Decided in the negative, { Yeas, ...12 / Nays, ...29

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Bullock, Cardwell, Coward, Johnston, Koonce, Lloyd, Matthews, Paschal, Snead and Speed.

Those who voted in the affirmative are:

Messsrs. Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Jones, Kelly, Leach, Love, McCorkle, McLean, McRae, Moore, Perkins, Thornton, Wiggins, Willey, Williams and Wilson.

A message was received from the House, concurring in the proposition to raise an additional committee on Enrolled Bills for the week.

Messrs. McArthur, Turnbull, Brown, Holderby and Murrill, constitute the House branch of the committee.

Also, transmitting the engrossed bill (H. 198) to raise Revenue, concurring in all the amendments thereto, except striking out the proviso to section nine, class 1, Schedule A, and the substitute for the last paragraph of class 2, Schedule B.

The Senate receded from the last, but refused to recede from the first.

On motion by Mr. Speed,

The Senate adjourned.

WEDNESDAY, February 20, 1867.

The Speaker designated Messrs. Moore, McLean and McRae as the Senate branch of the additional committee on Enrolled Bills for the week.

Mr. Wilson presented a Memorial from certain citizens of Rowan County, asking some change in the law in regard to Landlords and Tenants. Referred to the committee on Propositions and Grievances.

Report from committees were submitted and filed as follows, viz:

By Mr. Wilson, from the committee on the Judiciary:

S. P. 73. Resolution to authorize the issue of duplicates of destroyed Bonds to Charles S. Mills, with adverse report.

H. P. 54, Engrossed bill to amend an act entitled "An act to establish Work Houses or House of Correction in the several counties of the State," recommending its passage.

H. 32, Engrossed bill to amend Section 30, Chapter 54, of the Revised Code, entitled Guardian and Ward, recommending its rejection.

By Mr. McCorkle, from the same committee:

S. 176, Bill to secure advances for agricultural purposes, with an amendment, recommending its passage.

By Mr. Leach, from the same committee:

S. 202, bill to more effectually prevent crime and lawlessness, with recommendation unfavorable to its passage.

By Mr. Gash, from the Committee on Claims:

H. P. 103, engrossed resolution in favor of J. L. Withers and James H. White, recommending its passage.

H. P. 102, engrossed resolution in favor of Mary S. Transom, with favorable recommendation.

By Mr. McLean, from the Committee on Internal Improvements:

S. 159, bill to provide for the sale of the Chatham Rail Road, with favorable recommendation.

H. 231, engrossed bill to enable the Western Rail Road Company to extend its road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in the county of Surry, recommending its passage.

By Mr. Avery, from the same committee:

S. 197, bill to aid the Williamston and Tarboro' Rail Road Company, recommending its passage.

H. 204, engrossed bill to charter the Oxford Branch of the Raleigh and Gaston Rail Road, with adverse recommendation.

By Mr. Love, from the same committee :

H. 232, engrossed bill to incorporate the Greensboro' and Dan River Rail Road Company, recommending its passage.

On motion, by Mr. Cunningham,

Resolved, That for the balance of the session, no Senator shall speak longer than five minutes at any one time.

On motion, by Mr. Leach,

Resolved, That the Committee on the Judiciary be instructed to inquire whether the Courts of Equity have not now the power to enter judgments, on motion, on all bonds or notes held for sales of property and on other debts due in Court, notwithstanding the passage of the Stay Law Act of the present session of the General Assembly, and if so, in the opinion of said committee, that it be instructed to report a bill corresponding with the Stay Law Act, applying also to said Courts of Equity.

Bills and resolutions of the titles following being introduced, passed their first reading and were disposed of as follows, viz :

By Mr. Speed : Resolution (S. 211,) to ascertain the number of wounded and disabled officers and soldiers, the widows and orphans of deceased soldiers in the late war. Filed.

By Mr. Jones : Bill (S. 212,) to amend an Act to establish Work Houses or Houses of Correction in the several counties of the State. To the Judiciary.

By Mr. McCorkle : Bill (S. 213,) to change the time of holding the Courts in the 7th Judicial Circuit. To the Judiciary.

By Mr. Gash : Bill (S. 214,) to repeal chapter 70, Revised Code, entitled "Militia." To Military Affairs.

From the House : Engrossed bill (H. 366,) to incorporate the town of Columbia, in the county of Tyrrell. Filed.

Engrossed bill (H. 262,) to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes. To Internal Improvements.

Engrossed bill (H. 330,) for the relief of Executors, Administrators, &c. To the Judiciary.

Engrossed bill (H. 379,) to extend the session of the Courts of Pleas and Quarter Sessions for the county of Wake.

On motion, by Mr. Jones,

The rule was suspended, and the bill passed its second and third readings.

Ordered to be enrolled.

Engrossed resolution (H. 383,) providing for commutation to soldiers who have lost arms in the military service.

On motion, by Mr. Leach,

The rule was suspended, and the bill passed its several readings.

Ordered to be enrolled.

Engrossed bill (H. P. 121,) to incorporate the Perquimans Steam Navigation Company.

On motion, by Mr. Speed,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

On motion, by Mr. Cowles,

H. 231, engrossed bill to enable the Western Rail Road Company to extend its Road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in the county of Surry, was taken up and its further consideration was postponed to and made the Special Order for Friday, February 22nd, at 10 o'clock, M.

Ordered to be printed.

H. 297, engrossed bill to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract, came up as the unfinished business.

The motion that the bill lie on the table was withdrawn.

On motion, by Mr. Love, to amend by adding to the third section the following: *Provided*, That the stock subscribed in lands under this section shall be fixed at a cash valuation in gold at the time of subscribing, and said lands to be held by the Company for sale at any time or to be mortgaged by the Company to raise the amount subscribed on the part of indi-

viduals, companies, counties or corporations, and, provided' further, that the State and Company are to have the benefits arising from the increased value of the lands subscribed:

On motion by Mr. Wilson,

It was ordered to be printed and its further consideration postponed to and made the Special Order for Friday, February 22d, at 8 o'clock, P. M.

On motion by Mr. Hall,

S. 148, bill to amend the charter of the Wilmington Railway Bridge Company, was considered on its second and third readings.

On motion by Mr. Hall,

The second section was striken out.

As amended, the bill passed.

Ordered to be engrossed.

On motion by Mr. Moore,

S. 197, bill to aid the Williamston and Tarboro' Rail Road Company, was passed under a suspension of the rule.

Ordered to be engrossed.

Mr. Jones called up the motion to re-consider the vote by which the Senate rejected the engrossed bill (H. 97) restoring to married women their Common Law right of Dower.

On motion by Mr. Wilson,

That it lie on the table, it was

Decided in the negative, { Yeas, ... 8. Nays, ... 33.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Barnes, Covington, Gash, Hall, Hill, McCorkle and Wilson.

Those who voted in the negative are:

Messrs. Adams, Avery, Berry, Brown, Bullock, Cardwell, Clark, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Matthews, McLean, McRae, Paschal, Perkins, Respass, Snead, Thompson, Thornton, Wiggins, Willey and Williams.

The motion to re-consider then prevailed.

Ordered, That it be re-committed to the committee on the Judiciary.

A message was received from the House of Commons, with recommendations for Justices of the Peace for the counties of Franklin, Wake, Union, Lenoir, Craven, Alamance, Pitt and Mitchell.

Those from Franklin were laid on the table; the others were concurred in.

Ordered to be transmitted to the Governor for commission.

S. 60, bill to amend the Constitution of North Carolina, came up as the order of the day.

The question being on the amendment proposed by the committee on the Judiciary,

On motion by Mr. Kelly,

That the amendment lie on the table, it was

Decided in the affirmative, { Yeas, ... 25. / Nays, ... 16.

On motion by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Barnes, Brown, Bullock, Cardwell, Covington Coward, Edwards, Etheridge, Ferebee, Gash, Hall, Harris, of Rutherford, Hill, Johnston, Kelly, Koonce, Marshall, McCorkle, McLean, McRae, Speed, Thompson, Willey and Williams.

Those who voted in the negative are:

Messrs. Adams, Berry, Cowles, Cunningham, Harris, of Franklin, Jones, Leach, Love, Matthews, Paschal, Perkins, Respass, Robins, Thornton, Wiggins and Wilson.

S. 74, resolution in relation to State bonds, Act of 1861, was considered on its second reading, the question being on the amendment proposed by the committee on Finance.

On motion by Mr. Speed to amend the amendment by striking out the words "such place as the Public Treasurer may prescribe," and insert the words "the Public Treasurer in Raleigh,"

It was determined in the affirmative.

On motion by Mr. Speed that the bill lie on the table,

It was so ordered.

A message was received from the House, transmitting the report of the committee of Conference on the disagreement between the two Houses upon the amendment to Senate bill 75, to amend the Charter of the town of Hendersonville.

The Senate concurred in the report,

Also, insisting upon the substitute to Senate bill 2, to establish Freehold Homesteads.

On motion by Mr. Berry, that the Senate insists upon its disagreement, and to propose a committee of Conference.

It was decided in the affirmative.

Also refusing to concur in the amendments to the engrossed House bill 186, in favor of soldiers maimed in the late war.

On motion by Mr. Avery that the Senate refuse to recede and propose a committee of Conference,

It was decided in the affirmative.

Also, refusing to recede from its objection to the Senate amendment to the engrossed House bill 198, to raise Revenue viz: striking out the proviso to section nine, Class 1, Schedule A. asking a committee of Conference.

The Senate agreed to the proposition, and Messrs. Wiggins, Gash and Hall were designated as the Senate branch of the committee. Messrs. Farrow, Durham and Latham of Craven, were announced as the House branch.

On motion by Mr. Avery,

Te Senate took a recess until 7½ o'clock, P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

A message was received from the House, transmitting the report of the Joint Select Committee on the affairs of the North Carolina Rail Road Company, with a proposition to print.

The Senate concurred.

Bills and resolutions of the titles following were disposed of as follows, viz:

S. 41, bill to repeal part of the 14th section of the 26th Chapter of the Revised Code. Passed.

Ordered to be engrossed.

S. 61, bill to repeal an act entitled "An Act for the better regulation of the Western Turnpike Road," and for other purposes. Passed.

Ordered to be engrossed.

S. 47, bill to incorporate "The North Carolina Land and Immigration Aid Company." Amended and passed.

Ordered to be engrossed.

H. P. 101, engrossed bill to authorize the Trustees of Vine Hill Academy, in the county of Halifax, to sell a part of the lands belonging to the Institution.

Ordered to be enrolled.

H. 224, engrossed bill to establish the dividing line between the towns of Salem and Winston. Passed.

Ordered to be enrolled.

H. P. 93, engrossed bill to incorporate Scotland Neck.—Passed.

Ordered To be enrolled.

H. 26, engrossed bill for the benefit of the poor of the county of Bladen, and for other purposes. Passed.

Ordered to be enrolled.

S. 78, bill to amend chapter 42, Private Laws of 1866.—Passed.

Ordered to be engrossed.

S. 80, bill to incorporate the Yadkin and Cape Fear Canal Company. Amended and re-committed to the committee on Internal Improvements.

S. 83, resolution in regard to re-printing the Reports of the Supreme Court. Passed.

Ordered to be engrossed.

H. 102, engrossed bill to abolish jury trials in the County Court of Macon county. Passed.

Ordered to be enrolled.

S. 87, bill to establish Edinborough Medical college in Robeson county. Amended and passed.

Ordered to be engrossed.

S. 158, bill to grant amnesty and pardon to Females.—Passed.

Ordered to be engrossed.

H. 222, engrossed bill to abolish imprisonment for debt.

Mr. Cowles moved to amend by striking out the words "nor upon any *capias ad satisfaciendum* issuing from any Justice of the Peace in this State."

On motion of Mr. Leach to divide the question, the Senate refused to strike out.

The question recurring upon the passage of the bill its third reading, it was

Decided in the affirmative, { Yeas,.....26 / Nays,.....19

On motion, by Mr. Bullock,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Bullock, Cardwell, Coward, Cowles, Cunningham, Etheridge, Ferebee, Gash, Harris, of Rutherford, Johnston, Jones, Koonce, Leach, Love, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Edwards, Hall, Hill, Kelly, Marshall, McCorkle, McLean, McRae, Moore, Respass, Robins and Wilson.

Ordered to be enrolled.

A message was received from the House, consenting to the proposition to refer the disagreements between the two Houses upon Senate bill 2, to establish Freehold Homesteads for the citizens of the State, to a committee of conference. Messrs. Cowan, Hutchison and Richardson, were announced as the House branch of the committee.

The Speaker designated Messrs. Berry, Avery and Moore, as the Senate branch.

Also agreeing to refer the disagreements in regard to the engrossed bill (H. 186) in favor of soldiers maimed in the late war, to a committee of conference. Messrs. Stone, McClammy and Crawford, of Macon, were announced as the House branch of the committee.

Messrs. Leach, McCorkle, and Harris, of Rutherford, were designated as the Senate branch.

On motion by Mr. Ferebee,

The Senate adjourned.

THURSDAY, FEBRUARY 21, 1867.

The Speaker designated Messrs. Hall, Clark and Love, as the Senate branch of the committee to investigate the affairs of the University of North Carolina.

Reports from committees were submitted and filed, as follows, viz:

By Mr. Clark, from the Committee on Corporations:

S. P. 147, bill to amend the charter of the North Carolina Mutual Life Insurance Company.

S. P. 148, bill to amend the charter of the North Carolina Mutual Fire Insurance Company; recommending their passage.

By Mr. Johnston, from the same Committee:

H. P. 90, engrossed bill to incorporate the Charlotte Merchant's and Planter's Benefit Association.

H. P. 92, engrossed bill to incorporate the Jones County Savings Institution; recommending their passage.

H. P. 353, engrossed bill to incorporate the North Carolina Orphan's Asylum, with an amendment, with favorable recommendation.

By Mr. Wilson, from the Committee on the Judiciary:

S. 219, bill to amend section 3, chapter 7, Revised Code, reported in conformity to a resolution to more effectually protect the citizens against the wrongfully sueing out of attachments, recommending its passage.

By Mr. McCorkle, from the same Committee:

S. 212, bill to amend an act to establish Work Houses, or Houses of Correction, in the several counties of the State, with adverse recommendation.

By Mr. Avery, from the same Committee :

S. 213, bill to change the time of holding the courts in the 7th Judicial circuit, with an amendment, recommending its passage.

By Mr. Moore, from the same Committee :

S. 185, bill to amend the 11th section, 31st chapter, Revised Code, with favorable recommendation.

By Mr. Cunningham, from the Committee on Propositions and Grievances :

S. 172, bill in relation to Inspectors of Wilmington, recommending its rejection.

By Mr. Gash, from the Committee on Claims :

S. P. 124, resolution in favor of Horace C. Davis, of Yadkin county, with adverse recommendation.

S. P. 146, resolution in favor of John A. Gilmer, Jr., asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Love, from the Committee on Internal Improvements :

S. 173, bill to harmonize and give through freight and travel without the expense of trans-shipment, on the different Rail Road lines in this State, recommending its passage.

By Mr. Gash, from the Committee on Finance :

S. 203, bill to authorize the Court of Pleas and Quarter Sessions for Wake county, to borrow money and issue bonds, with an amendment, recommending its passage.

By Mr. McCorkle, from the joint select committee of Conference, on the disagreement between the Houses upon the amendments to the engrossed resolution (H. 186) in favor of soldiers maimed in the late war, reported that they recommend that the Senate recede from amendments in relation to supplying women with artificial limbs, and authorizing the Governor to pay commutation to those totally disabled, &c.; and that it do not recede from amendments as to furnishing commutation to those who have lost both eyes or both legs or both arms.

The Senate concurred in the report.

The House subsequently concurred in the report of this committee.

Ordered to be enrolled.

Mr. Clark gave notice, that on to-morrow, he would propose sundry alterations to the Rules of the Senate, and the Joint Rules of the two Houses.

Bills of the titles following, were received from the House, passed their first reading, and were filed or referred, as follows, viz:

Engrossed bill (H. 378) relating to Wills, Deeds, and other papers destroyed in the late war.

Engrossed bill (H. 246) to amend the charter of the Fayetteville and Florence Rail Road Company. To Internal Improvements.

Engrossed bill (H. 294) to incorporate the North Carolina Land Agency for the encouragement of Immigration. To Corporations.

Engrossed bill (390) authorizing the Commissioners of the town of Halifax, to grant the right of way through said town to the Wilmington and Weldon Rail Road.

A message was received from the House, asking the concurrence of the Senate in a resolution to adjourn, *sine die*, on Thursday, the 28th inst., at 2 o'clock, P. M.

On motion by Mr. Wiggins, that it lie on the table, it was

Decided in the affirmative, { Yeas, ... 23. Nays, ... 22.

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Brown, Bullock, Coward, Cowles, Edwards, Ferebee, Gash, Harris, of Franklin, Jones, Leach, Love, Marshall, Matthews, Paschal, Respass, Richardson, Speed, Thompson, Thornton, and Wiggins.

Those who voted in the negative are:

Messrs. Barnes, Berry, Cardwell, Clark, Covington, Cunningham, Etheridge, Hall, Harris, of Rutherford, Hill, Johnston, Kelly, Koonce, McCorkle, McRae, Moore, Perkins, Robins, Snead, Willey, Williams and Wilson.

Mr. Wiggins submitted the following resolution for consideration, viz:

Resolved, (the House of Commons concurring) That the General Assembly adjourn on Thursday, the 28th inst., at 2 o'clock, P. M., to meet again on the second Tuesday in October next.

On motion by Mr. Gash, to amend, by striking out "Thursday, the 28th inst.," and insert "Tuesday, the 5th of March,"

It was not adopted.

On motion by Mr. Berry, to strike out "Thursday, the 28th inst.," and insert "Friday, the 29th inst.," and strike out "to meet again on the second Tuesday in October next," and insert "*sine die*."

It was not adopted.

On motion by Mr. Gash, that the resolution lie on the table, it was

Decided in the negative, { Yeas, ...19 / Nays, ...26.

On motion by Mr. Gash,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Berry, Brown, Cardwell, Covington, Cunningham, Etherige, Gash, Hill, Jones, Kelly, Koonce, Love, Marshall, McCorkle, McRae, Robins, Thompson and Wilson.

Those who voted in the negative are:

Messrs. Avery, Battle, Barnes, Bullock, Coward, Cowles, Edwards, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Johnston, Leach, Matthews, McLean, Moore, Paschal, Perkins, Respass, Richardson, Snead, Speed, Thornton, Wiggins, Willey and Williams.

The question recurring upon the passage of the resolution, it was

Decided in the affirmative, { Yeas, ...29 / Nays, ...17

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Bullock, Clark, Coward, Cowles, Edwards, Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Leach, Marshall, Mat-

thews, McLean, Paschal, Perkins, Respass, Richardson, Snead, Speed, Thompson, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Berry, Brown, Cardwell, Covington, Cunningham, Gash, Hill, Johnston, Jones, Kelly, Koonce, Love, McCorkle, McRae, Moore, Robins and Wilson.

Ordered to be transmitted to the House for concurrence.

Mr. Respass presented a memorial from certain citizens of Beaufort county, praying for the repeal of the Act concerning the Washington Toll Bridge Company. Referred to the committee on Propositions and Grievances.

On motion by Mr. Avery,

Ordered, That the communication from the Governor, in regard to the affairs of the Cape Fear and Deep River Navigation Company, be printed.

On motion by Cunningham,

H. 204, engrossed bill to charter Oxford Branch of the Raleigh and Gaston Rail Road, was taken up and recommitted to the committee on Internal Improvements.

Bills of the titles following being read the second time, the following proceedings were had, viz:

S. 76, bill to exempt individual corporators from penalties in certain cases.

On motion by Mr. Robins,

That it be indefinitely postponed, it was

Decided in the affirmative, { Yeas, ... 34. Nays, ... 10.

On motion, by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Battle, Barnes, Brown, Bullock, Cardwell, Cowles, Cunningham, Edwards, Ferebee, Gash, Harris of Franklin, Harris of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, Marshall, Matthews, McCorkle, McRae, Paschal, Respass, Richardson, Robins, Snead, Speed, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Berry, Clark, Covington, Hall, Kelly, McLean, Moore, Perkins, Thompson and Wilson.

S. 96, bill to amend the act to incorporate and establish the Hillsboro' Academy, at Hillsboro', passed second and third readings.

Ordered to be engrossed.

S. 97, bill to prevent litigation and the ruinous sacrifice of the property of honest debtors.

Ordered that it lie on the table.

S. 99, bill authorizing Executors and Administrators of insolvent estates to settle the same *pro rata*.

Ordered that it be rejected.

S. 105, resolution in favor of the Literary Board.

Ordered that it be referred to the Committee on Education and Literary Fund.

S. 199, resolution in regard to repairs upon the Executive Mansion, passed second reading.

The question being upon its passage a third time, it was

Decided in the affirmative, { Yeas.....28. Nays.....15.

On motion, by Mr. Harris, of Rutherford,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Covington, Cunningham, Ferebee, Gash, Harris of Franklin, Hill, Kelly, Koonce, Leach, Marshall, McLean, Perkins, Respass, Robins, Speed, Thornton, Wiggins, Willey, Williams and Wilson.

Those who voted in the negative are:

Messrs. Cowles, Etheridge, Hall, Harris of Rutherford, Johnston, Jones, Love, Matthews, McCorkle, McRae, Moore, Paschal, Richardson, Snead and Thompson.

Ordered to be engrossed.

S. 200, bill in regard to Burke Square and other public property in the city of Raleigh. Passed second and third readings.

Ordered to be engrossed.

S. 201, bill for the assignment of certain rooms in the Capitol.

Passed second and third readings.

Ordered to be engrossed.

Messrs. Peebles, Durham and Morehead were announced as the House branch of the committee on the affairs of the University.

A message was received from the House, transmitting the report of the committee of Conference upon the engrossed bill (H. 198) to raise Revenue, viz :

Strike out section 9, Class 1, Schedule A, and insert in lieu thereof, as follows :

"Ships, barges, boats and other water-crafts, or any interest therein, with their tackling, rigging and furniture and all else pertaining to them, if exceeding one thousand dollars in value, whether in the waters of this State at the time of listing or not."

The report was concurred in.

On motion by Mr. Covington,

The Senate took a recess until 7½ o'clock, P. M.

SEVEN AND-A-HALF O'CLOCK, P. M.

Mr. Berry, from the Joint Select Committee of Conference, upon the disagreement between the Houses upon the bill (S. 2) to establish Freehold Homesteads for the citizens of the State, reported that the committee had agreed upon the following, viz :

1st. Add to the title of the bill the words, "also to exempt certain personal property."

2d. First section, thirteenth line, strike out the word "half."

3d. Add to the first section the following :

"*Provided*, That if any building other than the necessary out-houses, or houses belonging to the curtilege, shall be erected on any part of said Homesteads in a town or city, then so much of the land as is covered by sai buildings shall not be exempted longer from execution under the provisions of this act."

4th. Add at the end of the seventh section the following:

"The libraries of licensed Attorneys at Law, practising Physicians and Ministers of the Gospel also the instruments of Surgeons and Dentists, used in their profession."

The Senate concurred.

Ordered to be transmitted to the House.

Bills and resolutions of the titles following, on their second reading, were disposed of as follows, viz:

H. 155, engrossed bill to amend an act to authorize the Secretary of State to emp oy a Clerk.

Ordered to be enrolled.

S. 108, bill making provision for the payment of the State bonds now due.

Ordered that it lie on the table.

S. 112, bill to amend an act entitled an act to more effectually secure the maintenance of bastard children.

Ordered that it be rejected.

S. 112, bill for the relief of guardians and minor children.

Ordered that it be rejected.

S. 127, bill to change the jurisdiction of the Courts and the rules of pleading therein.

Ordered that it be indefinitely postponed.

S. 130, resolution with regard to Common Schools.

Ordered that it lie on the table.

S. 131, bill fixing the fees of County Solicitors in certain cases.

Ordered that it be rejected.

H. P. 64, resolution to increase the pay of Governor's Messenger.

Ordered to be enrolled.

S. 133, bill the better to secure the payment of rents.

Ordered that it be indefinitely postponed.

S. 134, bill to prevent unnecessary costs to suits on official bonds.

Ordered that it be indefinitely postponed.

S. 135, bill to re-enact and amend an ordinance to change the jurisdiction of the Courts and the rules of pleading therein.

Ordered that it lie on the table.

S. 140, bill to authorize new bonds to be issued to the Western Rail Road Company in exchange for bonds of the State, dated October 1st, 1861.

Ordered that it lie on the table.

S. 141, bill to pay magistrates in Henderson county.

Ordered that it be rejected.

S. 143, bill concerning the Justices of the Peace of New Hanover county.

Ordered to lie on the table.

S. 144, bill to increase the fees of the Inspectors of Naval Stores for the city of Wilmington.

Ordered that it lie on the table.

S. 149, bill to authorize new bonds to be issued in exchange for bonds of the State issued to the Wilmington, Charlotte, and Rutherford Rail Road Company, dated July 1, 1862.

Ordered to lie on the table.

S. 151, bill to incorporate the Northwestern Rail Road Company. Amended.

Ordered to be engrossed.

S. 156, bill to protect certain interests of the Common Schools, and for other purposes.

Ordered, to be engrossed.

S. 157, bill to provide for the sale of the Chatham Rail Road. Passed second reading.

Ordered to be filed.

S. 160, bill to amend the charter of the Raleigh and Gaston Rail Road Company. Amended.

Ordered to be engrossed.

S. 168, resolution in regard to the Cape Fear Navigation Company. Read second time and pending consideration.

Mr. Thornton moved that the Senate adjourn, and it was

Decided in the affirmative, { Yeas.....24. Nays.....18.

On motion by Mr. Gash,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Berry, Brown, Bullock, Cardwell, Covington, Etheridge, Ferebee, Harris, of Franklin, Jones, Koonce, Leach, Marshall, Matthews, McLean, Moore, Paschal, Res-

pass, Richardson, Robins, Speed, Thompson, Thornton and Wiggins.

Those who voted in the negative are :

Messrs. Adams, Battle, Barnes, Clark, Cowles, Cunningham, Edwards, Gash, Harris, of Rutherford, Hill, Johnston, Kelly, McCorkle, McRae, Perkins, Snead, Willey and Wilson.

So the Senate adjourned.

FRIDAY, February 22, 1867.

Reports of committees were submitted and filed as fol lows, viz :

By Mr. Cunningham, from the Committee on Propositions ahd Grievances :

S. 223, bill to repeal an act, entitled "An Act to amend the charter of the Washington Toll Bridge Company," reported in conformity to a memorial from citizens of Beaufort county, recommending its passage.

By Mr. Wilson, from the committee on the Judiciary :

S. 128, bill requiring the plaintiff to make affidavit in action of debt, asking to be discharged from its further consideration. Discharged.

By Mr. Brown, fnom the same committee :

S. 224, bill explanatory of an act, entitled "An Act to change the jurisdiction of the courts and the rules of pleading therein," reported in conformity to resolutions upon the subject, recommending its passage.

By Mr. Hall, from the committee on Education and the Literary Fund :

S. 184, bill to establish a Board of Regents for the University and the Male Colleges of the State, recommending its rejection.

S. 187, bill to incorporate the Colored Educational Association of North Carolina.

H. P. 57, engrossed bill to incorporate the Trustees of the "Lowell Colored School Society, in the county of Washington;" recommending their passage.

H. P. 104, bill to amend the charter of Olin High School, with an amendment, recommending its passage.

By Mr. McCorkle, from the committee on the Judiciary:

Resolution relative to tke propriety of enacting a law to suspend judgments and executions, asking to be discharged from its further consideration. The committee was discharged.

By Mr. Clark, from the committee on Corporations:

S. 145, bill to incorporate the North Carolina Express Company, with adverse recommendation.

By Mr. Thompson, from the same committee:

H. P. 89, bill to incorporate the Neuse River Ferry Company.

H. P. 111, bill to incorporate Rocky Point Manufacturing Company, in the county of Cumberland.

H. 221, bill to incorporate the "Flat Swamp, Lock's Creek and Evan's Creek Canal Company, with amendments, recommending their passage.

On motion by Mr. Clark,

Resolved, That the committee on Finance be instructed to inquire into, and report to the Senate, whether the contracts of sale of the stocks owned by the State, in the Raleigh and Gaston Rail Road Company, reported by the Treasurer to have been made to said Company, have been discharged, and if so, when the payments and prerequisites were made, and what kind of State bonds were accepted in payment thereof.

A message was received from the House, transmitting the concurrence of that body in the resolution to adjourn on the 28th, to meet again on the 2nd Tuesday in October.

Also transmitting the following resolution, viz;

Resolved, That the two Houses will meet after to-day at 10 o'clock, every morning, (Sundays excepted) and sit until one o'clock, P. M., and that they meet again at three o'clock, P. M., and sit until six o'clock, P. M., of the same day.

The Senate refused to concur.

Also, announcing the substitution of Mr. Foard for Mr. Durham, upon the Committee on the University.

Also, announcing the passage of the bill (S. 17,) for the better suppression of the crime of stealing horses and mules, with an amendment, striking out the third section.

The Senate concurred.

Also, the bill (S. 31,) to protect property sold under execution from sacrifice, which had been passed by that body, with amendments.

The Senate concurred in the amendments.

Bills and resolutions of the titles following, being introduced, were filed or otherwise disposed of as follows, viz :

By Mr. Berry, (S. 225,) providing for the expense of the State Government and paying the interest of the State Debt.

Ordered to be printed and referred to the Committee on Banks and Currency.

By Mr. McRae : Bill (S. 226,) to authorize the Justices of the Court of Pleas and Quarter Sessions of Robeson county to appoint a Special Magistrate for said county.

By Mr. Clark : Bill (S. 227,) to provide for the payment of the interest of the Public Debt and for other purposes. Made the Special Order for 11 o'clock Monday, February 25th.

By Mr. McLean : Bill (S. 228.) to authorize the Mayor or Chief Magistrate of incorporated cities and towns in the S ate to enforce collection and payment of fines and penalties.

From the House : Engrossed bill (H. 364,) to extend the regular terms of the County ourt of Granville county.

On motion, by Mr. Bullock,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

By Mr. Richardson : Bill (S. P. 158,) to incorporate the Crane's Creek Lodge, No. 213, of Free and Accepted Masons, in Moore county. Referred to the Committee on Corporations.

By Mr. McLean : Bill (S. P. 159,) to increase the capital stock of the " Clarendon Bridge Company."

From the House : Engrossed bill (H. 400,) to amend "an Act to improve the Public Road from Taylorsville to Boone by way of Russell's Gap and Holdman's Ford."

Engrossed bill (H. 398,) to regulate the cultivation of Oysters. To Corporations.

Engrossed bill (H. 286,) to secure a better drainage of the lowlands on Lower creek, in the county of Caldwell.

Engrossed bill (H. 382,) to consolidate the Fire Companies in the city of New Berne.

On motion, by Mr. Perkins,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

A message was received from the House, transmitting the following resolution for the concurrence of the Senate, viz :

Resolved, That the joint resolution fixing the day of adjournment of this General Assembly be rescinded; and it was

Decided in the affirmative, { Yeas, ... 31. / Nays, ... 15.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Berry, Brown, Bullock, Cardwell, Clark, Covington, Coward, Cunningham, Etheridge, Gash, Harris of Rutherford, Hill, Johnston, Jones, Kelly, Koonce, Love, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Outlaw, Perkins, Richardson, Robins, Snead, Thompson and Wilson.

Those who voted in the negative are :

Messrs. Adams, Battle, Barnes, Cowles, Edwards, Ferebee, Hall, Harris of Franklin, Leach, Paschal, Speed, Thornton, Wiggins, Willey and Williams.

On motion by Mr. Wiggins,

H. 390, engrossed bill authorizing the Commissioners of the town of Halifax, to grant the right of way through said town, to the Wilmington and Weldon Rail Road, was taken up, and, under a suspension of the rule, passed.

Ordered, To be enrolled.

On motion by Mr. Jones,

S. 159, bill to provide for the sale of the Chatham Rail Road, was called up on its third reading.

Mr. Hall moved to amend, by adding the following section, to-wit:

Be it further enacted, That on the acceptance of this act, the said Chatham Rail Road Company shall be deemed and held to surrender all claim to a subscription to its capital stock by the State, under the act of the General Assembly, ratified 10th February, 1863, entitled "An Act to amend the charter of the Chatham Rail Road Company," and said act shall be, on such acceptance, repealed. But nothing in this section shall be so construed as to acknowledge or disavow the validity of said act of the General Assembly, passed the 10th February, 1863.

On motion by Mr. Speed, that the bill be indefinitely postponed, it was

Decided in the negative, { Yeas, ... 10 / Nays, ... 31

On motion by Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Barnes, Berry, Bullock, Cardwell, Coward, Ferebee, Perkins, Snead, Speed and Willey.

Those who voted in the negative are:

Messrs. Adams, Avery, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Matthews, McCorkle, McLean, McRae, Outlaw, Respass, Richardson, Robins, Thornton, Wiggins, Williams and Wilson.

The question recurring upon the amendment offered by Mr. Hall,

It was decided in the affirmative, { Neas..... 26. / Yeas..... 17.

On motion by Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Barnes, Berry, Brown, Clark, Covington, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Johnston, Kelly, Koonce, Love, McCorkle, Moore, Outlaw Perkins, Robins, Snead, Wiggins, Willey and Wilson.

Those who voted in the negative are :

Messrs. Avery, Bullock, Coward, Cowles, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Leach, Matthews, McLean, McRae, Respass, Richardson, Speed, Thornton and Williams.

On motion of Mr. Cunningham,

Ordered, That it be indefinitely postponed.

Mr. Cowan submitted the following resolution, viz :

Resolved, That the General Assembly of the State of North Carolina do adjourn on Monday, 4th day of March next, to meet again the 1st Monday in August next.

Mr. Outlaw moved to amend by striking out the words "to meet again the 1st Monday in August next," and insert *sine die*, and, pending the question thereon,

The Speaker announced the hour for the Special Order, viz :

H. 231, engrossed bill to enable the Western Rail Road Company to extend its road across the North Carolina Rail Road to the Virginia line, near Mount Airy, in the county of Surry, on its second reading.

The bill passed, and was made the special order for Saturday, February 23rd, at 11½ o'clock, A. M.

The following resolutions proposing alterations in the Rules of the Senate and the Joint Rules of the two Houses, introduced yesterday by Mr. Clark, were adopted, viz :

Resolved, That whenever a bill shall have passed its second reading, it shall forthwith be placed on its third reading, if no objection is made.

Resolved, That the Joint Rules shall be altered so as to permit any bill that has passed either House, written in a plain, legible hand, without any erasure or interlineation or amendment, to be transmitted to the other House, as an engrossed bill.

Resolved, That when necessary, the Speakers may employ additional Engrossing clerks.

On motion by Mr. Paschal,

The Senate took a recess until 7½ o'clock, P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

S. 168, reslution in regard to the Cape Fear Navigation Company, was considered as the unfinished business. Passed second and third reading.

Ordered to be engrossed,

The resolution in regard to adjournment offered by Mr. Coward was considered.

The question being on the amendment of Mr. Outlaw, it was

Decided in the affirmative, { Yeas,.....19. Nays,.....18.

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Berry, Brown, Cardwell, Clark, Covington, Cunningham, Etheridge, Hall, Hill, Kelly, Koonce, McCorkle, McLean, McRae, Moore Robins and Wilson.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Bullock, Edwards, Gash, Harris, of Rutherford, Jones, Leach, Marshall, Matthews, Paschal, Perkins, Richardson, Speed, Thorton, Wiggins and Willey.

On motion by Mr. Kelly to strike out "Monday, the 4th of March," and insert "Thursday, the 29th inst,"

It was decided in the affirmative, { Yeas, ...28. Nays, ...10.

On motion by Mr. Kelly,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cunningham, Edwards, Ferebee, Hall, Hill, Jones, Kelly, Koonce, Marshall, McCorkle, McRae,

Moore, Paschal, Perkins, Richardson, Robins, Speed, Wiggins, Wiley and Wilson.

Those who voted in the negative are :

Messrs. Adams, Avery, Etheridge, Gash, Harris, of Rutherford, Love, Matthews, McLean, Thompson and Thornton.

Mr. Speed moved to strike out the words "*sine die*," and insert, "to the second Monday in August."

On motion, that the resolution and amendments lie on the table, it was

Decided in the negative, { Yeas,.....20. Nays,.....21.

On motion, by Mr. Wiggins,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Avery, Bullock, Ferebee, Gash, Harris, of Rutherford, Jones, Leach, Love, Matthews, McLean, McRae, Paschal, Perkins, Respass, Richardson, Speed, Thompson, Thornton and Wiggins.

Those who voted in the negative are :

Messrs. Battle, Barnes, Berry, Brown, Cardwell, Clark, Covington, Cunningham, Edwards, Etheridge, Hall, Hill, Kelly, Koonce, Marshall, McCorkle, Moore, Robins, Snead, Willey and Wilson.

On motion by Mr. Harris, of Rntherford, to strike out "*sine die*," and insert "the third Tuesday in August," it was

Decided in the negative, { Yeas.....20 Nays.....19

On motion by Mr. Harris, of Rutherford,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Adams, Barnes, Bullock, Edwards, Ferebee, Gash, Harris, of Rutherford, Jones, Leach, Marshall, Matthews, Paschal, Perkins, Respass, Richardson, Speed, Thompson, Thornton, Wiggins and Willey.

Those who voted in the negative are :

Messrs. Avery, Battle, Berry, Brown, Cardwell, Covington, Cunningham, Etheridge, Hall, Hill, Kelly, Koonce, Love, McCorkle, McLean, McRae, Moore, Robins and Wilson.

The Speaker voted in the negative.

Pending the passage of the resolution, the hour for the Special Order arrived, viz :

H. 227, engrossed bill to authorize the President and Directors of the Western North Carolina Rail Road Company to put said road under contract.

On motion by Mr. Avery, to amend, by adding the following to section third :

Provided further, That the State Treasurer shall not be called upon for the State subscription, when the individual subscription is made in land, until the Directors shall have realized the estimated value in money in accordance with the charter,

It was adopted.

On motion by Mr. Wilson, to amend the first section, by adding the following :

Provided further, That the issue of bonds on the part of the State, shall be sold by the Treasurer of the State, at not a less rate than par, and the proceeds of such sale paid over to the President or other authorized agent of said company ; it was

Decided in the negative, { Yeas, ...17. Nays, ...23.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Battle, Barnes, Berry, Brown, Bullock, Cardwell, Cunningham, Edwards, Ferebee, Harris, of Rutherford, Kelly, Marshall, Perkins, Snead, Thornton, Willey and Wilson.

Those who voted in the negative are :

Messrs. Adams, Avery, Clark, Covington, Coward, Cowles, Etheridge, Gash, Hall, Hill, Koonce, Leach, Love, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Richardson, Robins, Speed and Wiggins.

The question recurring upon the passage of the bill its second reading, it was

Decided in the affirmative, { Yeas, ...23. Nays, ...17.

On motion by Mr. Barnes,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Clark, Covington, Cowles, Etheridge, Gash, Hall, Harris, of Rutherford, Hill, Koonce, Leach, Love, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Richardson, Robins, Speed and Wiggins.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Coward, Cunningham, Edwards, Ferebee, Kelly, Perkins, Snead, Thornton, Willey and Wilson.

The bill then passed its third reading.

Ordered to be transmitted to the House for concurrence in the amendments.

On motion by Mr. Koonce,

H. 143, engrossed bill to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into capital stock, was considered on its second reading,

And the question, "Shall the bill pass?" was put and

Decided in the negative, { Yeas.....15 / Nays.....21

On motion by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Covington Coward, Etheridge, Ferebee, Gash, Koonce, Leach, Love, McLean, McRae, Paschal, Richardson, Speed and Wiggins.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Cowles, Cunningham, Edwards, Harris, of Rutherford, Hill, Kelly, McCorkle, Moore, Perkins, Robins, Snead, Thornton, Willey and Wilson.

On motion by Mr. Cunningham,

Leave of absence was granted to Mr. Edwards from and after to-day, for the balance of the session.

On motion, by Mr. Love,

The Senate adjourned.

SATURDAY, FEBRUARY 23, 1867.

Prayer by the Rev. A. Smedes, D. D.

Reports from Committees were submitted, and filed as follows, viz:

By Mr. Clark, from the Committee on Corporations:

H. P. 80, engrossed bill to incorporate the National Loan and Trust Company, with amendments, recommending its passage.

S. P. 158, bill to incorporate the Crane's Creek Lodge, No. 213, of Free and Accepted Masons in Moore county, with favorable recommendation.

By Mr. Cowles, from the committee on Banks and Currency:

S. 225, bill providing for the expenses of the State government, and paying the interest of the State debt, recommending its passage.

By Mr. Cunningham, from the committee on Propositions and Grievances:

S. 188, bill to donate to the Wake county Work House the tract of land known as Camp Mangum, with adverse recommendation.

By Mr. Leach, from the committee on Military Affairs:

S. 214, bill to repeal chapter 70, Revised Code, entitled "Militia," recommending its rejection.

By Mr. Avery, from the committee on Internal Improvements:

H. 262, engrossed bill to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, recommending its passage.

By Mr. McLean, from the same committee:

H. 246, engrossed bill to amend the charter of the Fayetteville and Florence Rail Road Company, with favorable recommendation.

By Mr. Avery, from the Committee on the Judiciary:

H. 330, engrossed bill for the relief of Executors, Administrators, &c., recommending its passage.

A bill of the title following, introduced by Mr. Gash,

passed its several readings, under a suspension of the rule, viz :

S. 232, bill to provide for taxing Shad Nets.

Ordered to be engrossed.

Under a suspension of the rule, bills and resolutions of the titles following passed, and were ordered as follows, viz :

H. P. 102, engrossed resolution in favor of Mary M. Transom.

Ordered to be enrolled.

H. P. 103, engrossed resolution in favor of J. L. Withers and James H. White.

Ordered to be enrolled.

S. 203, bill to authorize the Courts of Pleas and Quarter Sessions for Wake county to borrow money and issue Bonds. Amended.

Ordered to engrossed.

S. 223, bill to repeal an Act entitled "an Act to amend the charter of the Washington Toll Bridge Company.

Ordered to be engrossed.

On motion, by Mr. Battle,

The vote by which the Senate rejected the engrossed bill (H. 143.) to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into Capital Stock, was reconsidered.

Ordered that it be filed.

H. 231, engrossed bill to enable the Western Rail Road Company to extend its Road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in the county of Surry, on its third reading, came up as the Special Order.

On motion, by Mr. Wiggins, to amend by striking out the third and fourth sections, it was

Decided in the negative, { Yeas, ... 14 / Nays, ... 26

On motion, by Mr. Battle,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Barnes, Berry, Brown, Clark, Cunningham, Ferebee, Kelly, McCorkle, Moore, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Adams, Avery, Bullock, Cardwell, Covington, Cowles, Etheridge, Gash, Harris of Franklin, Harris of Rutherford, Hill, Jones, Leach, Love, Lloyd, Marshall, Matthews, McLean, McRae, Paschal, Perkins, Richardson, Robins, Snead, Speed and Thompson.

The question recurring upon the passage of the bill, it was

Decided in the affirmative, { Yeas.....23. Nays.....19.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmat ve are:

Messrs. Adams, Avery, Cardwell, Covington, Cowles Etheridge, Gash, Harris of Rutherford, Hill, Jones, Leach, Love, Lloyd, Marshall, Matthews, McLean, McRae, Paschal, Respass, Richardson, Robins, Speed and Thompson.

Those who voted in the negative are:

Messrs. Battle, Barnes Berry, Brown, Bullock, Clark, Cunningham, Ferebee, Hall, Harris, of Franklin, Kelly, McCorkle, Moore, Perkins, Snead, Thornton, Wiggins, Willey and Wilson.

Ordered to be enrolled.

Bills and resolutions of the titles following, passed their second and third readings and were ordered to be engrossed.

S. P. 122, bill to incorporate the "The Charlotte Water-Works Company."

S. P. 123, resolution in favor of James H. White.

S. P. 125, bill to incorporate Wiccacon Lodge, No. 240, A. Y. M.

S. P. 159, bill to increase the capital stock of the Clarendon Bridge Company.

Engrossed bills and resolutions of the titles following, passed their second and third readings and were ordered to be enrolled, viz:

H. P. 41, resolution in favor of Mrs. Theresa Bell.

H. P. 66, bill to incorporate Carolina Lodge, No. 141, of Free and Accepted Masons in the county of Anson.

H. P. 72, bill to incorporate the Trustees of Table Rock Seminary in the county of Burke.

H. P. 79, bill to incorporate Wilmington Institute in the city of Wilmington, county of New Hanover.

H. P. 86, bill to incorporate the Wadesboro' Savings Institution.

H. P. 57, bill to incorporate the Trustees of the Lowell Colored School Society in the county of Washington.

H. P. 96, bill to incorporate the Town Fork Coal and Petroleum Company.

H. 109, bill to incorporate Pythagoras Lodge, No. 249, in the town of Smithville.

H. 115, bill to incorporate Black Rock Lodge, No. 135, in the county of Brunswick.

H. 202, bill to incorporate the Chamber of Commerce of the city of Wilmington, North Carolina.

H. 136, bill to incorporate the Centre Hill Lodge, No. 260, Free and Accepted Masons, in the county of Chowan.

H. 226, bill to incorporate the Olivia Quick Silver Mining Company of Macon county, North Carolina.

H. 249, bill to amend the charter of the Cheoih Turnpike, so as to establish a Ferry or Bridge across the Tennessee River.

H. 261, bill to incorporate the Wilmington Manufacturing Company.

H. 337, bill to amend an act to incorporate the town of Jefferson, in the county of Ashe.

H. P. 353, bill to incorporate the North Carolina Orphan Asylum.

A message was received from the House, proposing that when the two Houses adjourned, it should be to meet again on Monday.

The Senate concurred.

H. P. 104, engrossed bill to amend the charter of Olin High School, was amended and passed.

Ordered to be transmitted to the House for concurrence in the amendment.

H. 270, engrossed bill to authorize the formation of the English and American Wool and Vine growing, Manufacturing, Mining and Agricultural Association in the United

States of America, passed second reading and was referred to the committee on Corporations.

Bills of the titles following were ordered to lie on the table, viz:

S. P. 147, bill to amend the charter of the North Carolina Mutual Life Insurance Company.

S. P. 148, bill to amend the charter of the North Carolina Mutual Fire Insurance Company.

H. P. 90, engrossed bill to incorporate the Charlotte Merchants' and Planters' Benefit Association.

S. P. 124, resolution in favor of Horace C. Davis, of Yadkin county, was rejected.

P. P. 65, resolution in favor of Horton S. Reeves, passed second reading, and, being read a third time,

It was passed to an enrollment, { Yeas, ... 27. Nays, ... 9.

On motion by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Bullock, Cardwell, Clark Coward, Cowles, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Leach, Love, Matthews McRae, Perkins, Respass, Robins, Speed, Thompson, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Battle, Cunningham, Etheridge, Kelly, McCorkle, McLean, Moore, Paschal, and Wilson.

H. 90, engrossed bill to revive and amend the charter of the Shelby and Broad River Rail Road, had its second reading.

On motion by Mr. Harris, of Rutherford, that it be indefinitely postponed,

It was determined in the negative.

The question recurring upon the passage of the bill, it was

Decided in the negative, { Yeas, ... 9. Nays, ... 25.

On motion by Mr. Harris, of Rutherford,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Cardwell, Cunningham, Gash, Lloyd, McLean, Robins, Speed and Thompson.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Berry, Bullock, Covington, Cowles, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Marshall, Matthews, McCorkle, McRae, Paschal, Perkins, Snead, Thornton, Wiggins, Willey and Wilson.

S. P. 145, resolution in favor of John A. Gilmer, Jr., was read the second time, and the question being upon its passage, it was

Decided in the negative, { Yeas,.....18. Nays,.....22.

On motion by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Brown, Clark, Gash, Hall, Harris, of Franklin, Hill, Leach, Lloyd, Matthews, McLean, McRae, Moore, Robins, Speed, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Battle, Barnes, Berry, Bullock, Cardwell, Covington, Cowles, Cunningham, Etheridge, Ferebee, Harris of Rutherford, Kelly, Love, Marshall, McCorkle, Paschal, Perkins, Richardson, Snead, Thompson, Thornton and Wilson.

On motion, by Mr. Wiggins,

The Senate adjourned.

MONDAY, February 25, 1867.

The Speaker designated Messrs. Hall, Cardwell, Jones, Harris, of Franklin, Matthews and Marshall, as the Senate branch of the Committee on Enrolled Bills for the week.

Reports from committees were submitted and filed as follows, viz:

By Mr. Cunningham, from the committee on Propositions and Grievances:

Memorial from citizens of Rowan county, in regard to the laws in reference to Landlords and Tenants, asking to be discharged from its further consideration, as no legislation upon the subject is required. Discharged.

By Mr. Clark, from the committee on Corporations:

H. 398, engrossed bill to regulate the cultivation of Oysters, asking to be discharged from its further consideration. Discharged.

By Mr. Hall, from the committee on Education and the Literary Fund:

H. 368, engrossed bill in relation to Weights and Measures, with amendments, recommending its passage.

By Mr. Hall, from the joint select committee on Federal Relations:

S. 167, resolution in regard to Federal Relations with special report, as follows, viz:

Your Committee are fully persuaded that the proposition contained in the Resolution, if submitted to the people of North Carolina, with an assurance that it would accomplish the object they have so much at heart, would be accepted by them. Wearied by the continued agitation of this vexed question; suffering severely from the effects of a disorganized social and political society, and satisfied that no material prosperity will ever be possible until a political union of the different States can be brought about upon a just and honorable basis; they would willingly agree that North Carolina should do every thing in her power, consistent with her honor, to attain an end so much desired. And your Committee see nothing in the proposition to which North Carolina could not or ought not, at this time, to consent, provided that by so doing a final settlement of our troubles could be arrived at.

But after a survey of the present indications of the political *animus* of the Federal Congress, your Committee can see no good that can be accomplished by the Resolutions referred to them, but, on the other hand, are of the opinion that such action, on the part of the General Assembly, may be so construed as to place the people of the State in a position, at

once false and degrading. It is a matter of common fame known to all, that Congress has just passed an Act, in effect destroying the organization of the State and placing restrictions on her action, evidently intended as punishments to our people.

In view of this fact, it does seem to your Committee to be an opportune time to come forward with propositions of our own. Notwithstanding the fact that we are now and have been, at all times, since the final abandonment of armed resistance to the Federal Government, willing to yield all the issues of the late unfortunate contest, and, indeed, more than might have been legitimately involved therein,—your Committee think there is a point beyond which our self-respect and honor forbid us to go. If suffer we must, let us try to conduct ourselves, in this hour of our unparalleled misfortune and woe, in such a manner as not to bring shame upon the record of the past, hoping that, after the lapse of time, when wiser, more dispassionate and cooler counsels shall prevail, that the people of North Carolina will be better understood and more confidence be accorded to their oft repeated assertion that their great wish is now for the formation of a more perfect union and the restoration of peace and harmony on an indestructible basis.

For the reasons assigned, your Committee beg leave to be discharged from the further consideration of the Resolution.

The committee were discharged and the Report ordered to be printed, and the Resolution made the Special Order for Wednesday, February 27th, at 12 o'clock M.

Bills and resolutions of the titles following, being introduced, were filed or otherwise disposed of as follows, viz:

By Mr. Ferebee: Resolutions (S. 233,) in regard to the adjournment and future meeting of the General Assembly.

By Mr. Cowles: Resolution (S. 238,) in regard to Sheriffs. Passed second and third readings.

Ordered to be engrossed.

From the House: Engrossed bill, (H. 406,) to give the County and Superior Courts of Law authority to decree a sale

of land for partition in certain cases. Referred to the Judiciary.

Engrossed bill, (H. 387,) explanatory of an act granting General Amnesty and Pardon. Referred to the Judiciary.

Engrossed bill, (H. 277,) for the relief of purchases of vacant land in Macon county.

Engrossed bill, (H. 280,) to amend the 46th chapter of the Revised Code, entitled Executors and Administrators.

Engrossed bill, (H. 359,) to authorize the consolidation of the Securities of the State, held by the Literary Board, and for other purposes. Passed second and third reading.

Ordered to be enrolled.

Engrossed bill, (H. 250,) to amend section 6. of chapter 90, Revised Code.

Engrossed bill, (H. 370,) to provide for the collection and payment into the Treasury of moneys due by paying patients in the Insane Asylum.

Engrossed bill, (H. 274,) to incorporate the Rockingham and Henry Rail Road Company.

Engrossed bill, (H. 253,) giving to the County and Superior Courts authority to sentence criminals to work the public roads.

Engrossed resolution, (H. P. 127,) to extend the time for the collection of taxes in the county of Halifax. Passed second and third readings.

Ordered to be enrolled.

Engrossed resolution, (H. P. 78,) in favor of William Patterson, late sheriff of Alamance county.

Engrossed bill, (H. 385,) to amend an act concerning the Howard Gap Turnpike Road, passed at the session of 1835, chapter 53. Passed second and third readings.

Ordered to be enrolled.

Engrossed bill, (H. P. 124,) in favor of the representatives of D. F. Bagley, late Sheriff of Perquimans county.

Engrossed bill, (H. 275,) to incorporate the American Industrial Association of North Carolina. Referred to Corporations.

Engrossed bill, (S. P. 122,) to incorporate the Raleigh Memorial Association.

Engrossed bill, (H. 251,) to incorporate Holston Annual Conference of the M. E. Church, South.

A message was received from the House of Commons, announcing Messrs. McClammy, McGougan, Morehead, Shelton and York as the House committee on Enrolled Bills for the week.

Also, announcing the concurrence of that body to the amendment to the Joint Rules concerning Engrossed Bills, and authorizing the Speakers to employ additional Engrossing Clerks.

Also, transmitting recommendations for Justices of the Peace for the counties of Wayne, Davidson, Mecklenburg, Sampson, Yadkin, Moore, Chatham and Randolph.

Those for Chatham and Randolph were laid on the table. The others were concurred in.

Ordered to be transmitted to the Governor for commission.

Mr. obins submitted recommendations for Justices of the Peace for Randolph county, which were concurred in, and ordered to be transmitted to the House for concurrence.

A message was received from the House, concurring in the amendment of the Senate to the Engrossed bill, (H. 297,) to authorize the President and Directors of the Western North Carolina Rail Road Company to put said road under contract.

Ordered to be enrolled.

Also, transmitting the resolution, (S. 238,) in regard to Sheriffs, with an amendment, asking the concurrence of the Senate.

The Senate concurred.

Also, the engrossed bill, (H. P. 100,) to amend the charter of Olin High School, concurring in the amendment of the Senate.

Ordered to be enrolled.

Also, refusing to concur in the recommendation for Justices of the Peace for Randolph county.

Also, transmitting the following resolution, viz :

Resolved, That the General Assembly adjourn *sine die* on Monday, the 4th of March next, at 6 o'clock, A. M.

The question being upon the concurrence of the Senate, it was

Decided in the negative, { Yeas, ... 15. Nays, ... 22.

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Berry, Brown, Clark, Covington, Cunningham, Gash, Hall, Hill, Love, McLean, McRae, Robins and Wilson.

On motion by Mr. Wiggins,

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Bullock, Cardwell, Cowles, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Kelly, Leach, Love, Lloyd, Matthews, Paschal, Perkins, Respass, Richardson, Speed, Thornton, Wiggins, and Willey.

Mr. Matthews submitted the following resolution for the consideration of the Senate, viz:

Resolved, That the two Houses of this General Assembly adjourn on Monday, the 4th of March, next, at 6½ o'clock, A. M., to meet again on the third Monday in August next, at 12 o'clock, M.

And it was adopted, { Yeas,.....23. Nays,.....15.

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Battle, Barnes, Bullock, Cardwell, Cowles, Etheridge, Ferebee, Gash, Harris, of Franklin, Harris, of Rutherford, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Respass, Richardson, Speed, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Avery, Berry, Brown, Clark, Covington, Cunningham, Hall, Hill, Kelly, Love, McLean, McRae, Moore, Robins, and Wilson.

A resolution concerning adjournment, heretofore introduced by Mr. Coward, came up as the unfinished business.

Ordered to lie on the table.

On motion by Mr. Hall,

S. 176, bill to secure advances for Agricultural purposes, was called up on its second reading. The amendment proposed by the committee on the Judiciary was adopted and the bill passed its second and third readings.

Ordered to be engrossed.

On motion by Mr. Leach,

H. 262, engrossed bill to exchange a certain amount of the stock in the North Carolina Rail Road Company, and for other purposes, was called up and made the Special Order for 8 o'clock, P. M.

On motion by Mr. Hall,

The vote by which the Senate rejected the engrossed bill (H. 90) to revive and amend the charter of the Shelby and Broad River Rail Road Company, was re-considered, and the bill filed.

S. 227, bill to provide for the payment of the interest on the Public Debt, and for other purposes, came up as the Special Order.

On motion by Mr. Berry,

Its further consideration was postponed to, and made the Special Order for, Tuesday, February 26th, at 11 o'clock, A. M.

On motion by Mr. Wiggins,

H. 199, engrossed bill to regulate taxation by the County Courts, was taken up. The amendments proposed by the committee on the Judiciary were adopted.

On motion by Mr. Etheridge, to amend, by adding the following as an additional section, viz:

"That the Justices of any county, who may have hereafter, prior to the promulgation of this act, levy taxes under the Revenue Act of March 12th, 1866, may, at a general or special term of the Court of Pleas and Quarter Sessions of their respective counties, impose taxes under the Revenue Act passed at the present session of the General Assembly,"

It was decided in the affirmative.

As amended, the bill passed its second and third readings.

Ordered to be transmitted to the House for concurrence in the amendments.

On motion by Mr. Avery,

S. 213, bill to change the time of holding the Courts in the Seventh Judicial District, was taken up and considered. The amendment proposed by the committee on the Judiciary was adopted. As amended, the bill passed its second and third readings.

Ordered to be engrossed.

A message was received from the House, concurring in the proposition to adjourn on the 4th of March next, to meet again on the third Monday in August.

Bills of the titles following, being read the second time, were disposed of as follows, viz:

S. 158, bill requiring the plaintiff to make affidavit in action of debt. Indefinitely postponed.

S. 169, bill to change the Judicial System of the State.

Ordered to lie on the table.

S. 171, bill to authorize the Comptroller to employ a Clerk.

Mr. Love moved to amend, by striking out all after the enacting clause, and substitute a bill repealing all the acts relating to Salaries and Fees, and regulating all Salaries and Fees by chapter 102, Revised Code.

Mr. Wilson called for a division of the question

On motion by Mr. Ferebee, that the amendment lie on the table,

It was decided in the negative, { Yeas, ... 13 / Nays, ... 26

On motion by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Barnes, Bullock, Cardwell, Cowles, Etheridge, Ferebee, Harris, of Rutherford, Kelly, Lloyd, Marshall, Outlaw, Paschal and Thornton.

Those who voted in the negative are:

Messrs. Adams, Avery, Battle, Berry, Brown, Clark, Covington, Cunningham, Gash, Hall, Harris, of Franklin, Hill, Leach, Love, Matthews, McLean, McRae, Moore, Perkins, Respass, Richardson, Robins, Speed, Wiggins, Willey and Wilson.

The question recurring upon the motion to strike out, it was

Decided in the negative, { Yeas, ... 11
Nays, ... 26

On motion by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Berry, Bullock, Cowles, Cunningham, Etheridge, Harris, of Rutherford, Kelly, Love, Lloyd, Paschal and Richardson.

Those who voted in the negative are:

Messrs. Adams, Avery, Barnes, Brown, Cardwell, Clark, Covington, Ferebee, Gash, Hall, Harris, of Franklin, Hill, Leach, Marshall, Matthews, McLean, McRae, Moore, Outlaw, Perkins, Respass, Robins, Thornton, Wiggins, Willey and Wilson.

The question recurring upon the passage of the bill,

On motion by Mr. Love, that it be indefinitely postponed, it was

Decided in the negative, { Yeas, ... 16.
Nays, ... 21.

On motion by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Barnes, Berry, Bullock, Cowles Cunningham, Etheridge, Harris, of Rutherford, Kelly, Love, Lloyd, Marshall, Matthews, Paschal, Richardson, Thornton and Willey.

Those who voted in the negative are:

Messrs. Adams, Avery, Battle, Brown, Cardwell, Covington, Ferebee, Gash, Hall, Harris, of Franklin, Hill, Leach, McLean, McRae, Moore, Outlaw, Respass, Robins, Speed, Wiggins and Wilson.

The bill then passed its second and third readings.

Ordered to be engrossed.

H. 246, engrossed bill to amend the charter of the Fayetteville and Florence Rail Road Company, came up as the Special Order.

On motion by Mr. Hall,

To amend by adding the following to the second section, viz :

"*Provided*, That the funds arising from such appropriation shall first be expended, or as much thereof as is necessary, to complete the Road between Fayetteville and some point hereafter to be designated on the Wilmington, Charlotte and Rutherfordton Rail Road."

It was decided in the affirmative.

On motion by Mr. Wilson,

To amend by striking out the second and third sections, it was

Decided in the affirmative, { Yeas.....20 / Nays.....15

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Cunningham, Ferebee, Harris, of Franklin, Harris, of Rutherford, Kelly, Moore, Outlaw, Paschal, Robins, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative are :

Messrs. Adams, Avery, Covington, Cowles, Etheridge, Gash, Hall, Hill, Leach, Love, Lloyd, Matthews, McLean, McRae, and Richardson.

As amended, the bill passed its second reading.

Being read a third time,

On motion, by Mr. McRae,

[illegible] to lie on the table.

On motion by Mr. Paschal,

The Senate adjourned until 7½ o'clock, P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

A message was received from the House, transmitting the bill (S. 91,) to enable the city of Wilmington to provide for

the payment of the debt of said city, with an amendment, asking the concurrence of the Senate.

The Senate concurred.

Also, concurring in the Senate amendments to the engrossed bill (H. 199,) to regulate taxation by the County Courts.

Ordered to be enrolled.

Also, a resolution directing the Public Printer to complete the printing of the Laws and Journals, and the Secretary of State to distribute the same, without waiting for the adjourned session in August next.

The Senate concurred in the resolution.

S. 172, bill in relation to Inspectors of Wilmington, on its second reading, was indefinitely postponed.

S. 175, bill to consolidate the Chatham Rail Road and the Western Rail Road Companies, came up on its second reading. Passed second and third readings.

Ordered to be engrossed.

H. 262, engrossed bill to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, came up as the Special Order on its second reading.

And the question, "Shall the bill pass?" was put, and

Decided in the negative, { Yeas .....18. Nays .....19.

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Covington, Coward, Etheridge, Gash, Harris of Franklin, Harris of Rutherford, Jones, Leach, Marshall, Matthews, McLean, McRae, Paschal, Perkins, Respass and Richardson.

Those who voted in the negative are:

Messrs. Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Cunningham, Hall, Hill, Kelly, Love, Lloyd, Moore, Robins, Thornton, Wiggins, Willey and Wilson.

On motion, by Mr. Bullock,

The Senate adjourned.

TUESDAY, FEBRUARY 26, 1867.

Prayer by the Rev. J. M. Atkinson.

Reports from committees were submitted and filed as follows, viz:

By Mr. Clark, from the committee on Corporations:

Engrossed bill (H. 270) to authorize the formation of the English and American Wool and Vine growing, Manufacturing, Mining and Agricultural Association in the United States of America.

Engrossed bill (H. 294) to incorporate the North Carolina Land Agency, for the encouragement of Immigration.

Engrossed bill (H. 275) to incorporate the American Industrial Association of North Carolina, recommending their passage.

By Mr. Avery, from the committee on Internal Improvements:

Engrossed bill (H. 204) to charter Oxford branch of the Raleigh and Gaston Rail Road, with an amendment, recommending its passage.

A bill of the title following, presented by Mr. Jones, passed its first reading, and was referred to the committee on the Judiciary, viz:

S. 244, bill to punish Fruit thieves.

On motion by Mr. Wiggins,

The vote by which the Senate passed the engrossed bill (H. 199) to regulate taxation by the County Courts, was reconsidered, and the bill referred to the committee on Finance.

On motion by Mr. Cunningham,

H. P. 190, engrossed bill to amend an act, entitled "An Act to authorize the Roanoke Navigation Company to discontinue the use of their Canal around the Grand Falls of the Roanoke River, &c.," was called up and passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Gash,

H. 270, engrossed bill to authorize the formation of the English and American Wool and Vinegrowing, Manufacturing, Mining and Agricultural Association in the United

States of America, was taken up and passed its several readings.

Ordered to be enrolled.

On motion by Mr. Brown,

S. 224, bill explanatory of an act, entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein," was called up and made the Special Order for to-day at 1 o'clock, P. M.

S. 173, bill to harmonize and give through freight and travel, without the expense of trans-shipment, on the different Rail Road lines in the State, had its second reading.

On motion by Mr. Wilson, to amend, by striking out the word "trans-shipment," wherever it occurs, and inserting the word "transfer,"

It was decided in the affirmative.

The bill, as amended, passed its several readings.

The title as amended by striking out the word "trans-shipment," and inserting the word "transfer."

Ordered, to be engrossed.

S. 183, bill to encourage the sale of State bonds, and for other purposes, on its second reading, was

Rejected, { Yeas,.....12. Nays,.....26.

On motion by Mr. Gash,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Covington, Gash, Love, McLean, McRae, Paschal, Richardson, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Battle, Berry, Brown, Bullock, Cardwell, Clark, Coward, Cowles, Cunningham, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Leach, Lloyd, Matthews, Moore, Outlaw, Robins, Speed, Thompson, Thornton and Wilson.

Mr. Love moved that the vote by which the Senate rejected the engrossed bill, (H. 262) to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, be re-considered. Adopted.

S. 227, bill to provide for the payment of the interest of the public debt, and for other purposes, was considered as the Special Order.

On motion by Mr. Berry,

To amend by striking out all after the enacting clause and inserting the following:

"That for the purpose of providing for the expenses of the State government, and the payment of the interest of the State debt, the Treasurer is hereby authorized and required, to cause bills to be prepared to an amount not exceeding, in the whole, seven hundred and fifty thousand dollars, which said bills shall be signed by the Public Treasurer, on behalf of the State, and countersigned by the Comptroller, and each of these officers shall keep, in proper books, separate and accurate accounts, showing the number, date and amount of each of said bills, signed and countersigned by them respectively, and also accounts showing all of such of said bills as may be paid or redeemed and cancelled from time to time; and the Treasurer shall account monthly for all such of said bills as shall have been countersigned by the Comptroller and delivered to the Treasurer for issue: *Provided*, said bills shall not be paid out for any coupon bond provided for in the act passed the 10th of March, 1866, authorizing the interest of the State debt to be funded.

SEC. 2. *Be it further enacted*, That the said Treasury bills shall be payable at the Public Treasury, to the bearer, on the first of January, A. D., 1870, and shall bear interest at the rate of one-tenth of one per cent. per annum, for every hundred dollars, and in that proportion for sums greater or less than one hundred dollars, and be of the several denominations of one dollar, two dollars, five dollars, ten dollars, and twenty dollars, and be issued in the following proportions, that is to say; of the bills of one dollar and two dollars, one hundred thousand dollars each; bills of five dollars and ten dollars, two hundred thousand dollars each; and the bills of twenty dollars, one hundred and fifty thousand.

SEC. 3. *Be it further enacted*, That the principal money and interest due on said bills, shall be paid at maturity, in national currency to the several holders thereof, upon demand, at the Public Treasury, out of any money not otherwise appropriated.

SEC. 4. *Be it further enacted*, That the said bills may be issued by the Public Treasurer in payment of all audited claims against the State of North Carolina. But in all cases of coupon bonds, the coupons due at the time of such payment shall be surrendered; the said bills shall also, at any time hereafter, be receivable at the Treasury, in payment of all public *dues*, and in making such payment, the holder shall have credit for the principal money and the interest due on said bills up to the day of payment to the Treasurer, Sheriff, Tax Collector, or other Agent of the State; and accounts shall be kept by the Treasurer aforesaid, of the bills thus paid or redeemed, distinguishing the amounts paid for interest from the principal.

SEC. 5. *Be it further enacted*, That the said Treasury bills shall be received by the Sheriffs and other collecting officers in payment of the public *dues* and county taxes in their respective counties.

SEC. 6. *Be it further enacted*, That the Treasury bills received at the Treasury as aforesaid, shall not be re-issued, but shall be deemed to be cancelled; but other Treasury bills of the same amounts and denominations may be issued, as aforesaid, in lieu of those thus cancelled, for the purposes set forth in the first section of this bill: *Provided*, That the amounts of said bills at any time outstanding shall not exceed the sum of seven hundred and fifty thousand dollars.

SEC. 7. *Be it further enacted*, That a tax of one-tenth of one per cent. shall be levied on all subjects of taxation, after the first of January, 1868, embraced in the Revenue bill, that are taxed *ad valorem*, and the same rates on all subjects of taxation that are taxed specifically, as is levied on the same, for

the purpose of creating a sinking fund to redeem said bills at maturity.

SEC. 8. *Be it further enacted*, That for falsely marking, forging, counterfeiting, or causing or procuring the same to be done, or willingly aiding or assisting t erein, any Treasury bill, and for uttering or publishing, passing, delivering, or attempting to pass or deliver, any false, forged or counterfeited Treasury bill, as provided for in regard to other instruments of writing in sections 60 and 61, of the Revised Code, chapter 31, any person so offending shall, on conviction, be punished as therein prescribed."

It was

Decided in the negative, { Yeas, ...12. / Nays, ...29.

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Barnes, Berry, Brown, Bullock, Cowles, Harris, of Rutherford, Jones, Perkins, Respass, Robins and Wiggins.

Those who voted in the negative are:

Messrs. Avery, Battle, Cardwell, Clark, Covington, Coward, Cunningham, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Hill, Kelly, Love, Lloyd, Marshall, Matthews, McLean, McRae, Moore, Outlaw, Paschal, Richardson, Speed, Thompson, Thornton, Willey and Wilson.

Mr. Hall moved to amend by striking out all after the enacting clause, and inserting the following:

"That a tax shall be levied, payable on or before the 15th day of December, 1867, and on or before the 1st day of October of each year thereafter, equal to one hundred per cent of the tax imposed by the Revenue Act, passed by the present General Assemby, on the subjects and persons therein named, which tax shall be payable in the existing National currency.

SEC. 2. It shall be the duty of the Public Treasurer to advertise, that on the 1st day of January, 1868, and thereafter, until the money herein directed to be collected shall be exhausted, fifty per cent. of interest due by the State, on bonds issued under Acts passed prior to May 20th, 1861, and since May 20th, 1865, will be paid to any person entitled to the same, in full of the said interest.

SEC. 3. In case after six months from the date of said advertisement, persons entitled to interest shall fail to accept the terms herein offered, the moneys collected under this Act or any residue thereof, shall be paid to the commissioners of the Sinking Fund, to be by them invested in bonds of the State, dated prior to May 20th, 1861, and since May 20th 1865.

SEC. 4. This act shall be in force from and after its ratification.

On motion by Mr. Speed to amend the amendment by striking out all after the words "be paid," in the 3rd section, and inserting the following, "To any persons holding Coupon Bonds of the State, issued before the 20th day of May, 1861, and since the 20th day of May, 1865, they will receive fifty per cent of the same in full dischrge thereof, so far as the same will go,"

It was decided in the negative.

The question recurring upon the amendment offered by Mr. Hall,

On motion by Mr. Paschal, it was

Indefinitely postponed, { Yeas,.....24 / Nays,.....16

On motion, by Mr. Paschal,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Battle, Berry, Bullock, Cardwell, Coward, Cowles, Cunningham, Ferebee, Harris, of Franklin, Harris, of Rutherford, Jones, Kelly, Lloyd, Marshall, Matthews, Paschal,

Perkins, Richardson, Robins, Thompson, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Avery Barnes, Brown, Clark, Covington, Etheridge, Gash, Hall, Hill, Love, McLean, McRae, Moore, Outlaw, Speed and Wilson.

S. 224, bill explanatory of an Act entitled "an Act to change the jurisdiction of the Courts and the rules of pleading therein," coming up as the Special Order,

On motion, by Mr. Clark,

Its further consideration was postponed to and made the Special Order for 8 o'clock this evening.

On motion, by Mr. Matthews,

The Senate adjourned until 7½ o'clock, P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

Mr. Respass, by leave, introduced a bill with the following title, viz:

S. P. 169, bill for the benefit of the County Court Clerk of Beaufort county. Filed.

On motion, by Mr. Clark,

H. 263, engrossed bill to declare Tar River, through the county of Edgecombe, a water course sufficient for a fence, was taken up and passed its second and third readings.

Ordered to be enrolled.

On motion, by Mr. Avery,

H. 286, engrossed bill to secure a better drainage of the low lands on Lower creek, in the county of Caldwell, was called up.

Mr. Avery proposed sundry amendments, which were adopted.

The title was amended by inserting the words "and Burke," after the word "Caldwell."

Ordered to be transmitted to the House for concurrence.

S. 224, bill explanatory of an Act entitled "an Act to change the jurisdiction of the Courts and the rules of pleading therein," came up as the Special Order.

On motion, by Mr. Leach, to amend by striking out the word "includes" in the second section and inserting the words "shall include all."

It was decided in the affirmative.

On motion, by Mr. Leach, to add to the second section the following:

"And that the provisions of the Act, of which this Act is explanatory, shall apply to this section,"

It was decided in the affirmative.

The bill passed its second and third readings.

Ordered to be engrossed.

Bills of the titles following, being read the second time, were disposed of as follows, viz:

S. 184, bill to establish a Board of Regents for the University and the Male Colleges of the State. Rejected.

S. 187, bill to incorporate the Colored Educational Association of North Carolina. Passed second and third readings.

Ordered to be engrossed.

S. 188, bill to donate to the Wake County Work House the tract of land known as the Camp Mangum tract. Indefinitely postponed.

S. 202, bill to more effectually prevent Crime and Lawlessness. Rejected.

The motion to reconsider the vote by which the Senate rejected the engrossed bill (H. 262,) to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, was called up.

On motion, by Mr. Berry, that the motion lie on the table, it was

Decided in the negative, { Yeas, ...15. / Nays, ...22.

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Barnes, Berry, Cardwell, Clark, Cunningham, Ferebee, Hall, Kelly, McCorkle, Moore, Robins, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Adams, Avery, Brown, Bullock, Covington, Cowles, Etheridge, Harris, of Franklin, Harris, of Rutherford, Jones, Leach, Love, Loyd, Marshall, Matthews, McLean, McRae, Paschal, Respass, Richardson, Snead and Speed.

The vote was then re-considered.

The question recurring upon the passage of the bill, it was

Decided in the negative, { Yeas, ...18. / Nays, ...21.

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Covington, Coward, Cowles, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Leach, Marshall, Matthews, McLean, McRae, Paschal, Respass, Richardson and Snead.

Those who voted in the negative are:

Messrs Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Cunningham, Etheridge, Ferebee, Hall, Hill, Kelly, Lloyd, McCorkle, Moore, Robins, Thornton, Wiggins, Willey, and Wilson.

Mr. Robins entered a motion to re-consider this vote.

On motion by Mr. Adams,

S. P. 73, bill authorizing the issuing of duplicates of destroyed bonds, to Charles S. Mills, was taken up and re-committed to the Judiciary.

On motion by Mr. Wiggins,

H. P. 92, engrossed bill to incorporate the Jones County Savings' Institution, was taken up and passed its several readings.

Ordered to be enrolled.

On motion by Mr. Ferebee,

H. 88, engrossed bill to prohibit citizens of other States from fishing in Currituck Sound, was called up, and passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Speed,

H. 143, engrossed bill to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into capital stock, was taken up, and the question being on its passage, it was

Decided in the negative, { Yeas,.....17. Nays,.....20.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Battle, Bullock, Coward, Etheridge, Gash, Harris, of Rutherford, Jones, Leach, Love, McLean, McRae, Paschal, Richardson, Speed, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Adams, Barnes, Berry, Brown, Cardwell, Covington, Cowles, Cunningham, Ferebee, Hall, Harris of Franklin, Hill, Kelly, Lloyd, McCorkle, Moore, Robins, Snead, Thornton and Wilson.

The motion to reconsider the vote by which the Senate rejected the engrossed bill (H. 262,) to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, was considered and adopted.

On motion, by Mr. Clark, to amend by striking out the first, second and third sections,

It was decided in the affirmative.

The bill then passed its second and third readings.

On motion, by Mr. Leach, to amend the title so as to read "A bill to authorize the subscription of lands, bonds and stocks to the Cheraw and Coalfiels Rail Road,"

It was adopted.

Ordered to be transmitted to the House for concurrence.

On motion, by Mr. Respass,

S. P. 169, bill for the benefit of the County Court Clerk of Beaufort county, was taken up and passed its second and third readings.

Ordered to be engrossed.

Bills and resolutions of the titles following, passed their second and third readings and were ordered to be engrossed, viz:

S. 211, resolution to ascertain the number of wounded and disabled officers, and the widows and orphans of deceased soldiers in the late war.

S. 219, bill to amend the 3d section, chapter 7, Revised Code.

S. 226, bill to authorize the Justices of the Court of Pleas and Quarter Sessions of Robeson county to appoint a Special Magistrate for said county.

S. 228, bill to authorize the Mayor or Chief Magistrate of incorporated cities and town in the State to enforce collection and payment of Fines and Penalties.

On motion by Mr. Wilson,

H. P. 90, engrossed bill to incorporate the Charlotte Merchants' and Planters' Benefit Association, was taken from the table and recommitted to the committee on Corporations.

Bills of the titles following, being read the second time, were disposed of as stated, viz:

Engrossed bill (H. 32,) to amend section 30, chapter 54, of the Revised Code, entitled "Guardians and Wards." Rejected.

Engrossed bill (H. 47,) concerning the County Site of Clay county. Rejected.

Bill (S. 185,) to amend the 11th section, 31st chapter, Revised Code. Rejected.

Bill (S. 212,) to amend an Act to establish Work Houses or Houses of Correction in the several counties of the State. Indefinitely postponed.

Bill (S. 214,) to repeal chapter 70, Revised Code, entitled "Militia." Rejected.

Rill (S. 225.) providing for the expenses of the State Government and paying the interest of the State debt.

Ordered to lie on the table.

On motion, by Mr. Bullock,

The Senate adjourned.

WEDNESDAY, FEBRUARY 27, 1867.

Reports from Committees were submitted and filed as follows, viz :

By Mr. Wiggins, from the Committee on Finance :

H. 199, engrossed bill to regulate taxation by the County Courts, recommending its passage.

On motion, by Mr. Wiggins,

The rule was suspended and the bill passed its third reading.

Ordered to be enrolled.

By Mr. Robins, from the Committee on the Judiciary :

H. 387, engrossed bill explanatory of an Act granting general Amnesty and Pardon, with adverse recommendation.

By Mr. McCorkle, from the same committee :

H. 97, engrossed bill restoring to Married Women their common law right of Dower.

H. 406, engrossed bill to give the County and Superior Courts of Law authority to decree a sale of land for partition in certain cases, with adverse recommendations.

Bills and resolutions of the titles following had their first reading and were filed or referred as follows, viz :

By Mr. Respass : Bill (S. 245,) for the relief of certain persons for taxes. To Propositions and Grievances.

From the House : Engrossed bill (H. 278) relating to Deeds of Trust and Mortgages.

Engrossed bill (H. 279) amendatory of an act, entitled An Act to amend chapter 101, section 9, Revised Code, entitled "Roads, Ferries and Bridges."

Engrossed bill (H. 285) to authorize a public road from the town of Shelby to the South Carolina line, and the construction of a Toll Bridge and dam across Broad River. To Corporations.

Engrossed bill (H. 287) to amend the charter of the Western North Carolina Rail Road.

Engrossed bill (H. 289, in regard to Standard Weights.

Engrossed bill (H. 293) to amend the 20th section, chapter 34, of Revised Code.

Engrossed bill (H.306) to change the location of thecounty site of Haywood county. To the Judiciary.

Engrossed bill (H. 316) to amend section 6, chapter 40, of an act concerning negroes and persons of color, or of mixed blood.

Engrossed bill (H. 317) to amend chapter 62, section 16, Revised Code.

Engrossed bill (H. 415) to change the mode of appointing Auctioneers.

Engrossed bill (H. P. 129) authorizing the formation of the Durham North Carolina Industrial Association, in the county of Orange.

Engrossed bill (H. 282) authorizing the Chairman of the County Court of Anson to sell certain lots in the town of Wadesboro'.

Engrossed bill (H. 283) extending the several Terms of the County Courts of Anson.

Engrossed bill (H. 399) in favor of the Attorney General.

A message was received from the House, transmitting the bill (S. 148) to amend the charter of the Wilmington Railway Bridge Company, with an amendment, asking the concurrence of the Senate.

The Senate concurred.

Also, transmitting recommendations for Justices of the Peace for the county of Union, in which the Senate concurred.

Ordered to be transmitted to the Governor for commission.

On motion by Mr. Harris, of Franklin,

A list of Justices of the Peace recommended by the House for the county of Franklin, were taken from the table and concurred in.

Ordered to be transmitted to the Governor for commission.

On motion by Mr. Bullock,

H. 204, engrossed bill to charter Oxford Branch of the Raleigh and Gaston Rail Road, was called up and passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Harris, of Franklin,

H. 330, engrossed bill for the relief of Executors, Administrators, &c., was taken up and its further consideration postponed to and made the Special Order for 8 o'clock, P. M., to-day.

On motion by Mr. McLean,

H. 246, engrossed bill to amend the charter of the Fayetteville and Florence Rail Road Company, was taken from the table, and its further consideration postponed to and made the Special Order for 1 o'clock, P. M., to-day.

Engrossed bills of the titles following, on their second reading, were disposed of as follows, viz :

H. 175, bill to promote the agricultural interests of the State, and for other purposes. Passed second reading and referred to the committee on Corporations.

H. 179, bill to authorize incorporated towns and cities to establish systems of Common Schools. Passed second and third readings.

Ordered to be enrolled.

H. 192, bill to permit the people of Currituck county to elect Commissioners of Wrecks. Passed second and third readings.

Ordered to be enrolled.

H. 239, bill relating to Apprentices.

Ordered to lie on the table.

H. 104, bill to amend an act for the relief of Landlords. Passed second reading.

Mr. Harris, of Rutherford, moved to amend by striking out "five," in the third section, and inserting "fifteen," and striking out "three," and inserting "twelve," and pending the question,

The Speaker announced the hour for the Special Order, viz :

Resolution (S. 167) in regard to Federal Relations.

Mr. Richardson moved to amend by striking out all after "Whereas," and inserting the following, viz :

"The Federal Relations once existing between and among the States comprising the government of the United States

of America have, at least, to a very great extent, been dissolved: *And whereas*, it is the duty of the loyal people of said government, and each of its members, to render all the aid in their power to unite and firmly establish said government upon a true and loyal basis; be it therefore,

Resolved, That we accept the Act lately passed by the Congress of the United States of America, for the purpose of reorganizing the rebel States, in good faith, and will use every effort to carry out the same upon a true and loyal basis."

On motion by Mr. Outlaw,
That it lie on the table,
It was decided in the affirmative, { Neas.....30. Yeas.....11.

On motion by Mr. Outlaw,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cunningham, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Hill, Kelly, Lloyd, McCorkle, McLean, McRae, Moore, Outlaw, Paschal, Perkins, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Coward, Cowles, Harris, of Rutherford, Jones, Love, Matthews, Respass, Richardson, Robins, Snead and Speed.

A bill and resolution, of the titles following, were introduced, by leave, passed their first reading and were disposed of as follows, viz:

By Mr. Matthews: Senate bill 256, amendatory of an act passed at this session of the General Assembly, ratified the 12th day of February, 1867, "to change the jurisdiction of the Courts and the rules of pleading therein," and for other purposes. Referred to the Judiciary.

By Mr. Love: Senate resolution 257, proposing a National Convention. Filed.

H, 246, engrossed bill to amend the charter of the Fayetteville and Florence Rail Road Company, came up as the Special Order, on its third reading.

On motion by Mr. McRae, to amend, by adding the following to the second section, viz :

Provided, That the sum above appropriated, shall be expended, first, between Fayetteville and the Wilmington, Charlotte and Rutherford Rail Road; and, *Provid d further*, That before said subscription shall be made by the Treasurer, the President and Directors of said Fayetteville and Florence Rail Road Company shall execute to the Treasurer a bond, with good and sufficient security, that the said company will take back, at its par value, in five years from the date of said subscription, the said five hundred thousand dollars of stock, and pay for the same in the outstanding bonds of the State of North Carolina : *Provided, further*, That the sureties on said bonds shall cast the vote of the State, in meetings of the stockholders of said company, so long as they are bound under the bond hereby required to be given.

It was not adopted.

The bill then passed its third reading.

Ordered to be transmitted to the House for concurrence in the amendment.

H. 104, engrossed bill to amend an act for the relief of Landlords, was considered as the unfinished business, the question being on the amendment proposed by Mr. Harris, of Rutherford. It was

Decided in the negative, { Yeas,.....13. Nays,.....24.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Bullock, Coward, Cowles, Harris, of Rutherford, Hill, Love, McCorkle, Moore, Outlaw, Robins, Speed, Thornton and Wilson.

Those who voted in the negative are :

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Cardwell, Covington, Cunningham, Etheridge, Gash, Harris, of Franklin, Jones, Kelly, Marshall, Matthews, McRae, Paschal, Perkins, Respass, Richardson, Snead, Wiggins and Willey.

The bill then passed its third reading.

Ordered to be enrolled.

On motion bv Mr. Berry,

The Senate took a recess until 7½ o'clock, P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

Mr. Matthews presented recommendations for Justices of Peace for the county of Stokes, which were agreed to, and ordered to be transmitted to the House for concurrence.

On motion by Mr. Covington,

H. 282, Engrossed bill authorizing the Chairman of the county Court of Anson, to sell certain lots in the town of Wadesboro', was taken up and passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Covington,

H. 283, engrossed bill extending the several Terms of the county courts of Anson, passed its several readings.

Ordered to be enrolled.

H. 97, engrossed bill restoring to married women their Common Law Right of Dower, was considered on its second reading.

On motion by Mr. Avery to amend, by adding the following to the second section, viz :

"And that the chairmen of the Courts of Pleas and Quarter Sessions, as to lands located in their respective counties, shall have the same power to conduct such examination as is now given by law to the Judges of the Supreme and Superior Courts, and the certificates of such chairmen, touching lands in their respective counties, shall have the same force and effect as if signed by a Judge,"

It was decided in the affirmative.

The question recurring upon the passage of the bill, it was

Decided in the affirmative, { Yeas, ... 24. / Nays, ... 14.

On motion by Mr. Ferebee,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Bullock, Cardwell, Coward, Etheridge, Ferebee, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Respass, Richardson, Snead, Thompson, Thornton and Willey.

Those who voted in the negative are:

Messrs, Battle, Berry, Brown, Covington, Cunningham, Hall, Hill, Love, McCorkle, McLean, McRae, Robins, Wiggins and Wilson.

The question then being on the passage of the bill on its third reading, it was

Decided in the affirmative, { Yeas, ... 23 / Nays, ... 17

On motion, by Mr. Bullock,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Barnes, Bullock, Clark, Coward, Etheridge, Ferebee, Gash, Harris of Franklin, Harris of Rutherford, Jones, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton and Willey.

Those who voted in the negative are:

Messrs. Adams, Battle, Berry, Brown, Cardwell, Covington, Cunningham, Hall, Hill, Love, McCorkle, McLean, McRae, Respass, Robins, Wiggins and Wilson.

Ordered, That it be transmitted to the House for concurrence in the amendment.

H. 330, engrossed bill for the relief of Executors, Administrators, &c., came up as the Special Order.

On motion, by Mr. Avery to amend, by adding the following as an additional section, viz:

Be it further enacted, That Executors and Admistrators shall have power to prefer any creditor or creditors of the de-

ceased persons, whom they represent, over all other creditors of equal dignity, though the creditor or creditors, so preferred, may not have commenced suit, and though such Executor or Administrator may have notice, by suit commenced, of the existence of other debts, equal in dignity to those so preferred; and such payments shall have like force and effect, and such personal representative shall, in all respects, be treated in Law and Equity, as though judgment had been conferred in favor of the preferred creditor or creditors, as now allowed by law:

It was decided in the affirmative.

The bill passed its second reading.

And the question being upon its passage its third reading, it was

Decided in the affirmative, { Yeas, ...30. / Nays, ... 8.

On motion, by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Bullock, Cardwell, Clark, Coward, Cunningham, Etheridge, Ferebee, Gash, Hall, Harris of Franklin, Hill, Jones, Leach, Love, Lloyd, Matthews, McCorkle, McLean, Paschal, Perkins, Respass, Snead, Speed, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Berry, Brown, Covington, Harris of Rutherford, Marshall, McRae, Robins and Wilson.

On motion, by Mr. Hall, to reconsider the vote by which the Senate rejected the engrossed bill (H. 143,) to convert the debts due the State from the Atlantic and North Carolina Rail Road Company into capital stock, it was

Decided in the affirmative, { Yeas .....27. / Nays..... 9.

On motion by Mr. Cardwell,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Bullock, Covington, Coward, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin,

Harris, of Rutherford, Jones, Leach, Lloyd, Marshall, Matthews, McCorkle, McLean, Paschal, Perkins, Respass, Speed, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Berry, Brown, Cardwell, Cunningham, Hill, McRae, Robins, Snead and Thornton,

A message was received from the House, transmitting the following bill and resolution, with amendments, asking the concurrence of the Senate, viz:

Senate resolution 168, in regard to the Cape Fear Navigation Company.

Senate bill 224, explanatory of an act, entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein."

The Senate concurred.

Also, transmitting the concurrence of that body in the Senate amendments to the following engrossed bills, viz:

H. 262, bill to authorize the subscription of lands, bonds and stocks to the Cheraw and Coalfields Rail Road.

H. 286, bill to secure a better drainage of the low lands on Lower Creek in the counties of Caldwell and Burke.

Ordered that they be enrolled.

Mr. Speed, by leave, introduced a bill of the title following, viz:

Senate bill 258, to allow the representatives of W. E. Mann, late Sheriff of Pasquotank, to collect arrears of taxes.

On motion by Mr. Speed,

The bill passed its several readings, under a suspension of the rule,

Ordered be engrossed.

Engrossed bills and resolutions of the titles following, received from the House, had their first reading, and were filed or otherwise disposed of, as follows, viz:

House bill 418, to give to the Courts of Pleas and Quarter Sessions original jurisdiction in all criminal cases in which they now have concurrent jurisdiction with the Superior Court. Referred to the Judiciary.

House bill 358, authorizing the County Courts of Perquimans, Pasquotank, Washington and Tyrrell counties, to elect County officers.

House bill 431, to amend the act for collecting Revenue, ratified March 12th, 1866.

On motion by Mr. Wiggins,

The rule was suspended, and the bill passed its second and third readings.

Ordered to be enrolled.

House resolution 413, in reference to disabled soldiers.

House bill, 346, to authorize Courts of Law to grant relief in cases of lost negotiable bonds, bills and notes. Referred to the Judiciary.

House resolution 334, in regard to printing the reports of Rail Road and other companies.

House bill 359, to authorize a special Court for the county of Wilson.

On motion by Mr. Clark,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

House bill 342, to repeal an act of 1865-'66, to establish a Board of Commissioners for the Port of Ocracoke, &c.

House bill 355, to stay executions in Courts of Record.

House bill 360, to provide for keeping up a Public Road near Sampson Mountain.

House bill 367, to amend an act ratified the 23rd of December, 1864, to authorize attachments against corporations.

House bill 356, authorizing the chairman of the County Court of Lenoir county to sell the old jail lot in the town of Kinston.

House bill 328, to authorize the County Court of Cumberland to appoint Inspectors of crude turpentine in the town of Fayetteville.

On motion by Mr. Perkins,

The Senate adjourned.

THURSDAY, FEBRUARY 28, 1867.

Reports from committees were submitted, and filed as follows, viz :

By Mr. Clark, from the committee on Corporations:

H. P. 90, engrossed bill to incorporate the Charlotte Merchants' and Planters' Benefit Association, asking to be discharged from its further consideration, on account of imperfect engrossment.

The bill was ordered to be transmitted to the House.

H. 175, engrossed bill to promote the agricultural interests of the State, and for other purposes, with adverse recommendation.

By Mr. Cunningham, from the committee on Propositions and Grievances:

S. 245, bill for the relief of certain persons for taxes, asking to be discharged from its forther consideration. Discharged.

By Mr. Avery, from the committee on Internal Improvements :

S. 80, bill to incorporate the Yadkin and Cape Fear Canal Company, recommending its passage.

By Mr. Wilson, from the committee on the Judiciary :

Resolution in relation to outstanding claims against the Literary Board, asking to be discharged from its further consideration, as the object has been accomplished by suitable legislation.

S. 244, bill to punish Fruit Thieves, recommending its passage.

S. 9, resolution in regard to what debts are valid and what invalid, under the Ordinance of the Convention.

H. 58, engrossed bill to exempt from seizure; under execution or attachment, certain personal property therein named, and to provide a Homestead.

S. P. 73, resolution to authorize the issue of duplicates of destroyed Bonds to Chas. S. Mills: with adverse recommendations.

By Mr. Moore, from the same committee :

S. 35, bill to repeal a portion of an act passed at the session of 1865-'66, as relates to persons committed for fine and cost of criminal prosecution, recommending its rejection.

By Mr. McCorkle, from the same committee :

S. 122, bill for right of redemption for Lands sold under execution, with adverse recommendation.

Bills and resolutions of the titles following, being introduced. passed their first reading, and were disposed of as follows, viz :

By Mr. Cowles: Bill, (S. P. 176.) to appoint commissioners to improve the road from John Allen's to the top of the Blue Ridge, in Surry county.

On motion of Mr. Cowles,

The rule was suspended and the bill passed its second and third readings.

Ordered to be engrossed.

By Mr. Respass : Bill, (S. P. 177,) to establish a Free Ferry across the Pamlico River, opposite the town of Washington, Beaufort county. Referred to the committee on Propositions and Grievances.

By Mr. Berry : Resolution, (S. P. 178,) in favor of the Joint Select Committee on the affairs of the North Carolina Rail Road.

On motion of Mr. Berry,

The rule was suspended and the resolution passed its several readings.

Ordered to be engrossed,

Mr. Thompson presented recommendations for Justices of the Peace for the county of Wayne, which were adopted, and transmitted to the House.

On motion by Mr. Speed,

Leave of absence was granted to Mr. Ferebee, from and after to-day for the balance of the session.

The Speaker laid before the Senate the following communication, viz :

To the Honorable
The General Assembly of North Carolina.

Having accepted the position of Senator of the United States, to which I was elected by the General Assembly, at its last session. I do now, in accordance with a purpose expressed at the time of accepting that post, resign my office of Speaker of the Senate, to take effect at 12 o'clock, M. tomorrow.

I am,
Very respectfully,
Your obedient servant,
M. E. MANLY.

On motion by Mr. Wiggins,

Engrossed resolution, (H. 399,) in favor of the Attorney General, was called up and passed its second and third readings.

On motion by Mr. Speed,

S. 195, resolution in regard to what debts are valid, and what invalid, under Ordinance of the Convention, was called up and rejected.

Engrossed bills of the titles following, being read the second time, were disposed of as follows, viz :

Bill (H. 35,) to declare the Roanoke River a sufficient fence.

Ordered to be enrolled.

Bill (H. 39,) to amend section 12, chapter 118, Revised Code, entitled Widows.

Ordered to be laid on the table.

Bill, (H. 52,) taxing all necessary Revenue stamps in the Bill of Costs. Passed.

Ordered to be enrolled.

Bill, (H. 54,) to amend an act entitled "An Act to establish Work Houses, or Houses of Correction, in the several counties of the State." Passed.

Ordered to be enrolled.

Bill, (H. 69,) allowing fees to Justices of the Peace, and regulating the same.

Ordered, to lie on the table.

Bill (H. 72,) in favor of widows.

Ordered, to lie on the table.

Bill (H. 101) to amend section 12, chapter 52, Revised Code. Passed.

Ordered to be enrolled.

Bill, (H. 126.) concerning Surveyors and Processioners.

Ordered to lie on the table.

Bill, (H. 138,) to pay Jurors in Capital cases.

Ordered to be enrolled.

Bill, (H. 149,) to amend an act entitled "An act to extend the time for perfecting titles to lands, passed 7th day of February, A. D., 1865." Referred to the Judiciary.

Bill, (H. (174,) to amend section 7, chapter 40, of the Acts of 1866. Rejected.

Bill, (H. 230.) to incorporate the North Carolina Agricultural and Manufacturing Company. Passed.

Ordered to be enrolled.

Bill (H. 289.) in regard to Standard Weights. Passed.

Ordered to be enrolled.

Bill (H. 368,) in regard to Weights and Measures. Amended and passed.

Ordered to be transmited to the House for concurrence in the amendment.

Bill (H. 357,) to authorize the exchange of certain Bonds issued during the war, for internal improvement purposes, for new bonds.

On motion, by Mr. Berry, to refer to the committee on the Judiciary, it was

Decided in the negative, { Yeas,.....12. / Nays,.....22.

On motion, by Mr. Avery,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Barnes, Berry, Bullock, Cardwell, Cowles, Cunningham, McCorkle, Paschal, Robins, Snead and Wilson.

Those who voted in the negative are:

Messrs. Adams, Avery, Clark, Covington, Etheridge, Ferebee, Gash, Hall, Harris of Franklin, Harris of Rutherford,

Hill, Leach, Love, Lloyd, Matthews, McLean, McRae, Moore, Outlaw, Speed, Thornton and Wiggins.

Mr. Outlaw moved to amend by adding the following to the first section, viz :

Provided, That all the Bonds issued, whose caption is headed "Confederate States of America," shall be included, and that new Bonds shall be issued headed "United States of America :" *And, provided further*, that said Bonds were authorized to be issued before the late rebellion and were not in aid of said rebellion.

Debate arising thereon,

On motion, by Mr. Avery, that the Senate take a recess until 7½ o'clock, P. M., it was

Decided in the affirmative, { Yeas,.....25. Nays,.....11.

On motion by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are :

Messrs. Avery, Battle, Bullock, Clark, Covington, Ferebee, Hall, Harris of Franklin, Harris of Rutherford, Hill, Leach, McCorkle, McLean, McRae, Moore, Outlaw, Paschal, Perkins, Richardson, Robins, Snead, Speed, Thornton, Wiggins and Wilson.

Those who voted in the negative are :

Messrs. Adams, Barnes, Berry, Cardwell, Cowles, Cunningham, Etheridge, Gash, Love, Lloyd and Matthews.

SEVEN AND A-HALF O'CLOCK, P. M.

H. 357, engrossed bill to authorize the exchange of certain bonds issued during the war, for Internal Improvement purposes, for new bonds:

The question being upon the amendment offered by Mr. Outlaw,

It was decided in the negative.

The bill then passed its second reading.

The bill was read the third time, and the question being upon its passage,

It was

Decided in the affirmative, { Yeas.....21. Nays.....14.

On motion, by Mr. Ferebee,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Cardwell, Clark, Covington, Etheridge, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Love, Lloyd, McCorkle, McLean, McRae, Moore, Thornton, Wiggins and Wilson.

Those who voted in the negative are:

Messrs. Berry, Bullock, Cowles, Cunningham, Ferebee, Matthews, Paschal, Perkins, Respass, Richardson, Robins, Snead, Speed and Willey.

Ordered to be enrolled.

On motion by Mr. Harris, of Franklin,

Engrossed bill (H. 294) to incorporate the North Carolina Land Agency for the encouragement of Immigration, was taken up and passed its second and third readings.

Ordered to be enrolled.

On motion, by Mr. Paschal,

Recommendations for Justices of the Peace for the county of Chatham were made.

Ordered to be transmitted to the House for concurrence.

On motion by Mr. Cardwell,

H. 232, engrossed bill to incorporate the Greensboro' and Dan River Rail Road Company, was taken up and passed its several readings.

Ordered to be enrolled.

On motion by Mr. Love,

Resolutions (S. 257) proposing a National Convention, were taken up and their further consideration was postponed to and made the Special Order for Friday, March 1st, at one o'clock, P. M.

On motion by Mr. Barnes,

Engrossed resolution (H. 413) in reference to disabled Soldiers, was taken up and passed second and third readings.

Ordered to be enrolled.

On motion by Mr. Robins,

Engrossed resolution (H. P. 78) in favor of William Patterson, late Sheriff of Alamance county, passed its several readings.

Ordered to be enrolled.

Engrossed resolution (H. P. 140) in favor of James M. Neal, transmitted from the House, had its first reading.

On motion by Mr. Hall,

The rule was suspended and the resolution placed upon its second and third readings.

On motion, by Mr. Hall,

To add the following resolution, viz :

"*Be it further resolved*, That the provisions of the foregoing resolution be extended to the securities of W. T. J. Vann, late Sheriff of New Hanover county, to enable them to collect the uncollected taxes due upon the tax lists for the years 1862 and 1863: *Provided*, The claim of the county against them and the taxes to be collected be subject to the scale of depreciated currency,"

It was decided in the affirmative, and the resolution passed its second reading.

The resolution being read a third time,

Mr. Perkins moved to amend by adding the Tax Collector of Pitt county to collect taxes for 1863–'64, subject to the scale of depreciated currency.

Mr. Cunningham moved to amend the amendment by including, under the provisions of the resolution, the late Sheriff of Chatham county.

On motion, by Mr. Clark,

The Senate adjourned.

FRIDAY, March 1st, 1867.

Prayer by the Rev. A. Smedes, D. D.

Reports from Committees were submitted and filed as follows, viz:

By Mr. Cunningham, from the committee on Propositions and Grievances:

S. P. 177, bill to establish a free ferry across the Pamlico river, opposite the town of Washington, in Beaufort county, recommending its passage.

By Mr. Clark, from the committee on Corporations:

H. 285, engrossed bill to authorize a public road from the town of Shelby to the South Carolina line, and the construction of a toll bridge and dam across Broad River, recommending its passage.

By Mr. Wilson, from the committee on the Judiciary:

Sundry bills, heretofore referred to them, asking, on account of a want of time to give the proper consideration, to be discharged. The committee was discharged.

By Mr. Wiggins, from the committee on Finance:

The resolution instructing that committee to inquire and report in regard to the sale of the Stocks, owned by the State in the Raleigh and Gaston Rail Road Company, with special report, as follows, viz:

The Committee on Finance, to whom was referred a Resolution "To inquire into and report to the Senate whether the contracts of sale of the Stocks, owned by the State, in the Raleigh and Gaston Rail Road Company, reported by the Treasurer to have been made to said Company, have been discharged, and if so, when the payments were made, and what kind of State Bonds were accepted in payment thereof," have discharged the mandates of said Resolution and beg leave to report that—

The Committee find that the Public Treasurer advertised the said Stocks so as to give the largest publicity to the transaction, and in accordance with said advertisement, in presence of the Governor and Comptroller, opened the bids

made, and awarded the Stock to the highest bidder, which award was approved by the Governor and Comptroller.

After the acceptance of the bids, the successful bidders commenced the delivery of the Bonds under the contract.

There were delivered in the month of	
November,	$267,000
December,	239.000
January,	114,500
February,	62,000
Total,	682,500
Also premiums paid in coupons of said Bonds,	$3,333 87½

All of the above Bonds were issued before the 20th of May, 1861. Interest against the State was only allowed to 1st of November, 1866.

About $60,000, bonds commonly denominated "Floyd Bonds," were tendered by the purchasers of the Stocks, but the Treasurer, under advice, declined to receive them and the substitution of others for them involved delay.

The Committee find that the Public Treasurer consulted the Governor and Attorney General, as to his duties under the Ordinance, providing for the exchange of Stocks of the State for Bonds issued prior to May 1st, 1861, and his action accorded with their advice, and they are of opinion that he used proper care and diligence in carrying out the provisions of said Ordinance.

Bills and resolutions of the titles following being introduced, passed their first reading, were filed or otherwise disposed of as stated, viz

By Mr. Clark: Bill (S. P. 180,) to incorporate the Key-Stone Publishing Company, in the city of Raleigh.

On motion, by Mr. Clark,

The rule was suspended, and the bill passed its second and third readings.

Ordered to be engrossed.

By Mr. Jones: Bill (S. P. 181.) to authorize and empower the Court of Pleas and Quarter Sessions of Wake county, to reform their financial system.

On motion, by Mr. Jones,

The rule was suspended and the bill passed its several readings.

Ordered to be engrossed.

From the House: Engrossed bill (H. 119,) in regard to Dormant Judgments.

Engrossed bill (H. 352,) to amend an Act entitled "an Act to encourage the raising of Sheep in the counties of Watauga and Ashe."

Engrossed bill (H. 381,) to amend an Act entitled "an Act to lay off, locate and establish a road from the town of Statesville, in the county of Iredell, to the town of Wilkesboro', in the county of Wilkes."

Engrossed bill (H. 433,) to authorize the Governor to employ counsel in certain cases.

Engrossed bill (H. 434,) relating to Debts contracted during the late war.

Engrossed bill (H. 437) submitting the question as to whether there shall not be a Penitentiary, to the voters of the State.

Engrossed bill (H. 439) to empower the Secretary of State and Public Treasurer to administer oaths, &c.

On motion by Mr. Wiggins.

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

On motion by Mr. Cunningham,

A list of Justices of the Peace for Person county was submitted and recommended.

Ordered to be transmitted to the House for concurrence.

On motion by Mr. Covington,

Resolved, That the Judiciary committee be requested to take into consideration the expediency of enacting a law to prevent persons from interfering with contracts of laborers, and enticing them from their premises, and report by bill or otherwise.

Mr. Wilson, subsequently, from the committee on the Judiciary, reported that the grievance complained of had been provided for by suitable legislation, and the committee was discharged.

A message was received from the House, asking the concurrence of the Senate in a resolution proposing to continue the joint select committee on the North Carolina Rail Road, and that they report to the adjourned session of this General Assembly, having the powers now invested in them, with the further proposition that the committee be increased, by an addition of two from each House. The Senate refused to concur.

Mr. Berry introduced a resolution continuing the joint select committee on the North Carolina Rail Road, which was engrossed and ordered to be transmitted to the House.

A message was received from the House, transmitting Senate bill 47, to incorporate the North Carolina Land and Immigration Company, which had been passed with an amendment, in which the concurrence of the Senate was asked.

The Senate concurred.

Also, transmitting recommendations for Justices of the Peace for the counties of Wake and Johnston.

The Senate concurred.

Ordered to be transmitted to the Governor for commission.

Also, returning engrossed bill (H. 246) to amend the charter of the Fayetteville and Florence Rail Road Company, and

Engrossed bill (H. 368) in regard to Weights and Measures, concurring in the amendments proposed by the Senate.

Ordered to be enrolled.

Also, returning engrossed bill (H. 97) restoring to married women their Common Law right of Dower, and

Engrossed bill (H. 330) for the relief of executors, administrators, &c., concurring in the amendments proposed by the Senate.

Ordered to be enrolled.

On motion by Mr. Cowles,

Senate bill 256, amendatory of an act passed at this session of the General Assembly, to change the jurisdiction of the Courts and the rules of pleading therein, was taken up.

On motion by Mr. Matthews, to amend, by making the act take effect ten days after ratification,

It was adopted.

The bill then passed its second and third readings.

Ordered to be engrossed.

H. 143, engrossed bill to convert the debts due the State from the Atlantic and North Carolina Rail Road Company into capital stock, was considered as the Special Order.

And the question being, "Shall the bill pass its third reading?" It was

Decided in the affirmative, { Yeas, ...22. / Nays, ...16.

On motion by Mr. Car twell,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Barnes, Covington, Etheridge, Gash, Hall, Harris, of Franklin, Jones, Leach, Love, Lloyd, Matthews, McLean, McRae, Outlaw, Perkins, Snead, Speed, Thompson, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Adams, Berry, Brown, Bullock, Cardwell, Cowles, Cunningham, Ferebee, Harris, of Rutherford, Hill, McCorkle, Moore, Richardson, Robins, Thornton and Wilson.

On motion, by Mr. McRae,

Engrossed bill (H. 252) giving to the County and Superior Courts authority to sentence criminals to work the Public Roads, was considered on its second reading.

And pending its consideration, (Mr. Clark in the chair,)

Mr. Thornton submitted the following resolution, viz:

Resolved, That the thanks of the Senate are tendered to the Hon. M. E. Manly, for his attention to the business of the Senate and his able and impartial discharge of the duties of the Chair.

Which was unanimously adopted.

The Speaker, resuming the Chair, resigned the position of presiding officer of the Senate.

The Senate proceeded to elect a Speaker *viva voce*, the Clerk having designated Messrs. Hill and Thompson to superintend the election.

Mr. Covington nominated Mr. J. H. Wilson, the Senator from Mecklenburg.

Mr. Matthews nominated Hon. J. M. Leach, the Senator from Davidson.

Mr. Cardwell nominated Mr. E. D. Hall, the Senator from New Hanover.

Mr. Ferebee nominated Mr. R. K. Speed, the Senator from Pasquotank and Perquimans.

The following Senators voted for Mr. Leach:

Messrs. Adams, Cowles, Lloyd, Matthews, McLean, Perkins, Respass, Robins, Snead and Speed—10.

The following Senators voted for Mr. Wilson:

Messrs. Barnes, Berry, Brown, Covington, Cunningham, Gash, Hall, Hill and McCorkle—9.

The following Senators voted for Mr. Hall:

Messrs. Avery, Cardwell, Clark, Etheridge, Manly, McRae, Thornton and Wilson—8.

The following Senators voted for Mr. Speed:

Messrs. Ferebee, Harris, of Franklin, Leach, Outlaw, Wiggins and Willey—6.

The following Senators voted for Mr. Wiggins:

Messrs. Love, Moore and Thompson—3.

For Mr. Jones:

Messrs. Bullock, Harris, of Rutherford and Richardson—3.

For. Mr. Cowles: Mr. Jones.

The committee reported that there was no election.

The Senate proceeded to vote forthwith for Speaker, with result as follows, the name of Mr. Speed having been withdrawn:

For Mr. Leach:

Messrs. Adams, Brown, Cowles, Ferebee, Jones, Lloyd Matthews, Perkins, Respass, Robins, Snead, Speed, Wiggins and Willey—14.

For Mr. Hall:

Messrs. Avery, Battle, Cardwell, Clark, Etheridge, Harris, of Franklin, Manly, McLean, McRae, Outlaw, Thornton and Wilson—12.

For Mr. Wilson:

Messrs. Barnes, Berry, Covington, Cunningham, Gash, Hall, Hill, McCorkle and Moore—9.

For Mr. Wiggins:

Messrs. Leach, Love and Thompson—3.

For Mr. Jones:

Messrs. Bullock, Harris, of Rutherford and Richardson—3.

The committee reported that there was no election.

The Senate proceeded to vote again for Speaker, with the following result:

For Mr. Leach:

Messrs. Adams, Brown, Cowles, Ferebee, Lloyd, Matthews, Perkins, Respass, Richardson, Robins, Snead, Thompson, Wiggins and Willey—14.

For Mr. Hall:

Messrs. Avery, Battle, Cardwell, Clark, Etheridge, Harris, of Franklin, Manly, McLean, McRae, Outlaw, Thornton and Wilson—12.

For Mr. Wilson:

Messrs. Barnes, Berry, Covington, Gash, Hall, Hill, McCorkle, Moore and Speed—10.

For Mr. Jones:

Messrs. Bullock and Harris, of Rutherford—2.

For Mr. Wiggins: Mr. Leach.

For Mr. Gash: Mr. Love.

For Mr. Bullock: Mr. Jones.

The committee reported that there was no election.

The Senate voted again for Speaker with the following result:

For Mr. Leach:

Messrs. Adams, Brown, Cowles, Ferebee, Jones, Lloyd, Matthews, Perkins, Respass, Richardson, Robins, Snead, Thompson and Willey—14.

For Mr. Hall:

Messrs. Avery, Battle, Cardwell, Clark, Etheridge, Harris, of Franklin, Manly, McLean, McRae, Outlaw, Thornton, Wiggins and Wilson—13.

For Mr. Wilson:

Messrs. Berry, Covington, Cunningham, Gash, Hall, Hill McCorkle, Moore and Speed—9.

For Mr. Wiggins:

Messrs. Barnes, Leach and Love—3.

For Mr. Jones:

Messrs. Bullock and Harris, of Rutherford—2.

The committee reported no election.

The names of Messrs. Wilson and Leach were withdrawn.

Mr. Berry nominated Mr. Robins.

Mr. Speed nominated Mr. Cunningham.

Mr. Matthews nominated Mr. Cowles.

The Senate voted as follows:

For Mr. Hall:

Messrs. Avery, Battle, Cardwell, Clark, Covington, Cunningham, Etheridge, Ferebee, Harris, of Franklin, Love, Lloyd, Manly, McCorkle, McLean, McRae, Moore, Outlaw and Wiggins—18.

For Mr. Cunningham:

Messrs. Barnes, Brown, Hall, Speed, Thornton, Willey and Wilson—7.

Fo rMr. Cowles:

Messrs. Jones, Matthews, Respass, Richardson, Robins, Snead and Thompson—7.

For Mr. Robins:

Messrs. Adams, Berry, Cowles, Gash, Leach, and Perkins—6.

For Mr. Jones:

Messrs. Bullock, and Harris, of Rutherford—2.

For Mr. Wilson: Mr. Hill.

The Senate proceeded to vote forthwith for Speaker, with result as follows, the committee having reported that there was no election:

For Mr. Hall:

Messrs. Adams, Avery, Battle, Cardwell, Clark, Covington, Cunningham, Etheridge, Ferebee, Harris, of Franklin, Love, Lloyd, Manly, McCorkle, McLean, McRae, Moore, Outlaw and Wilson—19.

For Mr. Cunningham:

Messrs. Barnes, Brown, Hall, Perkins, Thornton, Wiggins and Willey—7

For Mr. Cowles:

Messrs. Bullock, Matthews, Respass, Richardson, Robins, Snead and Thompson.

For Mr. Robins :

Messrs. Berry, Cowles, Gash, Jones and Leach.

For Mr. Wilson : Mr. Hill.

For Mr. Jones : Mr. Harris, of Rutherford.

The Committee reported that there was no election.

The names of Messrs. Cunningham, Robins and Cowles were withdrawn.

Mr. Jones nominated Mr. Wilson.

The Senate voted as follows :

For Mr. Wilson :

Messrs. Adams, Battle, Barnes, Berry, Brown, Bullock, Covington, Cowles, Gash, Harris, of Rutherford, Hill, Jones, Matthews' McCorkle, Perkins, Respass, Richardson, Robins, Snead, Spead, Thompson and Willey—22.

For Mr. Hall :

Messrs. Avery, Cardwell, Clark, Cunningham, Etheridge Ferebee, Harris, of Franklin, Love, Lloyd, Manly, McLean, McRae, Moore, Outlaw, Thornton and Wiggins—16.

For Mr. Wiggins :

Messrs Hall and Leach—2.

The committee to superintend the election reported that forty votes had been cast. Of which Mr. Wilson received 22 ; Mr. Hall 16, and Mr. Wiggins 2. Mr. Wilson, having received a majority of the whole vote, was duly elected.

The report being concurred in, the Clerk appointed Messrs. Jones and Cardwell to conduct the Speaker elect to the Chair.

The Speaker returned his thanks in a few appropriate remarks.

Resolution (S. 257,) proposing a National Convention, was considered as the Special Order.

Mr. Speed moved to amend by striking out all after "Whereas" and insert the following :

"A plan has been agreed upon, and published by parties, representative men of the South, identified with the South in thought, feeling and interest, to be suggested to the Congress

of the United States, as a basis of settlement of the delicate and difficult questions agitating the section, to-wit:

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

ARTICLE XIV.

SECTION 1. The Union under the Constitution is, and shall be perpetual. No State shall pass any law or ordinance to secede or withdraw from the Union, and any such law or ordinance shall be null and void.

SEC. 2. The public debt of the United States, authorized by law, shall ever be held sacred and inviolate. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the Government or authority of the United States.

SEC. 3. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States in which they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 4. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when any State shall, on account of race or color, or previous condition of servitude, exclude from voting at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, members of the Legislature or other officers elective by the people, any of the male inhabitants of such State, being twenty-one years of age and citizens of the United

States, then the entire class of persons so excluded from the elective franchise, shall not be counted in the basis of representation. No State shall require as a property qualification for voters more than two hundred and fifty dollars worth of taxable property, nor, as an educational qualification, more education than enough to enable the voter to read the Constitution of the United States in the English language, and write legibly his own name.

PROPOSED AMENDMENT TO STATE CONSTITUTIONS.

ARTICLE.

Every male citizen who has resided in this State for one year, and in the county in which he offers to vote six months, immediately preceding the day of election, and who can read the Constitution of the United States in the English language and can write his name, or who may be the owner of two hundred and fifty dollars worth of taxable property, shall be entitled to vote at all elections for Governor of the State, members of the Legislature and all other officers elective by the people of the State: *Provided*, That no person by reason of this article, shall be excluded from voting, who has heretofore exercised the elective franchise under the Constitution and laws of this State, or who, at the time of the adoption of this amendment, may be entitled to vote under said Constitution and laws.

And, whereas, from the outgivings of representative men of the North, in the event of the rejection by the States, of the amendment proposed by Congress for their ratification, as the 14th article of the amendment to the Constitution of the United States:

"*That if those communities that have been in rebellion have anything to propose, if they think there is a better mode, a more generous mode, a mode better calculated to secure the peace and harmony and prosperity of this great land, let them come forward and propose it, and the people will listen and judge.*"

And whereas, it is now conceded, the aforesaid proposed amendment will not receive the assent of the constitutional number of States to ratify the same as a part of the Constitution of the United States; and whereas, we believe the before recited proposition is "a better mode, a more generous mode, a mode better calculated to secure the peace and harmony and prosperity of this great land:" and whereas, there is no sacrifice of honor "in coming forward and proposing" the before recited plan as a basis of final settlement;

Be it therefore resolved by the General Assembly of the State of North Carolina, That the State of North Carolina, desiring a final settlement of the troubles existing between the two great sections of the Union, will, looking to that end, adopt the aforesaid proposition by a Convention of her people."

Debate arising,

On motion by Mr. Cardwell,

The Senate took a recess until 7½ o'clock, P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

On motion by Mr. Jones,

Leave of absence was granted to Mr. Perkins from and after to day for the balance of the session.

Resolution (S. 257) proposing a National Convention, was considered as the unfinished business, the question being on the substitute offered by Mr. Speed, which was withdrawn.

On motion by Mr. Avery,

To postpone the further consideration until to-morrow at 8 o'clock, P. M., it was

Decided in the negative, { Yeas, ... 14. Nays, ... 17.

On motion by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Bullock, Cardwell, Cunningham, Etheridge, Harris, of Rutherford, Jones, Moore, Richardson, Robins, Thornton, Wiggins and Wiley.

Those who voted in the negative are:

Messrs. Barnes, Berry, Brown, Clark, Covington, Ferebee, Gash, Hill, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Speed and Thompson.

The question recurring upon the passage of the resolution, it was

Decided in the affirmative, { Yeas.....27 / Nays.....6

On motion by Mr. Love,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cowles, Cunningham, Etheridge, Ferebee, Gash, Harris, of Franklin, Hill, Jones, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Outlaw, Robins, Speed, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Bullock, Cardwell, Harris, of Rutherford, Respass, Richardson and Thompson.

The resolution then passed its third reading.

Ordered to be engrossed.

Engrossed resolution (H. P. 140) in favor of James M. Neal, came up on its third reading, as the unfinished business.

On motion by Mr. Speed, to exempt executors and administrators,

It was determined in the affirmative.

The resolution passed.

Ordered to be transmitted to the House for concurrence in the amendments.

Engrossed bill (H. 252) giving to County and Superior Courts authority to sentence criminals to work the Public

Roads, on its second reading, was considered as the unfinished business.

The bill passed its second reading, and being read the third time, it passed, { Yeas, ... 27. Nays, ... 7.

On motion by Mr. Ferebee,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cowles, Cunningham, Etheridge, Gash, Harris, of Franklin, Hill, Jones, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Thompson, Thornton, and Wiggins.

Those who voted in the negative are:

Messrs. Ferebee, Harris, of Rutherford, Outlaw, Richardson, Robins, Speed and Willey.

Ordered to be enrolled.

On motion by Mr. Harris, of Franklin,

H. P. 366, engrossed bill to incorporate the town of Columbia, in Tyrrell county, was called up and passed its several readings.

Ordered to be enrolled.

On motion by Mr. Hill,

H. 381, engrossed bill to amend the act to lay off a road from the town of Statesville, to the town of Wilkesboro', was taken up and passed its second and third readings.

Ordered to be enrolled.

Mr. Leach, by leave, introduced a bill with the following title, viz:

Senate bill 275, to provide for the call of a Convention.

On motion by Mr. Cowles, to postpone its consideration until to-morrow at 11 o'clock, A. M., it was

Decided in the negative, { Yeas, ... 13 Nays, ... 23

On motion by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Brown, Bullock, Cardwell, Cowles, Etheridge, Harris, of Rutherford, Jones, McRae, Moore, Outlaw, Respass and Richardson.

Those who voted in the negative are:

Messrs, Adams, Avery, Barnes, Berry, Clark, Covington, Cunningham, Ferebee, Gash, Harris, of Franklin, Hill, Leach, Love, Lloyd, Matthews, McCorkle, McLean, Robins, Speed, Thompson, Thornton, Wiggins and Willey.

The question recurring upon the passage of the bill on its first reading, (two-thirds of the whole Senate being required,) it was

Decided in the negative, { Yeas, ...27. Nays, ... 7.

On motion by Mr. Leach,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cunningham, Ferebee, Gash, Harris, of Franklin, Hill, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Respass, Robins, Speed, Thompson, Thornton and Willey.

Those who voted in the negative are:

Messrs. Battle, Cowles, Etheridge, Harris, of Rutherford, Jones, Moore, Outlaw, Richardson and Wiggins.

On motion by Mr. Cardwell,

H, 274, engrossed bill to incorporate the Rockingham and Henry Rail Road Company, was taken up and passed.

O dered to be enrolled.

Engrossed bills of the titles following being received from the House, passed their first reading, and were filed or otherwise ordered as follows, viz:

Bill (H. 421,) to incorporate the Cumberland Savings Bank.

Bill, (H. 423,) supplemental to an act entitled, "An Act to incorporate the North Western Railroad Company."

On motion by Mr. Avery,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

Bill (H. 424,) for the protection of fruits and vegetables.

A message was received from the House, returning bill (S. 256,) amendatory of an act passed at this session of the General Assembly, and ratified the 12th day of February, 1867, to change the jurisdiction of the Courts and the rules of pleading therein, with amendments, asking the concurrence of the Senate.

The Senate concurred.

Also, concurring in the resolution concerning the Joint Select Committee on the North Carolina Railroad.

Ordered to be enrolled.

Also, transmitting recommendations for Justices of the Peace for Cleaveland county, in which the Senate concurred.

Ordered to be transmitted to the Governor for Commission.

Mr. Covington, by leave, submitted the following resolution for consideration, viz:

Resolved, (The House of Commons concurring,) That so much of the Joint Resolution on adjournment as fixes the 3d Monday in August next for this General Assembly to meet again, be, and the same is hereby rescinded.

On motion by Mr. Cowles that the Senate adjourn, it was,

Decided in the negative, { Yeas.....14 / Nays.....20

On motion by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Bullock, Cardwell, Clark, Ferebee, Harris, of Franklin, Harris, of Rutherford, Leach, Matthews, Outlaw, Respass, Thompson, Thornton and Wiggins.

Those who voted in the negative are:

Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Covington, Cunningham, Etheridge, Gash, Hill, Jones, Love, Lloyd, McCorkle, McLean, McRae, Moore, Robins and Willey.

The question recurring upon the resolution,

On motion by Mr. Wiggins, that it lie on the table, it was

Decided in the affirmative, { Yeas,.....23. / Nays,.....11.

On motion by Mr. Wiggins,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Barnes, Bullock, Cardwell, Cowles, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Jones, Leaeh, Lloyd, Matthews, McCorkle, McLean, McRae, Outlaw, Respass, Richardson, Thompson, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Adams, Avery, Berry, Brown, Clark, Covington, Cunningham, Gash, Hill, Love, Moore and Robins.

On motion by Mr. Bulloek,

The Senate adjourned.

SATURDAY, March 2, 1867.

Prayer by the Rev. A. Smedes, D. D.

Mr. Berry, from the Joint Standing Committee on the Insane Asylum, reported that after long and diligent investigation of the elaims against the Institution, it was impraetieable to complete the report and submit the same to the Senate at the present session, so as to do justice to all the parties. The Committee were discharged.

Bills and resolutions of the titles following, being introdueed, passed their first reading, and were disposed of as stated, viz:

By Mr. McLean: Bill (S. P. 185) to authorize the eounty of Cumberland, and the town of Fayetteville, to issue bonds for their indebtedness.

On motion by Mr. Avery,

The rule was suspended and the bill passed its several readings.

Ordered to be engrossed.

By Mr. McLean: Bill (S. 278) to amend the eharter of the Cape Fear Navigation Company. Filed.

By Mr. Leach: Resolution (S. P. 186) in favor of the Hon. David A. Outlaw. Passed several readings.

Ordered to be engrossed.

Bill (S. 279) to establish a Board of Regents for the Male Colleges of North Carolina.

Ordered to be engrossed.

Resolution (S. 280) in favor of certain creditors of the Insane Asylum. Filed.

From the House: Engrossed bill (H. 446) supplemental to and explanatory of an act passed by this General Assembly, entitled "An Act to abolish imprisonment for debt." Passed second and third readings.

Ordered to be enrolled.

Engrosssed bill (H. 438) to establish the Clinton Savings Bank. Referred to the Committee on Corporations.

Engrossed bill (H. P. 144) to incorporate the Neuse and Trent River Ferry Company. Filed.

Engrossed bill (H. 389) to incorporate the Charlotte and Georgetown Rail Road Company. Referred to the Committee on Internal Improvements.

Engrossed bill (H. 265) to amend an act in relation to the bridge across the Notla River. Passed several readings.

Ordered, To be enrolled.

Engrossed resolution (H. P. 138) in favor of Jesse B. Lee, late Sheriff of Currituck county. Passed.

Ordered to be enrolled.

Engrossed resolution (H. 444) authorizing the publication of the Botany of North Carolina. Passed.

Ordered to be enrolled.

Engrossed bill (H. P. 134) to incorporate the Cranbery Mining and Manufacturing Company. Passed.

Ordered to be enrolled.

Mr. William A. Branch was appointed an additional Enrolling Clerk.

A message was received from the House, returning the engrossed resolution (H. P. 140) in favor of James M. Neal, concurring in the amendments.

Ordered to be enrolled.

Also, returning bill (S. 160) to incorporate the Oxford Branch of the Raleigh and Gaston Rail Road, and

Bill (S. P. 181) to authorize and empower the Court of Pleas and Quarter Sessions of Wake county to reform their financial system, with amendments, asking the concurrence of the Senate.

The Senate concurred.

Also, transmitting joint resolutions proposing to rescind so much of the Order for Adjournment as requires the General Assembly to meet the third Monday in August next; and

The Senate refused to concur, { Yeas, ... 9. Nays, ... 16.

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Berry, Brown, Clark, Cunningham, Hill, Love, McLean, McRae and Robins.

Those who voted in the negative are:

Messrs. Avery, Cardwell, Cowles, Gash, Harris, of Rutherford, Jones, Leach, Lloyd, Matthews, McCorkle, Moore, Respass, Richardson, Thompson, Thornton and Wiggins.

A resolution, transmitted from the House, rescinding the joint order to hold night sessions, was concurred in.

The Senate concurred in the recommendations for Justices of the Peace for Onslow county.

Ordered to be transmitted to the Governor for commission.

The Speaker laid before the Senate the following communication:

To the Honorable,

The Senate of North Carolina:

Since my election to the Senate of the United States, in pursuance of what I supposed to be the wishes of my constituents, I continued to perform the duties committed to me as State Senator, until this late period of the session.

The term of service to which I have been elected in the United States Senate, now drawing to its commencement, it becomes proper I should resign my seat as State Senator, to

the end that it may be filled, should it be thought expedient to do so, by a proper writ of election.

I am, very respectfully,

Your obedient servant,

M. E. MANLY.

On motion by Mr. Leach,

Resolved, That a writ of election issue to the Sheriff of Craven, to advertise and hold an election on Thursday, the 21st day of March, instant, to elect a Senator for the 13th Senatorial District of North Carolina, to supply the vacancy occasioned by the resignation of the Hon. M. E. Manly.

Engrossed bills and resolutions of the titles following passed their second and third readings, and were ordered to be enrolled, viz :

Bill (H. P. 89) to incorporate the Neuse River Ferry Company.

Bill (H. P. 90) to incorporate the Charlotte Merchant's and Planter's Benefit Association.

Bill (H. P. 94) to incorporate the Rocky Point Academy, in the county of New Hanover.

Bill (H. P. 109) to incorporate the town of Rockingham, in the county of Richmond,

Bill (H. P. 111) to incorporate Rocky Point Manufacturing Company, in the county of Cumberland.

Bill (H. P. 122) to incorporate the Raleigh Memorial Association.

Resolution (H. P. 124) in favor of the representatives of D. F. Bagley, late Sheriff of Perquimans county.

Bill (H. P. 129) authorizing the formation of the Durham North Carolina Industrial Association in the county of Orange.

Resolution (H. P. 140) in favor of James W. Neal.

House bill 233, to enable the Buncombe Turnpike Company to subscribe the stock in their road to the Western North Carolina Rail Road.

Bill (H. 251,) to incorporate Holston Annual Conference of the M. E. Church, South.

Bill (H. 275,) to incorporate the American Industrial Association of North Carolina.

Bill (H. 287,) to amend the charter of the Western North Carolina Rail Road.

Bill (H. 305,) to extend the town of Lumberton, in Robeson county.

Bill (H. 310,) supplemental to "an Act to empower the County Court of Mecklenburg to hold extra sessions."

Bill (H. 316,) to amend section 6, chapter 40, of an Act passed in 1866, entitled "an Act concerning negroes and persons of color or mixed blood.

Resolution (H. 324,) in regard to printing the reports of Rail Road and other Companies.

Bill (H. 328,) to authorize the County Court of Cumberland to appoint Inspectors of Crude Turpentine in the town of Fayetteville.

Bill (H. 342,) to repeal an Act of 1865-'66 to establish a Board of Commissioners for the port of Ocracoke, &c.

Bill (H. 351,) authorizing the Chairman of the County Court of Lenoir county to sell the old jail lot in the town of Kinston.

Bill (H. 352,) to amend an Act entitled "an Act to encourage the raising of Sheep in the counties of Watauga and Ashe."

Bill (H. 358,) authorizing the County Courts of Perquimans, Pasquotank, Washington and Tyrrell counties to elect county officers.

Bill (H. 360,) to provide for keeping up a Public Road near Sampson Mountain.

Bill (H. 367,) to amend an Act ratified the 23rd day of December, 1864, "to authorize attachments against Corporations.

Bill (H. 355,) to Stay Executions in Courts of Record.

Bill (H. 370,) to provide for the collection and payment into the Treasury of moneys due by paying patients in the Insane Asylum.

Bill (H. 378,) relating to Wills and Deeds and other papers destroyed in the late war.

Bill (H. 400,) to amend an Act entitled "an Act to improve the Public Road from Taylorsville to Boone, by way of Russel's Gap and Holdman's Ford."

Bill (H. 415,) to change the mode of appointing Auctioneers.

Resolution (H. 433,) to authorize the Governor to employ Counsel in certain cases.

Bill (H. 434,) relating to Debts contracted during the war.

Bills and resolutions of the titles following were disposed of as stated, viz:

S. 35, bill to repeal that portion of an Act passed at the session of 1865–'66, as relates to persons committed for fine and cost of criminal prosecution. Amended and passed.

Ordered to be engrossed.

S. P. 73, resolution to authorize the issue of destroyed Bonds to Charles S. Mills, Indefinitely postponed.

S. 105, resolutions in favor of the Literary Board. Referred to the committee on Education and the Literary Fund.

S. 245, bill to incorporate the North Carolina Express Company. Ordered to lie on the table.

S. 244, bill to punish Fruit Thieves. Ordered to lie on the table.

Engrossed bill (H. 406,) to give the County and Superior Courts of Law authority to decree a sale of land for partition in certain cases, was postponed until the second day of the next session.

Engrossed bills of the titles following were referred to the Judiciary, viz:

House bill 119, in regard to Dormant Judgments.

House bill 149, to amend an Act entitled "an Act to extend the time for perfecting titles to land."

House bill 280, to amend chapter 46, Revised Code, entitled Executors and Administrators.

House bill 250, to amend section 6, chapter 90, Revised Code.

House Bill 278, relating to Deeds of Trust and Mortgages.

House bill 317, to amend chapter 62, section 16, Revised Code, so as to compel the return of executions issued by Justices of the Peace.

House bill 346, to authorize Courts of Law to grant relief in cases of lost negotiable bonds, bills and notes.

Engrossed bills of the titles following, were ordered to lie on the table, viz :

House bill 306, to change the location of the county site of Haywood county, on motion by Mr. Moore.

House bill 424, for the protection of fruits and vegetables.

House bill 437, submitting the question as to whether there shall or shall not be a Penitentiary, to the voters of the State.

Engrossed bills of the titles following were indefinitely postponed, viz :

House bill 58, to exempt from seizure, under execution or attachment, certain personal property therein named, and to provide a Homestead.

House bill 175, to promote the Agricultural interests of the State, and for other purposes.

House bill 387, explanatory of an act granting General Amnesty and Pardon.

House bill 276, amendatory of an act, entitled "An Act to amend chapter 101, section 9, Revised Code, entitled Roads, Ferries and Bridges."

House bill 398, to regulate the cultivation of Oysters.

Bill, (H. 418,) to give to the Courts of Pleas and Quarter Sessions exclusive original jurisdiction in all criminal cases in which they now havs concurrent jurisdiction with the Superior Courts.

Resolutions of the titles following were indefinitely postponed, viz :

Resolution (S. 196,) in favor of Sheriffs.

Resolution (S. 233,) in regard to the adjournment and future meetings of the General Assembly.

Engrossed bills of the titles following were rejected, viz :

Bill (H. 223) to amend the 39th chapter of the Acts of 1860–'61.

Bill (H. 293) to amend section 20, chapter 34, Revised Code.

Bill (H. 320,) to amend chapter 46, section 51, Revised Code, making real estates liable to the payment of widows' years' allowance,

Engrossed bill, (H. 90,) to revive and amend the charter of the Shelby and Broad River Rail Road Company, was ordered to lie on the table.

On motion by Mr. Harris, of Rutherford,

The Senate adjourned until 5 o'clock, A. M., Monday.

MONDAY, March 4, 1867.

The Speaker ratified sundry acts and resolutions.

On motion of Mr. Harris, of Rutherford,

A message was sent to the House, informing that body that the hour having arrived, the Senate was prepared to execute the joint order in regard to adjournment.

A message was received from the House, informing the Senate of the readiness of that body to execute the joint order on adjournment, which would be done on the return of the messenger.

JOS. H. WILSON,
Speaker of the Senate.

Jos. A. Engelhard,
Clerk.

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JOURNAL

OF THE

HOUSE OF COMMONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT ITS

SESSION OF 1866 '67.

RALEIGH:
WM. E. PELL, STATE PRINTER,
1867.

JOURNAL

OF THE

HOUSE OF COMMONS.

At a General Assembly of the State of North Carolina, begun and held at the Capitol, in the City of Raleigh, on Monday, the nineteenth day of November, in the year of our Lord, one thousand eight hundred and sixty-six, and in the ninety-first year of the Independence of the United States of America, being the day appointed by law for the meeting of the Legislature, the following members of the House of Commons appeared, exhibited their credentials and were duly qualified, viz:

Alamance—R. Y. McAden, A. H. Boyd.
Alexander—
Anson—A. J. Dargan, W. P. Kendall.
Ashe and Alleghany—
Beaufort—John C. Gorham.
Bertie—J. W. Beasley.
Bladen—J. A. Richardson.
Brunswick—D. C. Allen.
Buncombe—Montraville Patton.
Burke—John R. Sudderth.
Cabarrus—John M. Long.
Caldwell—Jas. C. Harper.
Camden—W. J. Morrisett.
Carteret—John M. Perry.
Caswell—P. Hodnett, Wm. B. Bowe.
Catawba—W. P. Reinhardt.
Chatham—George W. May, George P. Moore, Thomas W. Womble.
Cherokee and Clay—H. H. Davidson.
Chowan—R. D. Simpson.
Cleveland—Geo. W. Whitfield, Plato Durham.
Columbus—J. M. McGougan.

Craven—S. W. Chadwick, A. C. Latham.
Cumberland—W. Mc. L McKay, T. S. Lutterloh.
Currituck—W. G. Granbery.
Davidson—C. F. Lowe, J. H. Shelton.
Davie—J. H. Clement.
Duplin—T. S. Kenan, Zack. Smith.
Edgecombe and Wilson—J. H. Baker, J. S. Woodard.
Forsyth—P. A. Wilson, E. B. Teague.
Franklin—J. J. Davis.
Gaston—D. A. Jenkins.
Gates—W. H. Lee.
Granville—W. H. Jenkins, E. B. Lyon, H. Freeman.
Greene—F. M. Rountree.
Guilford—J. J. Morehead, Jr., W. R. Smith, A. S. Houston.
Halifax—D. C. Clark, W. A. Daniel.
Harnett—
Haywood—W. G. B. Garrett.
Henderson and Transylvania—James Blythe.
Hertford—G. C. Moore.
Hyde—Peleg Spencer.
Iredell—J. A. Rosebro, J. H. Stevenson.
Jackson—Thadeus D. Bryson.
Johnston—Perry Godwin, B. R. Hinnant.
Jones—Jacob F. Scott.
Lenoir—R. F. Bright.
Lincoln—M. L. Brown.
Macon—J. G. Crawford.
Madison—N. Kelsey.
Martin—Abner S. Williams.
McDowell—J. M. Neal.
Mecklenburg—J. M. Hutchison.
Montgomery—Allen Jordan.
Moore—W. M. Black.
Nash—Jona. M. Stone.
New Hanover—R. H. Cowan, C. W. McClammy.
Northampton—E. A. Martin, R. B. Peebles.
Onslow—A. J. Murrill.
Orange—W. W. Guess, S. D. Umsted.

Person—W. A. Bradsher.
Pitt—W. R. Williams, John Galloway.
Randolph—Joel Ashworth, E. T. Blair.
Richmond—Peter McRae.
Robeson—Rory McNair, J. S. McArthur.
Rockingham—Jos. Holderby, R. B. Henderson.
Rowan—O. G. Foard.
Rutherford and Polk—G. W. Logan, N. Scoggin.
Sampson—John Bardin, G. W. Autry.
Stanly—Levi C. Morton.
Stokes—Silas Westmoreland.
Surry—H. M. Waugh.
Tyrrell—N. W. Walker.
Union—Jonathan Trull.
Wake—J. P. H. Russ, C. J. Rogers, and R. S. Perry.
Warren—Jno. R. Turnbull, T. J. Judkins.
Washington—Chas. Latham.
Watauga—Wm. Horton.
Wayne—G. C. Garriss.
Wilkes—
Yadkin—J. M. Vestal.
Yancy and Mitchell—E. Williams.

A quorum of the whole number of members being present, Mr. Hodnett, of Caswell, moved that the House proceed to the election of Speaker; which was agreed to.

Mr. Waugh nominated R. Y. McAden, Esq., of the county of Alamance.

Mr. Murrill nominated Col. Robert H. Cowan, of the county of New Hanover.

Mr. Lyon nominated J. P. H. Russ, Esq., of the county of Wake.

Mr. Williams, of Martin, nominated A. J. Dargan, Esq., of the county of Anson.

Mr. Peebles nominated Godwin C. Moore, Esq., of the county of Hertford.

Whereupon the House voted as follows, under the superintendence of Messrs. Hutchison and Kenan:

For Mr. McAden: Messrs. Beasley, Boyd, Bowe, Bryson, Crawford, of Macon, Davidson, Guess, Henderson, Hodnett,

Holderby, Houston, Latham, of Craven, Lowe, Lutterloh, May, Morehead, Morrisett, Patton, Perry, of Carteret, Reinhardt, Rosebro, Smith, of Guilford, Stevenson, Sudderth, Umsted and Waugh.—27.

For Mr. Cowan: Messrs. Allen, Autry, Baker, Barden, Bradsher, Brown, Clark, Daniel, Davis, Galloway, Garriss, Gorham, Harper, Hutchison, Kenan, Latham, of Washington, Lee, McClammy, McGougan, Moore, of Hertford, Murrill, Richardson, Scott, Smith, of Duplin, Walker, Williams, of Pitt, and Woodard.—27.

For Mr. Dargan: Messrs. Chadwick, Cowan, Foard, Jordan, Judkins, Kendall, Long, McArthur, McNair, McRae, Morton, Trull, Turnbull, Westmoreland and Williams, of Martin.—15.

For Mr. Russ: Messrs. Ashworth, Black, Farrow, Freeman, Godwin, Hinnant, Jenkins, of Gaston, Jenkins, of Granville, Lyon, Moore, of Chatham, Perry, of Wake, Rogers, Rountree, Stone and Womble.—15.

For Mr. Patton: Messrs. Clement, Durham, Garrett Horton, of Watauga, Kelsey, McKay, Neal, Vestal, Whitfield and Williams, of Yancey.—10.

For Mr. Moore: Messrs. Granbery, Martin, Peebles and Simpson.—4.

For Mr. Logan: Messrs. Blair, Teague and Wilson.

For Mr. Davis: Messrs. Bright and Russ.

Mr. Blythe voted for Mr. Jenkins, of Gaston; Mr. Dargan for Mr. Williams, of Martin; Mr. Logan for Mr. Blythe; Mr. McAden for Mr. Waugh, and Mr. Scoggin for Mr. Moore, of Chatham.

No one having received a majority of the whole number of votes, there was no election.

Whereupon, on motion, the House proceeded to vote again, as follows:

For Mr. McAden: Messrs. Beasley, Blair, Boyd, Bowe, Bryson, Chadwick, Clement, Crawford, of Macon, Davidson, Granbery, Guess, Henderson, Hodnett, Holderby, Horton, Houston, Kelsey, Latham, of Craven, Lowe, Lutterloh, May, McKay, Morehead, Morrisett, Neal, Patton, Perry, of Carteret Reinhardt, Rosebro, Shelton, Simpson, Smith, of Guilford

Stevenson, Sudderth, Umsted, Waugh and Williams of Yancey.—37.

For Mr. Cowan: Messrs. Allen, Autry, Baker, Barden, Bradsher, Brown, Clark, Daniel, Davis, Durham, Galloway, Garriss, Gorham, Harper, Hutchison, Kenan, Latham, of Washington, Lee, McArthur, McClammy, McGougan, McNair, McRae, Moore, of Hertford, Murrill, Richardson, Scott, Smith, of Duplin, Walker, Whitfield, Williams, of Pitt, and Woodard.—32.

For Mr. Russ: Messrs. Bright, Farrow, Freeman, Godwin, Hinnant, Jenkins, of Granville, Lyon, Perry, of Wake, Rogers, Rountree, Stone, Wilson, of Forsyth, and Womble.—13.

For Mr. Dargan: Messrs. Black, Cowan, Foard, Judkins, Kendall, Long, Morton, Trull, Turnbull, Westmoreland and Williams, of Martin.—11.

For Mr. Logan: Messrs. Ashworth, Blythe, Garrett, Jenkins, of Gaston, Moore, of Chatham, Scoggin, Teague and Vestal.—8.

For Mr. Moore, of Hertford: Messrs. Martin and Peebles.

Mr. McAden voted for Mr. Waugh; Mr. Logan for Mr. Jenkins, of Gaston; Mr. Dargan for Mr. Williams, of Martin, and Mr. Russ for Mr. Davis.

The Committee reporting no election, the House, on motion, proceeded to vote again at once, as follows: the names of Messrs. Russ and Moore, of Hertford, being withdrawn from nomination:

For Mr. McAden: Messrs. Beasley, Black, Boyd, Bowe, Bryson, Chadwick, Clark, Clement, Crawford, of Macon, Davidson, Guess, Henderson, Hodnett, Holderby, Horton, Houston, Jenkins, of Granville, Kelsey, Lowe, Latham, of Craven, Lyon, Lutterloh, May, McKay, Moore, of Chatham, Morehead, Morrisett, Neal, Patton, Perry, of Carteret, Reinhardt, Rogers, Rosebro, Shelton, Simpson, Smith, of Guilford, Stevenson, Sudderth, Umsted, Waugh, Westmoreland, Wilson, of Forsyth, Williams, of Yancy and Womble.—44.

For Mr. Cowan: Messrs. Allen, Autry, Baker, Barden, Bradsher, Bright, Brown, Daniel, Davis, Durham, Farrow, Foard, Galloway, Garriss, Gorham, Granbery, Harper, Hutchison, Kenan, Latham of Washington, Lee, Martin, McArthur,

McClammy, McGougan, McNair, McRae, Moore of Hertford, Murrill, Peebles, Perry of Wake, Richardson, Russ, Scott, Smith of Duplin, Stone, Turnbull, Walker, Whitfield, Williams of Pitt, and Woodard—41.

For Mr. Logan: Messrs. Blair, Blythe, Garrett, Godwin, Hinnant, Jenkins of Gaston, Jordan, Rountree, Teague and Vestal—10.

For Mr. Dargan: Messrs. Cowan, Judkins, Kendall, Long, Morton, Trull and Williams of Martin—7.

For Mr. Waugh: Messrs. Ashworth and Scoggin.

Mr. Logan voted for Mr. Jenkins, of Gaston; Mr. Dargan for Mr. Williams, of Martin; and Mr. Freeman for Mr. Russ.

There being no election on this ballot, the House went at once into an another election, on motion of Mr. Blair,—the name of Mr. Dargan being withdrawn from nomination:

For Mr. McAden: Messrs. Beasley, Black, Boyd, Bowe, Bryson, Chadwick, Clements, Crawford of Macon, Davidson, Freeman, Guess, Henderson, Hodnett, Holderby, Horton of Watauga, Houston, Jenkins of Granville, Jordan, Judkins, Kelsey, Latham of Craven, Lowe, Lyon, Lutterloh, May, McKay, Morton, Moore of Chatham, Morehead, Morrisett, Neal, Patton, Perry of Carteret, Reinhardt, Rogers, Rosebro, Shelton, Simpson, Smith of Guilford, Stevenson, Sudderth, Trull, Umsted, Waugh, Westmoreland, Wilson of Forsyth, Williams of Yancey, and Womble—48.

For Mr. Cowan: Messrs. Allen, Autry, Baker, Barden, Bradsher, Bright, Brown, Clark, Daniel, Davis, Durham, Farrow, Foard, Galloway, Garris, Gorham, Granbery, Harper, Hutchison, Kenan, Kendall, Latham of Washington, Lee, Long, Martin, McArthur, McClammy, McGougan, McNair, McRae, Moore of Hertford, Murrill, Peebles, Perry of Wake, Richardson, Russ, Scott Smith, of Duplin, Stone, Turnbull, Walker, Whitfield, Williams of Martin, Williams of Pitt, and Woodard—45.

For Mr. Logan: Messrs. Ashworth, Blair, Blythe, Garrett, Godwin, Hinnant, Jenkins of Gaston, Rountree, Scoggin, Tague and Vestal—11.

Mr. Logan voted for Mr. Blythe, and Mr. Cowan for Mr. Dargan.

The committee reporting no election, on motion of Mr. Stone the House forthwith proceeded to vote again, as follows:

For Mr. McAden: Messrs. Ashworth, Beasley, Black, Blair, Boyd, Bowe, Bryson, Chadwick, Clement, Crawford of Macon, Davidson, Freeman, Garrett, Guess, Henderson, Hodnett, Holderby, Horton, Houston, Jenkins of Granville, Jenkins of Gaston, Jordan, Judkins, Kelsey, Latham of Craven, Lowe, Lyon, Lutterloh, May, McKay, Moore of Chatham, Morehead, Morrissett, Morton, Neal, Patton, Perry of Carteret, Perry of Wake, Reinhardt, Rogers, Rosebro, Russ, Shelton, Simpson, Smith of Guilford, Stevenson, Stone, Sudderth, Trull, Umsted, Vestal, Waugh, Westmoreland, Wilson of Forsyth, Williams of Yancey, and Womble.

For Mr. Cowan: Messrs. Allen, Autry, Baker, Barden, Bradsher, Bright, Brown, Clark, Daniel, Davis, Durham, Farrow, Foard, Galloway, Garris, Godwin, Gorham, Granbery, Harper, Hutchison, Kenan, Kendall, Latham of Washington, Lee, Long, Martin, McArthur, McClammy, McGougan, McNair, McRae, Moore of Hertford, Murrill, Peebles, Richardson, Scott, Smith of Duplin, Turnbull, Walker, Whitfield, Williams of Martin, Williams of Pitt, and Woodard.

For Mr. Logan: Messrs. Blythe, Hinnant, Rountree and Teague.

Mr. Cowan voted for Mr. Dargan; Mr. Scoggin for Mr. Blair, and Mr. Logan for Mr. Ashworth.

Mr. Hutchison, from the committee appointed to superintend the election, reported that the whole uumber of votes cast was 106,—necessary to a choice 54; that Mr. McAden had received 56, Mr. Cowan 43, Mr. Logan 4, and Messrs. Ashworth, Blair and Dargan one each; and that Mr. McAden, having received a majority of the whole, was duly elected Speaker of the House of Commons. Which report being concurred in,

The Speaker elect was conducted to the Chair by Messrs. Waugh and Murrill, whence he made his acknowledgments to the House.

Mr. Holderby moved that the House do now proceed to the election of a Principal Clerk, and nominated for that position Seaton Gales, Esq., of the county of Wake:

The motion was agreed to, and, no other nomination being made,

On motion of Mr. McNair, Mr. Gales was unanimously chosen Principal Clerk.

On motion of Mr. Dargan, W. M. Hardy, Esq., of the county of Buncombe, was unanimously elected Assistant Clerk of the House.

On motion of Mr. Russ, the House proceeded to vote for Principal Doorkeeper, under the superintendence of Messrs. Russ and Bryson,—the following nominations having first been made :

By Mr. Russ : Theo. N. Ramsay, of Wake.

By Mr. Williams, of Martin : Wm. H. Wyatt.

By Mr. Hodnett : Wallace Alexander, of Lincoln.

By Mr. Bryson : W. S. Webster, of Chatham.

For Mr. Ramsay : Messrs. Allen, Bradsher, Bright, Chadwick, Clark, Cowan, Daniel, Davis, Galloway, Godwin, Granbery, Hinnant, Jenkins of Granville, Jordan, Latham of Craven, Lowe, McArthur, McClammy, McGougan, McNair, McRae, Morrissett, Murrill, Morton, Perry of Carteret, Perry of Wake, Rogers, Rountree, Russ, Scott, Shelton, Simpson, Smith of Guilford, Turnbull, Walker and Williams of Pitt—36.

For Mr. Alexander : Messrs. Ashworth, Beasley, Blair, Blythe, Bowe. Brown, Clement, Crawford of Macon, Davidson, Durham, Garrett, Guess, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Hutchison, Jenkins of Gaston, Kelsey, Kenan, Logan, Long, Lyon, Moore of Hertford, Neal, Patton, Peebles, Reinhardt, Rosebro, Scoggin, Stevenson, Sudderth, Umsted, Vestal, Waugh, Whitfield, Williams of Yancey—38.

For Mr. Webster : Messrs. Speaker, Autry, Barden, Black, Boyd, Bryson, Dargan, Farrow, Foard, Freeman, Garriss, Houston, Judkins, Kendall, Lutterloh, May, McKay, Moore of Chatham, Morehead, Smith of Duplin, Stone, Trull, Westmoreland, Womble and Woodard—25.

For Mr. Wyatt : Messrs. Gorham, Latham of Washington, Lee, Martin and Williams of Martin—5.

No election.

On motion of Mr. Waugh, the House proceeded to vote again for Principal Doorkeeper,—the name of Mr. Wyatt having been withdrawn:

For Mr. Ramsay: Messrs. Bradsher, Bright, Chadwick, Clark, Cowan, Daniel, Davis, Godwin, Gorham, Granbery, Harper, Hinnant, Jordan, Latham of Craven, Lowe, McArthur, McClammy, McGougan, McNair, Morrissett, Murrill, Morton, Perry of Carteret, Perry of Wake, Rogers, Rountree, Russ, Scott, Shelton, Simpson, Smith of Guilford, Turnbull, Walker and Williams of Pitt—34.

For Mr. Alexander: Messrs. Ashworth, Blair, Blythe, Bowe, Brown, Clement, Crawford of Macon, Davidson, Durham, Galloway, Garrett, Guess, Henderson, Hodnett, Holderby, Horton, Hutchison, Jenkins of Gaston, Jenkins of Granville, Kelsey, Logan, Lyon, Moore of Hertford, Neal, Patton, Reinhardt, Rosebro, Scoggin, Stevenson, Sudderth, Teague, Umsted, Vestal, Waugh, Whitfield, Wilson of Forsyth and Williams of Yancey—37.

For Mr. Webster: Messrs. Speaker, Allen, Autry, Barden, Black, Boyd, Bryson, Dargan, Farrow, Foard, Freeman, Garris, Houston, Judkins, Kenan, Kendall, Latham of Washington, Lee, Lutterloh, May, Martin, McKay, McRae, Moore of Chatham, Morehead, Peebles, Richardson, Smith of Duplin, Stone, Trull, Westmoreland, Williams of Martin, Womble and Woodard—34.

Mr. Houston moved that the House do now adjourn until to-morrow morning, 10 o'clock; which motion did not prevail.

The committee to superintend the election of Principal Doorkeeper reporting that there was no election, the House, on motion of Mr. Stone, proceeded to vote again, under the superintendance of Messrs. Morehead and Perry, of Carteret, as follows:

For Mr. Alexander: Messrs. Ashworth, Beasley, Blair, Blythe, Bowe, Brown, Clements, Crawford of Macon, Davidson, Durham, Garrett, Guess, Harper, Henderson, Hodnett, Holderby, Horton, Hutchison, Jenkins of Gaston, Kelsey, Logan, Lowe, Lyon, Moore of Hertford, Neal, Patton, Perry of Carteret, Reinhardt, Rosebro, Scoggin, Stevenson, Sud-

derth, Teague, Umsted, Vestal, Waugh, Whitfield and Williams of Yancey—38.

For Mr. Webster: Messrs. Speaker, Allen, Autry, Baker, Barden, Black, Boyd, Bryson, Dargan, Farrow, Foard, Freeman, Garris, Houston, Judkins, Kendall, Latham of Washington, Lee, Lutterloh, May, Martin, McGougan, McKay, Moore of Chatham, Morehead, Peebles, Richardson, Scott, Smith of Duplin, Stone, Trull, Turnbull, Westmoreland, Williams of Martin, Williams of Pitt, Womble and Woodard—37.

For Mr. Ramsay: Messrs. Bradsher, Bright, Chadwick, Clark, Cowan, Daniel, Davis, Galloway, Godwin, Gorham, Granbery, Hinnant, Jordan, Kenan, Latham of Craven, McArthur, McClammy, McNair, McRae, Morrissett, Morton, Murrill, Perry of Wake, Rogers, Rountree, Russ, Shelton, Simpson, Smith of Guilford, and Walker—30.

No election.

Whereupon, on motion of Mr. Waugh, the House proceeded to vote again, as follows:

For Mr. Alexander: Messrs. Ashworth, Beasley, Blair, Blythe, Bowe, Bradsher, Brown, Chadwick, Clement, Crawford, Durham, Davidson, Foard, Garrett. Guess, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Hutchison, Jenkins of Granville, Jenkins of Gaston, Jordan, Kelsey, Latham of Craven, Logan, Long, Lowe, Lyon, Moore of Hertford, Neal, Patton, Perry of Carteret, Reinhardt, Rosebro, Scoggin, Scott, Shelton, Simpson, Stevenson, Sudderth, Teague, Umsted, Vestal, Waugh, Whitfield, and Williams of Yancey—48.

For Mr. Webster: Messrs. Speaker, Allen, Autry, Baker, Barden, Black, Boyd, Bryson, Clark, Dargan, Daniel, Davis, Farrow, Freeman, Garriss, Houston, Judkins, Kenan, Kendall, Latham of Washington, Lee, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McRae, Moore of Chatham, Morehead, Peebles, Reinhardt, Smith of Duplin, Stone, Trull, Turnbull, Walker, Westmoreland, Williams of Martin, Williams of Pitt, Womble and Woodard—43.

For Mr. Ramsay: Messrs. Bright, Cowan, Galloway, Godwin, Gorham, Granbery, Hinnant, McNair, Morrisett, Mur-

rill, Morton, Perry, of Wake, Rogers, Rountree, Russ, Smith, of Guilford—16.

The Committee reporting no election, the House, on motion of Mr. Russ, proceeded to vote again,—the name of Mr. Ramsay having been previously withdrawn:

For Mr. Alexander: Messrs. Ashworth, Beasley, Blair, Blythe, Bowe, Bradsher, Brown, Chadwick, Clark, Clement, Cowan, Crawford, of Macon, Davidson, Durham, Garrett, Guess, Harper, Hodnett, Holderby, Horton, Hutchison, Jenkins, of Granville, Jenkins, of Gaston, Jordan, Kelsey, Latham, of Craven, Logan, Long, Lowe, Lyon, Moore, of Hertford, Morrisett, Morton, Neal, Patton, Perry, of Carteret, Perry, of Wake, Reinhardt, Rosebro, Russ, Scoggin, Scott, Shleton, Simpson, Smith, of Guilford, Stevenson, Sudderth, Teague, Umsted, Vestal, Waugh, Whitfield, Wilson and Williams, of Yancey—54.

For Mr. Webster: Messrs. Speaker, Allen, Autry, Baker, Barden, Black, Boyd, Bright, Bryson, Dargan, Daniel, Davis, Farrow, Foard, Freeman, Galloway, Guess, Godwin, Gorham, Granbery, Hinnant, Houston, Judkins, Kenan, Kendall, Latham, of Washington, Lee, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Chatham, Morehead, Murrill, Peebles, Richardson Rogers, Rountree, Smith, of Duplin, Stone, Trull, Turnbull, Walker, Westmoreland, Williams, of Martin, Williams, of Pitt, Womble and Woodard—53.

Mr. Morehead, from the Committee to superintend the foregoing election, reported that the whole number of votes cast was 107, and that Mr. Alexander, having received a majority thereof, was duly elected. Which report was concurred in.

Received a message from the Senate, announcing the due organization of that body by the election of Hon. M. E. Manly, as Speaker; J. A. Engelhard, as Principal Clerk; Quentin Busbee, as Assistant Clerk; James Page, as Principal Doorkeeper, and C. C. Tally, as Assistant Doorkeeper.

Mr. Dargan moved that the House do now proceed to the election of an Assistant Doorkeeper; which motion prevailed.

Mr. Dargan nominated John H. Hill, of Randolph, and Mr. Perry, of Wake, nominated Mr. W. H. Crabtree, of Wake.

The House voted as follows, under the superintendence of Messrs. Dargan and Perry:

For Mr. Hill: Messrs. Speaker, Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Chadwick, Clark, Clement, Cowan, Crawford, of M on, Dargan, Daniel, Davis, Davidson, Durham, Farrow, Foard, Freeman, Galloway, Garrett, Garriss, Godwin, Gorham, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Houston Hutchison, Jordan, Judkins, Kelsey, Ken n, Kendall, Latham of Washington, Latham of Craven, Lee, Logan, Long, Lowe, Lyon, Lutterloh, M , Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Morrisett, Morehead, Murrill, Morton, Neal, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Rosebro, Rountree, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Teague, Trull, Turnbull, Umsted, Vestal, Walker, Waugh, Whitfield, Wilson, Williams, of Pitt, Williams, of Yancey, Womble and Woodard—99.

For Mr. Crabtree: Messrs. Perry, of Wake, Rogers and Russ—3.

So Mr. Hill was declared duly elected.

On motion of Mr. Waugh, it was

Ordered, That a Committee of five be appointed by the Speaker to prepare rules of order for the government of this House, and that, in the mean time, the rules of the last session be continued.

Mr. Holderby moved that a message be sent to the Senate, informing that body of the due organization of this House; but withdrew the motion, upon an announcement that the Senate had adjourned.

On motion of Mr. Russ, the use of the Hall of the House for this evening was granted to the Young Men's Christian Association of Raleigh.

On motion of Mr. Foard, the House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, November 20th, 1866.

The House met at 10 o'clock, A. M.—Mr. Cowan in the Chair.

Prayer by the Rev. J. M. Atkinson, of the Presbyterian Church.

The following members elect appeared, presented their credentials, were qualified and took their seats, viz:

Alexander—J. M. Carson.

Beaufort—Henry Harding.

Harnett—B. C. Williams.

Mecklenburg—R. D. Whitley.

Pasquotank—Jos. S. Jones.

Rowan—W. H. Crawford.

Wilkes—Tyra York, Phineas Horton.

On motion of Mr. Holderby, it was

Ordered, That a message be sent to the Senate, informing that body of the due organization of this House, and its readiness to proceed to the dispatch of public business; and also proposing to raise a Joint Select Committee, of three on the part of the House and two on the part of the Senate, to wait upon his Excellency, the Governor, and inform him of the readiness of the two Houses to receive any communication he may have to make.

On motion of Mr. McNair, it was

Ordered, That a message be sent to the Senate, proposing to go into an election for Public Printer this day at 1 o'clock, P. M.

Mr. McNair put in nomination for that office the name of William E. Pell.

Mr. Waugh gave notice of his intention to offer, at some subsequent day, Resolutions of General Amnesty, and a Bill to repeal an Ordinance of the late Convention entitled "An

Ordinance to change the jurisdiction of the Courts and alter the rules of Pleading therein."

Mr. Rogers nominated Thomas Badger, of Wake, as a Justice of the Peace for said County; which nomination was recommended by the House, and a message sent to the Senate asking its concurrence therein.

Received a message from the Senate, proposing to raise a Joint Committee of two, on the part of each House, to wait upon the Governor, and inform him of the organization of the two Houses, &c.

Concurred in; and Messrs. McCorkle and Cowles being announced as the Senate Committee, Messrs. Holderby and Russ were designated as the Committee on the part of the House.

Received a message from the Senate, concurring in the proposition to go into the election of Public Printer at 1 o'clock, stating that Messrs. Moore and Matthews would superintend the election, and that Messrs. Nichols, Gorman & Neathery were in nomination in that House.

On motion of Mr. Rogers, it was

Ordered, That a message be sent to the Senate, proposing to go forthwith into an election for three Engrossing Clerks.

The following nominations were thereupon made, and the Senate informed thereof by message, viz:

By Mr. Kenan: S. B. Taylor, of Stokes.

By Mr. Waugh: Jno. A. Hampton, of Yadkin.

By Mr. Davis: L. W. Joyner, of Franklin.

By Mr. Guess: A. S. Barbee, of Orange.

By Mr. Patton: R. V. Blackstock, of Buncombe.

By Mr. Lyon: S. M. Stone, of Franklin.

By Mr. Harper: Perrin Busbee, of Wake.

By Mr. May: J. B. Long, of Chatham.

By Mr. Daniel: E. B. Freeman, of Wake.

By Mr. McNair: Geo. M. Whiting, of Wake.

Mr. Holderby, from the Committee to wait on his Excellency, the Governor, reported that the Executive would send in a communication to the two Houses, at 12 o'clock, M.

Mr. Waugh presented a Report from the Comptroller and Secretary of State, concerning "Confederate Securities and

State Securities, issued during the war, now in the Treasury," prepared in obedience to an ordinance of the Convention; which, on his motion, was sent to the Senate, with a proposition to print the same.

Received a message from the Senate, concurring in the proposition to go forthwith into an election for three Engrossing Clerks,—Messrs. Battle and Willey constituting their Committee to superintend the same.

Also, proposing to raise a Joint Select Committee, of three on the part of the Senate and five on the part of the House, to prepare and report Joint Rules for the government of the two Houses; which was concurred in, and Messrs. Hutchison, Logan, Latham, of Washington, McKay and Richardson announced as the House branch of said Committee.

Also, concurring in the recommendation of Thomas Badger as a Justice of the Peace for the county of Wake.

The House then proceeded to vote as follows, under the superintendence of Messrs. Rogers and Baker, for three Engrossing Clerks:

For Mr. Ramsay: Messrs. Allen, Autry, Baker, Barden, Beasley, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Daniel, Davidson, Durham, Farrow, Foard, Freeman, Galloway, Garriss, Godwin, Gorham, Granbery, Harding, Hinnant, Hodnett, Horton, of Watauga, Jones, Kelsey, Kendall, Latham, of Craven, Latham, of Washington, Lee, Long, Lowe, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Morehead, Morton, Morrisett, Murrill, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Rountree, Shelton, Simpson, Smith, of Guilford, Trull, Turnbull, Whitfield, Williams, of Harnett, Williams, of Pitt, Williams of Yancey, Womble and Woodard.—71.

For Mr. Stone: Messrs. Allen, Autry, Baker, Barden, Beasley, Black, Boyd, Bowe, Bradsher, Brown, Chadwick, Clark, Crawford, of Rowan, Davis, Durham, Freeman, Galloway, Garris, Godwin, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton of Watauga, Horton, Wilkes, Hutchison, Jenkins, of Granville, Jones, Jordan,

Judkins, Kelsey, Kenan, Kendall, Latham of Craven, Latham, of Washington, Long, Lowe, Lyon, Martin, McArthur, McClammy, McGougan, McNair, McRae, Moore of Hertford, Morehead, Morton, Morrisett, Peebles, Perry, of Wake, Reinhardt, Richardson, Rosebro, Russ, Simpson, Smith, of Duplin, Smith of Guilford, Stevenson, Stone, Teague, Trull, Turnbull, Umsted, Vestal, Waugh, Whitley, Williams of Harnett, Williams of Pitt, Woodard and York.—73.

For Mr. Long: Messrs. Ashworth, Black, Blair, Blythe, Boyd, Bowe, Clement, Crawford, of Rowan, Dargan, Farrow, Foard, Garrett, Garriss, Guess, Houston, Jenkins, of Gaston, Jordan, Logan, Long, Lutterloh, May, McKay, Moore, of Chatham, Morton, Morrissett, Rosebro, Russ, Scoggin, Smith, of Duplin, Stevenson, Teague, Umsted, Whitley Wilson, of Forsyth, Williams, of Harnett, Williams, of Pitt, and Womble—37.

For Mr. Hampton: Messrs. Ashworth, Beasley, Black, Blair, Blythe, Bowe, Bradsher, Carson, Chadwick, Clements, Durham, Foard, Freeman, Garrett, Harper, Henderson, Hodnett, Holderby, Horton, of Wilkes, Houston, Hutchison, Jordan, Latham, of Washington, Lee, Logan, Lowe, Lyon, May, Moore, of Chatham, Murrill, Patton, Rosebro, Scoggin, Shelton, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Trull, Vestal, Waugh, Whitfield, Whitley, Williams, of Martin, Williams, of Yancy, Womble and York—49.

For Mr. Freeman: Messrs. Allen, Barden, Bright, Brown, Clark, Cowan, Crawford, of Macon, Dargan, Daniel, Davidson, Farrow, Galloway, Granbery, Hutchison, Judkins, Latham, of Washington, Lee, Logan, McClammy, McGougan, Moore of Hertford, Murrill, Peebles, Richardson, Rogers, Rountree, Russ, Whitfield and Williams of Martin—29.

For Mr. Whiting: Messrs. Baker, Blair, Blythe, Bryson, Cowan, Daniel, Davis, Garrett, Gorham, Harding, Jenkins, of Granville, Jones, Kenan, Kendall, Lutterloh, Martin, McKay, McNair, McRae, Perry, of Carteret, Perry, of Wake, Rogers, Scoggin, Simpson and Vestal—25.

For Mr. Busbee: Messrs. Bright, Carson, Dargan, Godwin, Gorham, Harding, Harper, Hinnant, Horton, of Wilkes, Latham, of Craven, Latham of Washington, Perry, of Car-

teret, Perry, of Wake, Reinhardt, Rogers, Rountree, Shelton, Westmoreland, Williams, of Martin and York—20.

For Mr. Taylor: Messrs. Boyd, Henderson, Holderby, Houston, Jenkins, of Gaston, Kenan, McArthur, Morehead, Teague, Waugh, Westmoreland, Wilson, of Forsyth and Woodard—13.

For Mr. Joyner: Mesrs. Ashworth. Autry, Davis, Jenkins of Granville, Judkins, Lyon, Stone and Turnbull.—8.

For Mr. Blackstock: Messrs. Bryson, Crawford, of Macon, Davidson. Kelsey, Patton, and Williams, of Yancey.—6.

For Mr. Barbee: Messrs. Guess, Umsted, Westmoreland. and Wilson, of Forsyth.—4.

Received from his Excellency, the Governor, by the hands of his Private Secretary, W. H. Ba ley, Esq., the following

MESSAGE:

To the Honorable, the General Assembly
of North Carolina:

Gentlemen:—The attention of this whole nation is now specially directed, to the anomalous condition of our national affairs. It seems fit, therefore, that our consideration should be primarily directed to the restoration of national order and harmony.

FEDERAL AFFAIRS.

Although we are now denied any legislative participation in the conduct of the Government of the United States, we should not be listless as to passing events, nor unmindful of the benefits to be derived from an occasional review of the past. More than eighteen months ago, a bloody sectional war was closed by the total overthrow of the weaker, by the stronger section. Its declared object, on the one side, was to break up the Union;—on the other, to preserve it. It ended as might have been expected. The commanders of the Southern armies, after the South was completely exhausted, as to everything which constitutes strength

in war, and after exhibitions of valor in the field which astonished the world, surrendered on the stipulation of impunity to the surrendering forces. Arms had established the supremacy of the Union. Not a guerilla party in the South remained under arms. The whole people of the South, whether they had favored the inception of the war or sympathized with their section after it began, or not, gave every evidence they could give, of their submission to the result of the conflict, and their willingness to obey the Constitution and laws of the United States.

What was then in the way of an immediate restoration of the Union? The machinery of government in the Southern States was in the hands of those who had given their adhesion to the rebellion. This was a state of things not contemplated by the Constitution of the United States. Precedent furnished no guidance in altering the machinery of the rebellious State governments, so as to work in harmony with the national government. The President, who owed his elevated position to his reputation for statesmanship, and the consistent devotion of his life to the preservation of the Union, held that he ought not to recognize the officers of the States who had given their adhesion to the rebellion, even so far as to make them the instruments of reorganization; that while the States existed, and the Union had been preserved, there were, in these States, no legislative, judicial or executive officers, lawfully constituted.

To enable the States to re-form their Constitutions, and the machinery of their governments, he granted amnesty to the people who had favored the rebellion,—with certain exceptions,—on the condition of their renewing allegiance to the United States by taking an oath to support the Constitution,—reserving the right to grant pardons, upon special petitions, to such individuals of the excepted classes as he might deem deserving of them. He appointed Provisional Governors, under whose orders elections were held for delegates to State Conventions, those only being allowed to vote at such elections, to whom general or special pardon had been granted. The great body of the people complied with the conditions, and voted at such elections.

When our Convention assembled, it was understood that the President, and the people of the dominant States, expected of us three amendments of our Constitution, as essential to harmonious Union, and permanent reconciliation, to-wit: the renunciation of the doctrine of secession; the abolition of slavery; and the repudiation of the debts contracted in the prosecution of the rebellion; and the ratification by the Legislature, thereafter to assemble, of an amendment to the Constitution of the United States, proposed during the war, abolishing slavery throughout the United States.

From all we could learn from the press, the avowals of representative men of the North, and all other sources of information, we entertained no doubt tha these views of the President were approved by the great body of those who elected him.

Many of our people deemed some of these terms hard and injurious to the well-being of the State; but regarding them as the conditions to restored amity, prescribed by our conquerors, they were accepted with remarkable unanimity, and have since been observed with strict fidelity. One of them reduced from affluence to poverty a large number of our people, in nowise responsible for this sectional war. We accepted them, because we thought these terms were required by the victors from the vanquished, as all that was required of us, as preliminaries to the restoration of concord between the late belligerents. We elected Senators and Representatives to Congress, with all the qualifications prescribed in the Constitution.

We are not ignorant that Congress, during the war, had prescribed an oath of office, commonly known as the "test oath," which very few, if any, of our people, who had remained citizens of the State during the war, could conscientiously take. We regarded this act as unconstitutional. Article 6, Section 3, of the Constitution of the United States, provides that Senators and Representatives and other officers "shall be bound by an oath or affirmation, to support the Constitution of the United States." If Congress have the power to add to this oath such further oath as it may deem expedient, it is manifest that any *party*, having temporary ascendecny in

Congress, can prescribe an oath which will exclude from Congress all who do not agree in sentiment with the dominant party. This principle would destroy the very basis of our national government. It was never intended that a *party*, having temporary ascendency, should have authorityto make its ascendency perpetual.

We believed, from the resolutions of Congress passed during the war, and the manifest requirements of enlightened policy, that the North was willing to restore friendly relations with the South, and nobody could expect any cordiality to be restored, while this statute was held to be in force. We expected it to be repealed, or to be declared unconstitutional and void by the Supreme Court of the United States, in which tribunal, fortunately for the cause of civil liberty, partizanship has as yet made but slight inroads. We believed that the constitutional guards, and the virtue and intelligence of the electors, were a sufficient protection against disloyal men finding their way into the national councils, or,if experience should indicate the necessity of others, they would be provided in amendments of the Constitution, and not in partizan legislation. In the matter of electing our Senators and Representatives to Congress, every citizen who had advocated the doctine of secession before the war, or taken conspicuous part in the military conflict,delicately forbore to ask for a seat in Congress. Althongh human experience has taught thatthose who (right or wrong) have exhibited manly courage in military conflict, rarely disregard the terms of capitulation when conquered, in this State, no one who had favored the initiation of the war, or distinguished himself in the field during its progress, asked to be made a member of Congress. Every Senator and Representative elected had always opposed secession until the United States could no longer protect his person or property. Up to this time, we thought the wise and magnanimous policy of the President was about to produce, at an early day, the beneficent results he contemplated. A few days before the meeting of Congress, after we had complied with all these supposed preliminaries to national reconciliation, speeches of distinguished partizan leaders of the Congress, soon to assem

ble, gave us premonitions of the purposes of the dominant party. I need not remind you of the chilling shock we received when the action of the dominant party in Congress announced that our members, irrespective of their qualifications, would not be received—and that the Union, for the preservation of which so many lives had been lost, and so frightful a national debt had been created, should be practically disolved until it should be the pleasure of tha dominant party majority to restore it. Up to this time, this fraction of the Congress contemplated by the Constitution of the United States exercise the legislative power, without declaring when, if ever, or upon what condition, the people of the other States they govern shall have representation, and the recent elections in the dominant States sanction this action. It is proper to refer to the actions of the people and the authorities of this State, in the interim of these extraordinary national movements. Not a guerrilla party existed in the late rebellious States. In this State not a single instance has occurred where a Sheriff has had occasion, since the surrender, to require a *posse* or other aid to execute civil process. Our bench of Judges have executed their duties in a manner which would have given lustre to the Judiciary of any period in the history of the world. The steadiness with which our Judges have held the scales of justice has at last extorted praise even from those who, at first, studied to malign them. A few of the agents of the Freedmen's Bureau, and I grieve to say, a few of our own people, who seek to propitiate the favor of our conquerors by furnishing aliment to their unjust prejudices, have sought to make the impression, at the North, that freedmen and Union men could not have justice at the hands of our Courts. To this end emissaries have been employed to traverse the country and record *ex parte* statements to cast odium on the administration of justice—petitions have been covertly got up by some of our own citizens and sent to the President of the United States, charging disloyalty to our people and favoritism to our Courts, to embitter against us the virtuous classes of the North. Amongst us these machinations are well understood. The virtuous and intelligent men of the North who have settled among us, and especially

the soldiers who stood in front of the fight, on both sides, in the late conflict of arms, despise these slanders. Through the agency of whole-souled men public opinion, it is hoped, will soon reach a healthy state. Our Judges, unmoved by these unworthy imputations and unawed by intimations that they would be suspended from the exercise of their functions, if their adjudications did not accord with the dominant power, have silenced slander itself. No murmur is now heard against the fairness with which justice is administered in our Courts. The fearful increase of crime, a natural sequent of a civil war in which disrespect for the rights of non-combatants was authoritatively countenanced, if not encouraged, is being rapidly repressed, and reverence for justice is having its natural triumph.

Our Legislative Department has been anxiously endeavorin to alter our Code to suit our novel situation, and to bring order out of the chaos produced by the late convulsion. This review of our national affairs brings us to the present period.

THE CONSTITUTIONAL AMENDMENT.

In June last, I received from the Hon. Wm. H. Seward, Secretary of State of the United States, a communication herewith transmitted to you, covering an attested copy of a joint resolution of Congress, proposing a fourteenth article, as an amendment to the Constitution of the United States. It proposes—*First*,—That "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." *Second*,—That "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." *Third*,—That "no State shall deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction equal protection of its laws." *Fourth*,—That "representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But

when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State." *Fifth*,—That "no person shall be a Senator, or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability." *Sixth*,—That the validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned." *Seventh*,—That "neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void." *Eighth*,—That "the Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

The Constitution provides that "the House of Representatives shall be composed of members, chosen every second year by the people of the several States," and that "the Senate of the United States shall be composed of two Senators from each State." This proposition is not made to us by a Congress so composed; this State, with ten others, being

denied representation in the body which proposed thus to amend the fundamental law. It was the clear intention of the Constitution that every State should have a right to representation in a Congress proposing alterations in the original articles of compact; and on this account, alone, no State, pretending to have rights under the Constitution, can, with proper scrupulousness or dignity, ratify an amendment thus proposed.

It is remarkable that this proposed amendment contemplates, under *one article*, to change the Constitution in e ght particulars, some of them altogether incongruous, to be ratified as a *whole*, or rejected as a *whole*. We are not allowed to ratify such of them as we approve, and reject those we disapprove. This is the first attempt to introduce the vice of omnibus legislation into the grave matter of changing the fundamental law. In 1789, Congress proposed to the States, pursuant to the 5th article of the original constitution, twelve new articles, as amendments. Ten of these were ratified by three-fourths of the States. The resolution, by which these articles was submitted to the States, authorizes the States to ratify "*all or any of them.*" Ten of them were ratified—two were rejected. Each of the other three amendments which have been adopted, to-wit: the *eleventh*, recommended in 1794, the *twelfth* in 1803, and the *thirteenth* in 1865, was confined to one matter. To some of the provisions of this proposed *fourteenth* article, constitutionally submitted to us, there would probably be no objection. To others, or to the heterogeneous whole, it is hoped the State will never give her assent. A commentary on all the proposed amendments would make this document inordinately long. A few remarks, on one or two of them, may not be inappropriate.

Under our laws, made in conformity to the Constitution of the United States, every one of the following State officers, who entered on the discharge of his duties prior to the 20th day of May, 1861, took the oath to support the Constitution of the United States, viz: the Governor, Judges of the Supreme and Superior Courts, Public Treasurer, Secretary of State, Comptroller, Justices of the Peace, Sheriffs, Clerks of the County and

Superior Courts, Clerks and Masters in Equity, Clerk of the Supreme Court, Constables, County Trustees, Coroners, Registers, entry-takers, processioners, rangers, standard-keepers, surveyors, every officer of the militia, Attorney-General, State and County Solicitors, every member of the General Assembly, and every other officer holding any office of trust or profit in this State; every lawyer was likewise required to take it, though the right to practice law has not been held to be an office of trust or profit. The persons who had held these offices, prior to the war, comprise a vast proportion of the population of the State. All postmasters and others, who had held office under the United States, had also taken this oath. These classes embraced the great body of the intelligence of the State.

When war had been inaugurated,—when one section confronted the other in military conflict,—when personal security compelled obedience to those in *de facto* authority, who, of all these classes of officers, who remained in the State, did not join his own section in the fight, or give "aid and comfort" in the technical sense of this phrase, or in the sense which future interpretation may assign to it, to those who did join in it? Scarcely a man remained among us who can conscientiously say that he gave no "aid and comfort" to the Southern soldiers, during that conflict. But, strange to say! this amendment leaves eligible to office any one who went into a Convention and voted for the ordinance of secession, and any one who voluntarily took up arms and fought on the side of the South to the end of the war, or held a seat in the Confederate Congress, provided such person had never taken an oath to support the Constitution of the United States.

If it be held that a deeper shade of guilt attaches to those who had held office and taken this oath, than to others who owed like allegiance to the United States, is a lawyer who had taken the oath and afterwards joined in the rebellion, less guilty than a constable or a postmaster, or other inferior officer, who had taken the oath and afterwards given aid to the rebellion? If it be said that the dispensing power reserved to two-thirds of Congress may be relied on to prevent

any special hardship, it is inconceivable how so large a body, charged with so many more important duties, could exercise this power with justice or discretion. If this amendment should be ratified, it is believed that not a single one could be found in the State who was, before the war, a Governor, a Judge of the Supreme or Superior Court, a member of Congress, or member of the General Assembly of this State, who would be eligible as a county register or village postmaster, without this dispensation of two-thirds of Congress.

The advocates of this amendment urge that, if we ratify it, representation in Congress will be conceded to us; and that, if we reject it, we must expect, from the dominant party in Congress, calamities still more dire than we have yet felt. There is no warrant for either assertion. It would have been as unbecoming in Congress to offer it to us under any such promise, or such threat, as it would be degrading to us to ratify it under such circumstances. It should be considered solely in reference to its fitness to form a part of the fundamental law of a country claiming high position among enlightened and Christian nations.

The fifth section of this proposed article has the same import, and is intended to convey as much power, as if it were repeated at the end of each one of the four preceding sections. The original Constitution, in closing the catalogue of the powers of Congress, gives the authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States or any department or officer thereof." This authority has always been understood to apply to power conferred on the government of the United States, by amendments subsequently made, and has repeatedly received the consideration of the judiciary. If the design of this fifth section is simply to re-affirm the long established principle of power necessarily implied under the provision just recited, it is needless surplusage; but if, as its special insertion indicates, it is intended to amplify the various powers which would be reasonably implied from the sections which precede it, and to give to Congress a peculiar author-

ity over the subjects embraced in the proposed fourteenth article, it is mischievous and dangerous.

If there be any feature in the American system of freedom which gives to it practical value, it is the fact that a municipal code is provided under the jurisdiction of each State, by which all controversies as to life, liberty or property, except in the now limited field of Federal jurisdiction, are determined by a jury of the county or neighborhood where the parties reside and the contest arises; but if Congress is hereafter to become the protector of life, liberty and property in the States, and the guarantor of equal protection of the laws, and, by appropriate legislation, to declare a system of rights and remedies, which can be administered only in the Federal Courts, then the most common and familiar officres of justice must be transferred to the few points in the State where these courts are held, and to judges and other offices, deriving and holding their commissions, not from the authority and people of the State as heretofore, but from the President and Senate of the United States. The States, as by so much, are to cease to be self-governing communities as heretofore, and trespasses against the person, assaults and batteries, false imprisonments and the like, where only our own citizens are parties, must be regulated by the Congress of the nation and adjudged only in its courts. I cannot believe that the deliberate judgment of the people of any State or any section will approve such an innovation, for although its annoyances may be ours to-day, they must expect them to be theirs to-morrow. The people of this State, with a singular approach to unanimity, are sincerely desirous of a restoration of their constitutional relations with the American Union, In the face of circumstances, rendering it nearly impossible. they have paid its government the taxes of former years, laid when another *de facto* government, whose powers they could not have resised, if they would, was making levies in money and in kind almost greater than they could bear; they acquiesced in the extinction of slavery, which annihilated more than half their wealth; they have borne with patience the exclusion of their Senators and Representatives from the halls of Congress, where they have had no one to contradict or

explain the most exaggerated misrepresentations, or even to make known their grievances. How long this unnatural condition of our relations is to continue, it seems we shall be allowed to have no share in determining. No time has been set, and no conditions proposed, on which it may be terminated. In the mean time, I trust we shall meet events as they arise with a reasonable and manly fortitude, ready at all times to fulfil our duties as patriotic citizens, but under no circumstances willing to sacrifice the honor and rights of the State, as a member of the Union; not in the sense of the advocates of secession, but as taught by Iredell and Marshall and Story and Kent and Webster, and in which moderate men everywhere, North and South, before the war, were supposed to concur. Anxious as I was to avert the late war, and have at all times been to compose our troubles on the basis of the Union as our fathers framed it, I can perceive in this proposed amendment nothing calculated to perpetuate the Union; but its tendency seems to me better suited to perpetuate sectional alienation and estrangement, and, I have, therefore, no hesitation in recommending that it be not ratified.

THE AFRICAN RACE.

Most of the African race among us were lately slaves. Their masters cared for their subsistence. Their habits illy fit them to provide for their indispensable daily wants. Nothing can be more absurd than the supposition that the great body of them can participate in governmental affairs with any discretion. A very few of them are discreet and virtuous, and have considerable intelligence; and when the State shall be left free to manage her internal affairs, without extraneous interference, I do not doubt that the question as to what share ought to be granted them in the elective franchise, will be candidly considered. To grant universal suffrage to them now is manifestly absurd.

What ought to be done in reference to this race, if its consideration could be approached apart from passion and party politics, would embarrass the wisest statesman and philan-

thropist. Unhappily, our present condition does not allow such calm consideration. At present, it blends itself with our national affairs. From the earliest period of our history under the National Union, it has been the cause, or the pretext, for sectional strife. Disunionists, North and South, have constantly used it to alienate one section ofour country from the other When these strifes at last culminated in war, and slavery was suddenly abolished, and the South thereby grievously impoverished and constrained to accommodate itself to a violent change, more suddenly introduced than the teachings of experience would seem to warrant, all patriotic men looked for national repose, as a set-off. The one great theory of our government, which was supposed to be settled, was that each State should manage its own internal affairs; but so far from the abolition of slavery having composed our sectional differences, it has only intensified them,—the negro being still the subject of strife. The North claimed that humanity required its interposition to protect the recently emancipated slaves from aggression on the part of the white people of the South, and new and strange tribunals were instituted among us to manage this race, claiming and exercising, long after hostilities had ceased, exclusive jurisdiction, civil and criminal, over whites and blacks, as to all matters to which a freedman was a party, and resting their decisions and modes of proceeding on no known rules. It behooves every patriotic mind to solve the problem, what is best to be done to avoid this sectional strife in relation to the negro. Is it possible, in entire consistency with the well being of the African race, to avoid this enduring source of animosity between the sections? It seems to me that the course to be pursued is obvious, if the parties to the controversy sincerely desire reconciliation. The cause of the trouble is the unequal distribution of the race between the sections. The plain and practical remedy is their more equal diffusion. Existing circumstances invite such diffusion. The people of the South (whether from prejudice or not is immaterial, to the view I take) do not regard the negro as their equal. He is not allowed the right of suffrage. The North insists that this prejudice of the South does cruel wrong to the African.—

Among us they are very poor, and few of them have acquired local attachments by ownership of land. The results of emancipation and war have made the whites poor also; and the uncertain condition of our federal relations prevents the influx of capital or population. Enterprise is paralyzed. Few are able to employ laborers and pay them liberally. On the other hand the dominant States are rich. In all of them the wages of labor are much greater than we can pay. In many of them are public lands of great fertility which the laws give to the actual settler at a nominal price. In one of those States a portion of the people has given a substantial earnest of the principles they profess, by electing two Africans as members of their State Legislature. Everything seems to invite their emigration to the dominant States;—but most of them are too poor to pay the expenses of moving. This difficulty may be overcome by diverting the appropriation made to sustain the Freedman's Bureau, to defraying the traveling expenses of those who may choose to move, allowing each one to choose the State or territory to which he would go. When thus left free and aided to go where they may think their condition will be bettered, no grounds will be left for further sectional strife as to their government. Who that would avoid the rock on which our ship of State is threatened with wreck, will object to this scheme of reconciliation? It is clear that the Northern States will not object to it. It will place the negroes, voluntarily emigrating to them, under their immediate guardianship, where they can look after their personal protection and mental and moral culture, much more discreetly than they can by a Freedman's Bureau, or any other machinery while they remain here.

I am sure North Carolina will not object to this scheme. If it be objected that the emigration would be so universal as to leave us for a time, without a sufficiency of laborers, and if it be conceded that this would be the result, who would not prefer to perform servile labor until other labor could be procured, to the inquietude and humiliation to which we are now subjected? But such would not be the result. North Carolina means to treat her freedmen with justice and humanity. Very many of them retain the feelings of kindness and

confidence which they formerly felt towards their late masters, and these reciprocate the feeling and pay them fair wages, and give them every reasonable aid to better their condition; although we may be unable to perceive anything to encourage our efforts in the past history of the race. I respectfully recommend that you propose this plan of national reconciliation to the Congress of the United States. Whether this suggestion be carried out or not, it behooves us to consider what the welfare of the State requires us to do in special reference to the African race among us. The task which the sudden emancipation of so many slaves imposes, if we were allowed to undertake it without interference, would be a most difficult one. We must face it as it is, and do the best we can for the common weal of the white and black.

The most prominent subjects demanding new legislation are crime and pauperism. Our courts have been so occupied with the criminal side of the dockets that little attention could be given to civil suits, and our jails are still crowded. Stealing, formerly regarded a the meanest of crimes, and of infrequent occurrence in this State, from the manner in which the late war was conducted and other causes, came to be regarded as a rather venial offence. The action of our courts has done much to check it. It is still frightfully common. Negroes compose much the larger class of these offenders. Much the larger number of convicts, of all colors, are insolvents, and the expenses of their prosecution and imprisonment swell largely the frightful burden of taxation under which our impoverished people are laboring. This evil must be remedied, if possible.

Under our existing laws recently enacted, power is conferred on the Justices of the Peace to erect work-houses for their respective counties, in which insolvent convicts should work out the fines imposed and the costs of prosecution. The erection of proper buildings will cost much. Counties cannot bear the expense of erecting around them sufficient walls to prevent the escape of the prisoners. The salary of the Superintendent and other employees must be considerable. How can the convict be compelled to labor? What is he to work at? If a mechanic, is it contemplated to supply each county

work shop with the necessary tools and materials? Is leather to be provided for the shoemaker and saddler; coal, anvil, hammer and bellows for the blacksmith; plank and planes for the carpenter, &c.? If not, what is he to work at? Certainly not at farming. This would require the keeping of mules and horses, with uncertainty whether any, or how many, convicts would be sent to the work-house. The Superintendent could not pitch his crop in uncertainty whether he would have any hands, r how many he would have, and almost a certainty t at when he put his convict in the field to work he would run away. I submit whether it would not be better to keep up our highways by taxation and to compel insolvent vagrants and others, convicted of misdemeanors, to work with ball and chain on the highways or other public works of the counties, allowing them, as provided in our county work-house act, to raise the fine and costs by apprenticing themselves.

PENITENTIARY.

As to convicts for the higher grades of crime, I think a Penitentiary should be erected. This mode of punishment has been in long use in most of the States. It has never been discontinued, so far as I am informed, in any State which has adopted it, and I regard this experience as decisive in favor of this plan. If this recommendation be approved, I further recommend that provision be made for employing convict labor, as far as practicable, in the construction of the necessary buildings, and that a proper commission be constituted to carry out the design in the best manner.

PAUPERISM.

The number dependent for subsistence on public charity is vastly greater than it ever was in any past period of our history. A benevolent feature of the Freedmen's Bureau was the issuing of rations to indigent blacks. This, I understand, will be, or has been discontinued. Large numbers of them, too old or infirm to labor, and a still larger number of chil-

dren, too young to labor, and wit out parents, or with parents not providing for them, must be cared for. In addition to these is the large number made dependent by the loss or the maiming of their fathers in the late war. As to the number of these last I cannot furnish the statistics, contemplated by the resolution of the General Assembly of the tenth of March last, the Chairmen of the County Courts of some three or four Counties, only, having sent me any returns, and these do not profess to be full and accurate. The pauper negroes, formerly supported by the master, must now go to the poor houses. I recommend a revision of the poor laws. I am not prepared to suggest any specific alterations of them, but hope your wisdom may be able to devise some plan of lightening the heavy burden which the proper care of the poor must soon impose upon us.

APPRENTICESHIP.

I recommend a revision of our laws in relation to apprenticeship. The future well-being of the State depends much upon the manner in which our children and youth are brought up. Great numbers of the rising generation, white and black, are growing up without proper training in the habits of steady industry essential to make them moral and useful citizens. Some of them, children having no father to guide them; many of them, (in the language of one of our statutes) where "the parents, with whom such children may live, do not habitually employ their time in some honest, industrious occupation." But to attain the proper ends of apprenticeship, no pains should be spared, in selecting the masters to whom the tutelage of such children is committed. In this, I think, the administration of our laws requires amendment. When a child is to be bound apprentice, I fear that our County Courts, to which this duty is confided, and which are expected to act in *loco parentis*, often neglect to look properly to the fitness of the master to bring up the child. Now, when the welfare of the State requires the exercise of this power much more extensively than formerly, it is well to inquire whether something may not be done for the better protection and rearing

of this class. In practice, I fear, that the eminently wise and beneficent provision of our Statute, Rev. Code, chap. 54, sec. 18, has not been sufficiently observed. It requires the Grand Jury of every County annually, at the orphan's court, to present to the Court, in writing, the names of all orphan children within their County, "that have not guardians, if not bound out to some trade or employment; and also all abuses, mismanagement and neglect of such guardians as are appointed by the Court of their County." I recommend that the provisions of this section be enlarged, so as to embrace all children whom you may declare fit subjects of apprenticeship, and that the Jury report at every term of the Court, and that it be made the duty of the County Attorney, at each term, to give the act in charge to the Grand Jury. I suggest further, that it would tend much to the security and proper care of apprentices, if it were made the special duty of the County Solicitor to attend to the binding of each apprentice and attest the indentures, with power in every case where he may deem it expedient, to carry the case, by appeal to the Superior Court, and that proper provision be made for his compensation for this service.

I have received from Thos. P. Devereux, Esq., an aged citizen, distinguished for his intelligence, and long the owner and manager of a large number of slaves, a letter on this subject, presenting many views and reflections, the result of his experience. I transmit his letter with this message, and commend his suggestions to your consideration.

It has been the policy of the General Assembly, since the ordinance of emancipation, to so reform our laws, as to personal rights, that no distinction should exist to the prejudice of the blacks. I find some distinction still exists as to apprenticeship, inadvertently overlooked, I presume. Our laws require the binding of white females to the age of eighteen, and colored females to the age of twenty-one years; and power is conferred on the Court to bind as apprentices, "the children of free negroes, when the parents with whom such children may live do not habitually employ their time in some honest, industrious occupation." There is no provision for binding white children so neglected by their parents. I

hope the law will be so altered as to abolish these discriminations, and all others, if any others be found to exist.

An embarrassing difficulty, as to the binding of negro children, has lately presented itself. I was lately notified by a citizen, to whom negro children had been bound as apprentices by the County Court, that he had been notified by an officer of the Freedman's Bureau, that such binding would not be respected, and that he was required to surrender such children, the indentures having been declared null by authority of the officers of the Bureau. I had had no previous notice that such interference was contemplated. In reply to a letter of inquiry, which I thereupon addressed to Brevet Major General Robinson, the Assistant Commissioner of the Freedman's Bureau in this State, he sent me a copy of the order under which his subordinate acted, in these words: "The civil Courts will not be allowed to make any discrimination between white and blacks, in the apprenticing of children. No child, whose parents are able and willing to support it, can be bound without the consent of the parents; children over fourteen years of age will not be bound out as apprentices under any circumstances. Col. Rutherford will see that the above rules are strictly carried out, and will, at once, cancel all indentures not in conformity therewith." This order, if carried into effect, substantially annuls, as I conceive, the powers of our Courts over minor children of color. The correspondence on the subject is not concluded. I hope the order will be revoked. As soon as a final decision shall be reached, I will communicate it to you.

ADMINISTRATION OF JUSTICE.

Soon after the adjournment of our Convention, I addressed a communication to General Robinson, calling his attention to the fact that our laws had been so reformed that no discrimination existed as to the administration of justice, to the prejudice of free persons of color. He promptly issued an order, a copy of which accompanies this communication, dated July 13th, 1866, restoring to our courts, with one exception, all cases to which freedmen are parties. This

order relieved our people from one source of great annoyance. It has been faithfully observed on the part of the bureau, and the powers so justly and wisely exercised by our courts, that nobody now doubts that the change of jurisdiction was a proper one.

Our anomalous condition, the boundaries of jurisdiction between the military and civil authorities being illy defined, has led to much correspondence between the Executive and Military Commandants of the State. It is spread out on my letter book, subject to your inspection. It shows, as I think, a disposition, on both sides, to avoid unnecessary conflict.

For a time I was distressed by a portion of our people, who, by petitions addressed to the President and otherwise, charged upon our courts partiality and favoritism, to the prejudice of the United States' soldiers and negroes; and by reports tending to the same end, made to me by the military Commandant of the State, covering complaints made to him, by certain of our citizens, who represented that they could not have justice in our courts. Investigation has shown these complaints to have had no just foundation, and the manifest fairness with which our judicial officers have held the scales of justice, has won the admiration of all. At one time these complaints seemed alarming. I deemed it of vital importance to ascertain whether there was any just grounds for them, and, if they were found to be unfounded, to counteract their baneful influence. And, upon receiving from the military Commandant of the State, a complaint from a citizen of Wilkes county, imputing grossly disloyal conduct to certain persons being organized as State militia, I deemed it necessary to send an agent, in conjunction with one appointed by the military Commandant, to enquire into the truthfulness of these allegations. I appointed William S. Mason, Esquire, of this city. His report, as well as that of the officer sent with him by General Robinson, showed the groundlessness of the complaint. Mr. Mason bore his own expenses and performed this service, with the knowledge that I had no power to give a warrant for his compensation. His services were valuable to the State, and I trust you will have no hesitation in giving him suitable compensation.

ELECTION OF UNITED STATES SENATOR.

The term for which the Honorable John Pool was elected United States Senator will expire on the fourth of March next. Although we have no indications how long it will be the pleasure of the dominant party in Congress, to exclude us from any participation in national legislation, we ought, as I think, to continue to perform, on our part, all our constitutional duties, among which is the election of a Senator, with all the qualifications prescribed in the Constitution; and I, therefore, deem it proper to call your attention to an act of Congress, approved July 25th, 1866, entitled "An Act to regulate the time and manner for holding elections for Senators in Congress," a copy of which accompanies this message.

ARTIFICIAL LIMBS.

Under the resolutions authorizing the furnishing of maimed soldiers with artificial legs, passed at the last session of the General Assembly, devolving on the Governor the duty of carrying the same into execution, I addressed a letter to the Sheriff of each county of the State, requesting him to report to me at an early day the number in his county who had lost limbs, distinguishing those who had lost legs from those who had lost arms. I also addressed letters to a number of manufacturers of artificial limbs, whose patents had been approved, and who were manufacturing limbs for the maimed soldiers of the United States, requesting them to send me samples of their manufacture, and to submit proposals for supplying the State. Many specimens were sent and proposals made. After a careful examination and extensive inquiry, I closed a contract with Jewett & Co., at seventy dollars for each leg, and fifty dollars for each arm, to be supplied. To insure an easy fit, it was necessary that the soldier should be in the shop and there have the leg fitted to the stump, and the contract, therefore, required the manufacturer to make them in a shop in this city. To enable the soldiers to

come here without cost, I wrote to the Presidents of each of the railroads and transportation companies, requesting free passage for them, coming and going, to which all of them promptly assented. I caused to be fitted up a house with suitable bedding, &c., for such of them to occupy as might choose to do so, they being at no expense except for provisions, which they could bring with them or otherwise procure. I employed Mr. S. G. Ryan to attend to the details, whose report to me accompanies this message. The Sheriffs, without exception, have given me their prompt co-operation.

The government of the United States pays the same contractors seventy-five dollars for each leg. It will not cost the State more than this sum, including all the incidental expenses. The manufacturers are executing their undertaking faithfully, and giving, so far as I have heard, entire satisfaction to the maimed soldiers. I am much gratified with the successful and satisfactory manner in which this work is progressing, which gave me much anxiety and solicitude in the selecting of the patent, and arranging the beginning of the work. I refer you for further particulars to the accompanying report of Mr. Ryan, who has faithfully and diligently kept the books and attended to all the details.

LUNATIC ASYLUM.

The close of the war left the Lunatic Asylum in a most deplorable condition. On the occupation of this city by the United States army, the benevolent designs of this Institution did not protect it from spoliation. The fencing which inclosed its grounds, some —— acres, was torn away and used for fuel, or other purposes. The orchard and garden were exposed. Its stock of milch cows, hogs, corn, pork, &c., was seized and taken away. It is just to the United States officers in command here, to say, that they prevented the disbanding of the Institution and the turning out of the poor maniacs by furnishing the needful supplies until, by the partial restoration of the civil authorities, the State could resume her guardianship over it.

Under the act ratified the tenth day of March last, "to secure a better government for the Insane Isylum," vesting the government of the Institution in five supervisors, to be biennially appointed by the Governor, and the Governor to be *ex officio* Chairman of the Board, I solicited and obtained the consent of five gentlemen, distinguished for capacity and benevolence, and all resident in Raleigh, to serve as supervisors, to wit: Thos. Bragg, Geo. W. Mordecai, Dr. E. Burke Haywood, T. H. Selby, and C. Dewey, and, upon the resignation of Dr. Haywood, after a few months service, I obtained the consent of Dr. Charles E. Johnson, and appointed him to fill the vacancy. These gentlemen are entitled to the thanks of the State for their diligent effort, requiring much of their time, often upon sudden call, in the discharge of their duties. The journal of our proceedings are open for your inspection. We have endeavored to do every thing we deemed compatible with the laws and consistent with enlightened benevolence, to diminish the expenses of the Institution. Your attention is invited to the report of the Superintendent, Dr. E. C. Fisher, which I herewith transmit to you, indicating the particulars as to which we deem additional legislation necessary. It is believed that it presents a full and fair showing of the management of this great charity, and its future wants. The whole of the appropriation for its support has been exhausted. A further appropriation will be needed at an early day to lay in supplies for the coming year. We did not construe the act making the appropriation for the support of the Institution this year, as contemplating the payment of sundry debts contracted for supplies, salaries, &c., towards the close of the war and afterwards. We have had much trouble in scaling these debts, mostly contracted on the basis of Confederate money. If adjusted according to the scale of depreciation established by the General Assembly, some of them would get much more and others much less, than we deemed equitable. We submit a report of the amount which we think ought to be paid to each of these creditors—and I recommend that an appropriation be made for their payment.

AGRICULTURAL COLLEGE.

It will be seen by the able report of our Public Treasurer, which I herewith transmit, that we received, some months ago, the scrip for one hundred and seventy thousand (170,000) acres of Public lands, being our share of a donation of Public lands, by Congress, to aid in establishing colleges in the several States and territories, to impart instruction in Agriculture and the Mechanic Arts. By the second section of an Act of the General Assembly, ratified the fifth day of March, 1866, the Public Treasurer is empowered, by and with the advice of the Governor, to sell this land and invest the proceeds in stocks of the United States, or of the States, or other safe stocks, yielding not less than five per centum interest. Owing to the Homestead law, which grants limited quantities of the Public lands to actual settlers, at a nominal price, our scrip, if now put in market, will bring little more than fifty (50) cents per acre. If sold at this price, the endowment of the proposed college would be very small, and in the present unsettled condition of our country, the election of the Stocks in which the investment should be made is most embarrassing. The low price of our *ante bellum* bonds invites investment in them, if the State shall be allowed to recuperate and keep faith with her creditors, which I hope and believe will be the case; but, in the painful uncertainty which clouds the future, as no damage could be foreseen from a little delay, we have declined the responsibility of making a sale, and deciding in what stocks the proceeds should be invested; and we respectfully ask for more specific instructions from your honorable body. I am sure the State will heartily co-operate in adopting the most efficient means of carrying out the designs of Congress, to wit: giving the aids of science to the chief elements of American strength and prosperity.—The inquiry arises, how can this object be most efficiently carried out in this State?

Our University, which our Constitution requires us to sustain, has lost the bulk of its endowment, by the insolvency of he Bank of North Carolina. It has buildings adapted to the accommodation of four hundred (400) students on a tract

of land containing many hundred acres of good agricultural land, with only about one hundred students, with large libraries, a very extensive Geological Cabinet, and other facilities for imparting scientific knowledge. It appears to me that the best mode of carrying out the will of Congress, will be the engrafting on our University of an Agricultural and Mechanical Department. A like course has been adopted, or is under consideration, in several of the Northern States.—Our indefatigable Public Treasurer has corresponded with the Treasurers of many of these States on the subject, and will take pleasure in giving to any committee, to whom you may give this matter in charge, the benefit to be derived from the action of other States. The subject deserves your special consideration.

INTERCHANGE OF LAWS, SUPREME COURT REPORTS, &C.

Our statutes and the decisions of our Supreme Court, since the re-organization of the State government, have been forwarded to the several States and territories; and have received, and are constantly receiving, large numbers of volumes in exchange. New York sent us one hundred and fifteen (115) volumes, and many of the other States a considerable number. Massachusetts, and some other States, through their proper officers, have asked us to make their sets of our Supreme Court Reports complete, by sending them the reports of the decisions made by our Court during the war. We have been unable to comply with these requests, because, if they were printed in sufficient numbers, they have been lost. Many of them were unbound and poorly printed on bad paper. I suggest the expediency of re-printing new editions of them.

PUBLIC LIBRARY.

I learn from the Librarian that he will soon require more space for the reception of books. Besides the annual addition of literary, historical and scientific works being made under the law appropriating five hundred dollars ($500) a

y[illegible] for the increase of the Public Library, we are continually receiving large accessions by our interchanges with the States and the National government. Additional space should be provided for them. As to how this may be best effected, I have no specific recommendation to submit.

The old arsenal building, at an inconsiderable expense, (now entirely useless) might be made available for some public purpose.

GOVERNOR'S MANSION.

I call your attention to the condition of the buildings and grounds, provided by law as the residence of the Governor. They have been occupied as the head-quarters of the Military Commandant of the State, since the capture of the city by Gen. Sherman's army, in April, 1865. The fencing has been removed, the garden, the fruit trees and shrubbery are exposed to stock, some of the ornamental trees cut down and the buildings damaged and defaced. I have not asked to occupy these buildings. They require essential repairs to make them a suitable residence, and nearly all the furniture has been lost or destroyed, and no appropriation has been made to repair and re-furnish the premises.

WEIGHTS AND MEASURES.

On entering upon the discharge of my official duties, I found that the standards of weights and measures, belonging to the State, were missing. Many counties which had lost a part or all of their standards of weights and measures heretofore supplied by the State, were applying for new ones. On application to the Secretary of the Treasury, a new supply was sent; and in the meantime, I addressed a circular to the Chairman of each County Court in the State, to ascertain what measures it would be my duty to provide for them, under the provisions of chapter 117, Revised Code.

I could not contract, with discretion, for the manufacture of these measures, until I knew the whole number to be supplied. Very many of the Chairmen did not respond. I

sent a second circular to the County Court Clerks, and have now an answer from nearly all of them. I respectfully submit that the details of this duty ought not to be imposed on the Governor, or that he should be authorized to employ and pay a suitable agent to attend to it. I refer you to a letter on this subject from Prof. A. D. Bache, which accompanies this message.

MILITIA.

A well regulated militia is essential to the administration of the State government; as well as to the discharge of her duties as a member of the Union. At the beginning of my administration, total disorganization of the militia existed. Under the Act of the General Assembly, passed the 12th day of March last, I appointed John A Gilmer, Jr., Adjutant General, with instructions to carry out the provisions of said act. The duties to be performed were twenty times greater than they were before the war. Nearly five thousand officers had to be elected, commissioned and qualified—proper records to be kept—a correspondence to be conducted with every county in the State, and innumerable other difficulties to be overcome. The salary allowed to this officer, when the services were comparatively light, was two hundred dollars ($200) a year. This was not altered by the act of last March. Believing that this was an oversight, and that you would make him adequate compensation, he entered zealously upon the discharge of his duties. I herewith submit his report and commend it to your careful consideration.

AUDITOR AND COMPTROLLER.

By an act of the General Assembly these officers were consolidated and no Clerk allowed. The duty of auditing claims, imposed on this officer, his decisions being final, and subject to no supervision, requires an officer of firmness and capacity, and the extensive book-keeping, and methodical arrangement of the papers pertaining to his duties as Auditor and Comptroller, require much labor. I recommend an inquiry whether

judicious economy does not require an increase of salary and the aid of a Clerk.

COURTS OF OYER AND TERMINER.

I have considered it my duty in a few instances, under existing laws, to designate Judges to hold Courts of Oyer and Terminer; but after full inquiry and careful examination of the laws, I am in doubt as to what is the legislative will in reference to the compensation of a Judge for such special service. I ask such action on your part as shall leave no grounds for doubt.

REPAIRS OF THE STATE HOUSE.

Under the provisions of the resolution passed by the General Assembly, in March last, authorizing the Governor to make needful repairs on the State House, and under the powers conferred upon the Governor, Secretary of State, Public Treasurer and Comptroller, by chapter 103 of the Revised Code, we have caused such repairs to be made to the Capitol, and such additional furniture supplied to the Halls and offices as we deemed necessary; and the Governor and Public Treasurer, in obedience to a resolution of the Convention of the 20th of June, 1866, have had the necessary gas fixtures put up for the lighting of the Halls and rooms of the Capitol. We have executed these duties with as much economy as possible.

HILLSBORO' MILITARY ACADEMY.

I have received a communication from Gen. R. E. Colston, Superintendent of the Hillsboro' Academy, which accompanies this message, generously offering, gratuitously, one scholarship in his Academy to one young man from each Congressional District in the State, and one scholarship to one young man from the State at large, to be designated by the Governor. The Institu ion asks no pecuniary aid from the State. Poor young men will be unable to avail them-

selves of this opportunity to acquire scientific and military education in this distinguished Seminary of learning, without aid to pay their board. I submit this subject to you, in the hope that you may be able to offer some aid or encouragement to this generous design.

ASYLUM FOR DEAF MUTES AND THE BLIND.

It should be a matter of just pride that, in spite of the exhausting drafts of the war and its impoverishing results, the State has never ceased to care for the unhappy inmates of her Asylums, and that both are still performing their works of beneficence. The Reports of the President, Directors, Principal, Auditor and Treasurer, of our Asylum for deaf mutes and the blind, which I herewith transmit to you, exhibit this Institution as steadily executing, with undiminished vigor, the benevolent purposes for which it was created. I commend their reports to your careful consideration.

PUBLIC SCHOOLS AND INTERNAL IMPROVEMENTS.

As President of the Boards of Literature and of Internal Improvements, I shall submit to you additional messages, at as early a day as practicable, touching the matters committed to the charge of these boards.

FINANCES, CURRENCY, &C.

I have not commented on our finances, the expediency of establishing Banks, or other means of supplying a currency and relieving the debtor class of our people, because my administrative duties have so fully engrossed my time, that I have been unable to mature any plans on these subjects which I could confidently recommend as proper to be adopted. As to our finances, I have nothing to add to the suggestions of the Public Treasurer, which I endorse.

For the large number of persons reduced from affluence to poverty, without fault of theirs, and still oppressed with debt, and the still larger class, who still have a moderate compe-

tency, but are beset to find the means of supplying their indispensable wants, and meeting the inexorable demand of the tax collector, I feel the most profound sympathy, but I fear you can do little for their re ief. They should place their great reliance upon individual industry, and economy and sobriety, and arrangements and compromises between debtor and creditor, and expect little from the government beyond the protection of their rights. The mutual interest of debtor and creditor generally indicate the proper basis of settlement. In the case of a "Shylock" creditor, the existing law furnishes the debtor with a remedy, by a deed of trust and otherwise, for bringing the creditor to terms by preferrin the more lenient ones. The peculiar circumstances of each case will indicate the best adjustment between debtor and creditor.— The wholesome provision of the Constitution of the United States, which forbids a State to pass any law impairing the obligation of a contract, should be faithfully observed, as should be all our constitutional obligations; and in the end, the State and individuals will reap the reward which always follows a steadfast adherence to duty. Let us so act, that hereafter, as heretofore, our hearts may swell with pride at the mention of the "good old North State."

CONCLUSION.

There is much to occasion the gloom prevailing throughout the State. It has been exhibited in various ways. The growing indifference of our people, in all the elections which have lately occurred, is greatly to be deplored. Let us never despair of the Republic. Our time-honored axiom "that all political power is vested in and derived from the people only," will have become an unprofitable declaration of principle, when the people shall cease to take an interest in the elections. There is much in the review of the recent past to forbid despondency and encourage hope. Our State has not been afflicted wiith war, for pestilence, or famine. Although we have not been blest everywhere with propitious seasons, in much the larger part of the State the toils of the farmer have been abundantly rewarded, our courts for months, have been exercising full jurisdiction, without interference by the

military of the United States, (except in the matter of apprenticing colored children, which it is hoped will be soon satisfactorily arranged,) and, as a consequence, crime is being repressed, and the orderly citizen feels the protection of the law. Time and the action of the courts have done much to moderate the animosities, and restore the good feeling which existed among us. We have made much advance towards restoring the respect for law and order, which formerly distinguished our people, and all classes are becoming more steadily industrious. Our institutions of learning are reviving, and their increasing number of pupils is highly encouraging. We should be profoundly thankful for the blessings we enjoy, and endeavor, by mutual forgiveness and charity, and in all our actions, to deserve the future favor and guidance of Divine Providence.

JONATHAN WORTH.

APPENDIX.

CHAPTER CCXLV. AN ACT TO REGULATE THE TIMES AND MANNER OF HOLDING ELECTIONS FOR SENATORS IN CONGRESS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislature of each State, which shall be chosen next preceding the expiration of the time for which any Senator was elected, to represent said State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress, in the place of such Senater going out of office, in the following manner: Each house shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from said State, and the name of the person so voted for, who shall have a majority of the whole number of votes cast in each house shall be entered on the Journal of each house by the Clerk or Secretary thereof; but if either house shall fail to give such majority to any person on said day, that fact shall be entered on the Journal.

At twelve o'clock, meridian, of the day following that on which proceedings are required to take place, as aforesaid, the members of the two houses shall convene in Joint Assembly and the Journal of each house shall then be read, and if the same person shall have received a majority of all the votes in each house, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each house, or if either house shall have failed to take proceedings as required by this act, the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present a person for the purpose aforesaid, and the person having a majority of all the votes of the said Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected; and in case no person shall receive such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridan, of each succeeding day during the session of the Legislature, and take at least one vote until a Senator shall be elected.

SEC. 2. *And be it further enacted*, That whenever, on the meeting of the Legislature of any State, a vacancy shall exist in the representation of such State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have been organized and shall have notice of such vacancy.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Governor of the State from which any Senator shall have been chosen as aforesaid, to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the Secretary of State of the State.

Approved July 25th, 1866.

Pending the reading of which, the hour having arrived for the execution of the Joint Order, viz: the election of Public Printer,

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

Mr. McNair moved that the Message and accompanying Documents be transmitted to the Senate, with a proposition to print the same. Agreed to; and, on further motion by Mr. Waugh, the proposition was amended so as to provide for printing ten (10) copies of the message for each member of the two Houses and one hundred (100) copies for the use of the Governor.

Mr. Baker, from the Committee appointed to superintend the election of three Engrossing Clerks, reported that the whole number of votes cast was 162,—necessary to a choice 82; that Mr. Stone had received 100, Mr. Ramsay 97, Mr. Hampton 61, Mr. Long 50, Mr. Freeman 46, Mr. Busbee 37, Mr. Whiting 29, Mr. Joyner 17, Mr. Taylor 17, Mr. Barbee 9 and Mr. Blackstock 7; and that Messrs. Stone and Ramsay, each having received a majority, were duly elected. Which report was concurred in.

The House then proceeded to vote for Public Printer, under the superintendence of Messrs. McNair and Waugh,—the name of W. B. Smith having been previously put in nomination by Mr. Williams, of Martin:

For Mr. Pell: Messrs. Autry, Baker, Barden, Beasley, Boyd, Bowe, Bradsher, Brown, Bryson, Chadwick, Clark, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Farrow, Foard, Freeman, Galloway, Garriss, Gorham, Granbery, Guess, Harding, Harper, Henderson Hodnett, Holderby, Horton, of Watauga, Horton of Wilkes, Houston, Hutchison, Jones, Kelsey, Kenan, Kendall, Latham of Craven, Latham, of Washington, Lee, Long, Lowe, Lyon, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore of Hertford, Morehead, Morton, Morrisett, Patton, Peebles, Perry, of Wake, Reinhardt, Richardson, Rogers, Rosebro, Russ, Shelton, Simpson, Smith of Guilford, Stone, Sudderth, Umsted, Waugh, Westmore-

land, Whitfield, Williams of Harnett, Williams of Pitt, and York.—80.

For Nichols, Gorman & Neathery: Messrs. Allen, Ashworth, Black, Blair, Blythe, Bright, Carson, Garrett, Godwin, Hinnant, Jenkins of Gaston, Jenkins of Granville, Jordan, Judkins, Logan, Moore, of Chatham, Perry of Carteret, Rountree, Scoggin, Smith of Duplin, Stevenson, Teague, Trull, Turnbull, Vestal, Whitley, Wilson of Forsyth, Williams of Yancey, Womble and Woodard.—30.

Mr. Williams, of Martin, voted for Mr. Smith.

Mr. Moore, of Hertford, moved, and it was carried, that a message be sent to the Senate, proposing to vote, at once, for one Engrossing Clerk, and announcing that the names of Messrs. Blackstock, Freeman and Joyner were withdrawn from those in nomination.

Mr. McNair, from the Committee appointed to superintend the election of Public Printer, reported that the whole number of votes cast was 157,—necessary to a choice 79; that Mr. Pell had received 115, Messrs. Nichols, Gorman & Neathery 37, and Mr. Smith 5; and that Mr. Pell, having received a a majority of the whole number, was duly elected. Which report was concurred in.

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

WEDNESDAY, November 21st, 1866.

The House was called to order at 10 o'clock,—the Speaker in the Chair.

Robert Gambril, member elect from the county of Alleghany, appeared, produced his credentials, was qualified and took his seat.

Leave of absence for one day was granted to Mr. Morehead.

The Speaker announced Messrs. Waugh, Kenan, Holderby, Harper and Perry, of Carteret, as the Committee to prepare

and report Rules of Order for the government of the House.

On motion of Mr. Kenan, it was

Ordered, The Senate concurring, that the 2nd Saturday in December next be set apart for the election of Justices of the Peace; and that no motion for that purpose shall be entertained until that day.

Mr. Waugh introduced a Bill (H. No. 1,) "To grant a general Amnesty and Pardon to all persons guilty of violating the criminal laws of North Carolina, except in certain cases;" which passed its first reading, and, on motion of Mr. Cowan, was ordered to be printed.

On motion of Mr. Moore, of Hertford, it was

Ordered, That a message be sent to the Senate, proposing to refer, to a Joint Select Committee of five members from the House and three from the Senate, so much of his Excellency the Governor's Message, as relates to the African race and Apprenticeships; and that, in addition, all matter on the same subjects brought to the attention of the two bodies, during the continuance of the Legislature, be also referred to said Committee; and that they report by bill or otherwise.

On motion of Mr. Lowe, it was

Ordered, That a message be sent to the Senate, proposing to go into the election of an Engrossing Clerk at 11½ o'clock.

Received a message from the Senate, concurring in the proposition of the House, to print the Message of the Governor and accompanying Documents; and, also, announcing Messrs. Wiggins, Covington and Leach as their branch of the Joint Committee on Joint Rules.

On motion of Mr. Waugh, it was

Ordered, That a message be sent to the Senate, proposing to set apart Tuesday next, 12 o'clock, as the day and hour for electing a United States Senator.

Received a message from the Senate, concurring in the proposition to vote, at 11½ o'clock, for one Engrossing Clerk, and announcing Messrs. Cowles and Ferebee as their Committee to superintend the election.

And, the hour having arrived, the House proceeded to vote as follows, under the superintendence of Messrs. Hutchison

and Kenan,—the name of Mr. Barbee having been withdrawn from nomination :

For Mr. Hampton : Messrs. Speaker, Allen, Ashworth, Baker, Bowe, Bradsher, Brown, Bryson, Carson, Chadwick, Clement, Crawf rd, of Macon, Daniel, Davis, Davidson, Durham, Freeman, Gambril, Garriss, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Horton, of Wilkes, Hutchison, Jenkins of Gaston, Jones, Kelsey, Latham of Craven, Latham, of Washington, Lee, Lowe, Lyon, Lutterloh, McArthur, McGougan, McKay, Murrill, Neal, Patton, Peebles, Richardson, Rogers, Rosebro, Shelton, Simpson, Smith of Duplin, Smith, of Guilford, Stevenson, Stone, Trull, Vestal, Waugh, Westmoreland, Whitfield, Whitley, Williams of Martin, Williams of Yancey, and York.—60.

For Mr. Long : Messrs. Autry, Barden, Blythe, Boyd, Crawford, of Rowan, Dargan, Farrow, Foard, Galloway, Garrett, Godwin, Granbery, Guess, Hunnant, Houston, Jordan, Judkins, Kendall, Logan, Long, May, Martin, McRae, Moore of Chatham, Morton, Morrissett, Reinhardt, Russ, Scoggin, Turnbull, Umsted, Williams, of Harnett, Williams of Pitt, and Womble.—34.

For Mr. Whiting : Messrs. Blair, Clark, Clement, Cowan, Gorham, Harding, Jenkins of Granville, Kenan, McClammy, McNair, Moore of Hertford, and Wood rd—12.

For Mr. Busbee : Messrs. Bright, Perry of Carteret, Rountree and Sudderth.—4.

For Mr. Taylor : Messrs. Teague, and Wilson, of Forsythe.—2.

Mr. Kenan, from the Committee appointed to superintend the foregoing election, reported that the whole number of votes cast was 158,—necessary to a choice 80; that Mr. Hampton had received 76, Mr. Long 41, Mr. Whiting 21, Mr. Busbee 18, and Mr. Taylor 2 ; and that no one having received a majority, there was no election. Which report was concurred in.

On motion of Mr. Stone, a message was sent to the Senate proposing to vote again forthwith for Engrossing Clerk. And the Senate concurring, the House proceeded to vote as follows, under the superintendence of Messrs. Ashworth and

Smith, of Guilford,—the names of Messrs. Barbee and Whiting having been withdrawn from nomination:

For Mr. Hampton: Messrs. Speaker, Allen, Ashworth, Baker, Beasley, Bowe, Bradsher, Bright, Brown, Bryson, Carson Chadwick, Clark, Clement, Crawford, of Macon, Daniel, Davis, Davidson, Durham, Freeman, Gambril, Garris, Gorham, Harding, Harper, Henderson, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Hutchison, Jones, Kelsey, Kenan, Latham, of Craven, Latham of Washington, Lee, Lowe, Lyon, McArthur, McClammy, McGougan, McKay, McNair, McRae, Morton, Murrill, Neal, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Rogers, Rosebro, Rountree Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Trull, Vestal, Waugh, Westmoreland, Whitfield, Whitley, Williams, of Yancey, and York.—71.

For Mr. Long: Messrs. Autry, Barden, Black, Blair, Blythe, Boyd, Cowan, Crawford, of Rowan, Farrow, Foard, Galloway, Garrett, Godwin, Granbery, Guess, Hinnant, Houston, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Judkins, Kendall, Logan, Lutterloh, May, Martin, Moore, of Chatham Moore, of Hertford, Morrisett, Perry of Wake, Russ, Scoggin, Teague, Turnbull, Umsted, Wilson, of Forsythe, Williams, of Harnett, Williams, of Pitt, Woodard and Womble—40.

Mr. Ashworth, from the Committee appointed to superintend the above election, reported that the whole number of votes cast was 157,—necessary to a choice 79; that Mr. Hampton had received 103, Mr. Long 53, and Mr. Busbee 1; and that Mr. Hampton, having received a majority, was duly elected. Which report was concurred in.

On motion of Mr. Holderby, a message was sent to the Senate, proposing to vote forthwith for Secretary of State, and stating that R. W. Best, Esq., was in nomination.

The Senate concurring, the House voted as follows, under the superintendence of Messrs. Holderby and Rogers:

For Mr. Best: Messrs. Speaker, Allen, Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Daniel, Davis,

Davidson, Durham, Foard, Freeman, Galloway, Gambril, Garrett, Garriss, Godwin, Gorham, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Jones, Jordan, Judkins, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Lee, Logan, Lowe, Lyon, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Morton, Morrisett, Murrill, Neal, Patton, Perry, of Wake, Reinhardt, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Teague, Trull, Turnbull, Umsted, Vestal, Waugh, Westmoreland, Whitfield, Whitley, Wilson, of Forsyth, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble, Woodard and York—104.

Mr. Rogers, from the Committee to superintend the foregoing election, reported that the whole number of votes cast was 148, all of which had been cast for Mr. Best, and that he was, therefore, unanimously elected. Which was concurred in.

On motion of Mr. Hutchison, a message was sent to the Senate, proposing to vote at once for Comptroller of Public Accounts.

Mr. Hutchison nominated for that office Pulaski Cowper, of Wake.

Mr. Rosebro nominated C. H. Brogden, of Wayne.

The Senate declining to concur in the propsition,

On motion of Mr. Waugh, the House adjourned until tomorrow morning, 11 o'clock.

THURSDAY, November 22nd, 1866.

Prayer by the Rev. Mr. Hudson, of the Methodist Church.

Mr. Waugh, from the Committee appointed to prepare Rules of Order for the government of the House, reported the following:

RULES AND ORDER OF CONDUCTING THE BUSINESS IN THE HOUSE OF COMMONS.

TOUCHING THE DUTY OF THE SPEAKER.

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

2. He shall take the Chair every day precisely at the hour to which the House, on the preceding day, adjourned; shall immediately call the members to order, and, on the appearance of a quorum, cause the Journal of the preceding day to be read.

3. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

4. He shall rise to put a question, but may state it sitting.

5. Questions shall be distinctly put in this form, namely: "As many as are of the opinion that, (as the question may be) say Aye;" and, after the affirmative voice has been expressed, "As many as are of the contrary opinion, say No." Upon a call for a division, the Speaker shall count; if required, he shall appoint tellers.

6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond adjournment, except in case of sickness.

7. All Committees shall be appointed by the Speaker, unless otherwise specially ordered by the House.

8. In all elections the Speaker shall vote. In other cases he shall not vote, unless the House be equally divided, or unless his vote, if given in the minority, will make the division equal; in case of such equal division, the question shall be lost.

9. All Acts, Addresses and Joint Resolutions shall be signed by the Speaker; and all writs, warrants and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or the Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

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

12. Stenographers, wishing to take down debates, may be admitted by the Speaker, who shall assign such places to them on the floor, or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

ORDER OR BUSINESS OF THE DAY.

13. After the reading of the Journal of the preceding day, the House shall proceed to business in the following order, viz: 1st, the receiving petitions, memorials, pension certificates, and papers addressed either to the General Assembly or to the House; 2d, the reports of Standing Committees; 3d, the reports of Select Committees; 4th, resolutions; 5th, bills; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table. Then the orders of the day; but motions and messages to elect officers shall always be in order.

14. The unfinished business, in which the House was engaged at the last preceding adjournment, shall have preference of orders of the day, and no motion or any other business shall be received, without special leave of the House, until the former is disposed of. All elections by the House shall be *viva voce*, unless there be but one nominee; in which case

appointments may be made on motion, and, on such elections, the roll shall be called a second time for absentees before the result is announced.

OF DECORUM AND DEBATES.

15. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

16. When the Speaker shall call a member to order, he shall sit down; as also he shall when called to order by another member, unless the Speaker decide the point of order in his favor. By leave of the House, a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands, but by permission of the House. Any member may appeal from the decision of the Chair, and if, upon the appeal, the decision be in favor of the member called to order, he may proceed: if otherwise, he shall not, except by leave of the House; and if the case in the judgment of the House require it, he shall be liable to its censure.

17. When two or more members rise at the same time, the Speaker shall name the member to speak.

18. No member shall speak more than twice on the same question, without leave of the House.

19. Whilst the Speaker is putting any questions, or addressing the House, no person shall speak, stand up, or walk out or across the House, nor, when a member is speaking, entertain private discourse, stand up, or pass between him and the Chair.

20. No member shall vote on any question touching his right to a seat in the House, or on the passage of any private bill or resolution, in the event of which he is immediately and directly interested, or in the case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

21. Every member who shall be in the House when the question is given, shall give his vote, unless the House, for special reasons, shall excuse him.

22. When a motion is made and seconded, it shall be stated by the Speaker; or if written, it shall be handed to the Chair and read aloud by the Clerk before debated.

23. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

24. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be deemed and taken to be in possession of the House, and shall not be withdrawn without leave of the House.

25. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a certain day, to commit or amend; which several motions shall have precedence, in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

26. A motion to adjourn or lay on the table shall be decided without debate; and a motion to adjourn shall always be in order, except when the House is voting, or some member is speaking.

27. When a question is postponed indefinitely, the same shall not be acted on during the session.

28. Any member may call for a division of the question when the same shall admit of it, which shall be determined by the Speaker.

29. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof, on the same or succeeding day, and no motion to reconsider shall be taken from the table except by a two-thirds vote.

30. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

31. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker or by a member in

his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

32. No bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House, or sent to the Senate, until the time of reconsideration shall have elapsed.

33. When the yeas and nays are called for, on any question, it shall be on motion before the question is put, and if seconded by one-fifth of the members present, the question shall be decided by the yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

34. No member shall be called upon for words spoken in the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

35. Any fifteen members, including the Speaker, shall be authorized to compel the attendance of absent members.

36. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability.

37. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

38. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken on any question, upon entering the House he shall be permitted, on motion, to vote.

39. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain much motion, two-thirds of the House shall be required.

40. The members of this House shall uncover their heads upon entering the Hall whilst the House is in session, and shall continue so uncovered during their continuance in the Hall.

COMMITTEES.

41. Upon motion of any member, there shall be a call of the House, a majority of the members present assenting thereto; and upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over. The doors shall then be closed, and those from whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers appointed for that purpose.

42. Eight Standing Committees shall be appointed at the commencement of the session, viz: a Committee on Claims, a Committee on Propositions and Grievances, a Committee on Education, a Committee on Agriculture, a Committee on Internal Improvements, a Committee on Privileges and Elections, a Committee on Corporations, and a Committee on Private Bills. Each of said Committees shall consist of eleven members, one from each Congressional District, and four at large, to be appointed by the Speaker.

43. A Select Standing Committee, consisting of eleven members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the Committee on the Judiciary." There shall also be appointed, on Monday of each week, a Select Committee of three, to be known as the Committee on Engrossed Bills, whose duty it shall be to examine all bills engrossed by order of the House.

44. Select Committees shall consist of five members. It shall be the duty of the person, first named on any Committee to cause the members of the Committee to convene when necessary, and, when so convened, they may appoint some one of their number Chairman.

45. In forming a Committee of the Whole House, the Speaker shall leave the Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

46. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the pre-

amble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

47. All questions, whether in Committee or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.

48. The rules of proceeding in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking.

49. In a Committee of the Whole House, a motion that the Committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

OF BILLS, RESOLUTIONS, ETC.

50. Every bill shall be introduced by motion for leave, or by order of the House on the report of a Committee.

51. Every bill shall receive three several readings in the House previous to its passage, and the Speaker shall give notice at each, whether it be its first, second or third. The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without question.

52. Upon the second reading of the bill, the Speaker shall state it as ready for commitment or amendment.

53. The Clerk of the House shall keep a *separate* calendar of the *public and private* bills, in the order in which they are introduced; and all private bills and private business only shall be considered on Saturday of each week, and then in preference to all other business, unless the House shall otherwise direct—and all bills shall be disposed of in the order they stand upon the calendar, except the Revenue bill, and

bills otherwise specially ordered. No public bill shall be twice read on the same day without the concurrence of two-thirds of the members present.

54. All resolutions, which may grant money out of the Treasury, or such as shall be of a public nature, shall be treated, in all respects, in a similar manner with public bills.

55. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at the second reading of the repealing bill; and shall not be read at any other reading of the said repealing bill, unless required by one-third of the House.

56. When a bill has been once rejected, no other of the same purport shall be introduced again during the session.

57. The Clerk of the House shall be deemed to continue in office until another is appointed.

R. Y. McADEN,
Speaker House of Commons.

By order: SEATON GALES, *Clerk.*

Which were adopted by the House.

On motion of Mr. Foard, it was

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee, to consist of three on the part of the House and two on the part of the Senate, to whom shall be referred so much of the Governor's Message as relates to the Agricultural and Mechanical College; and that they report by bill or otherwise.

Mr. Durham offered a Resolution, which was adopted, requesting the Governor to ascertain whether the whole amount of National currency, authorized by the laws of the United States, has been issued; and whether, if this Legislature shall establish any system of National Banking, National currency for such purposes can be obtained.

Mr. Cowan offered the following Joint Resolution, which was adopted, and sent to the Senate for concurrence, viz:

Resolved, (the Senate concurring,) that the Governor be requested, hereafter, to cause to be printed, for the use of the General Assembly, in advance of the session, ten copies of his message for each member thereof, and two hundred copies

for the use of the Executive Department; and that the Public Treasurer be instructed in like manner to cause to be printed of his report a like number of copies.

The following bills were introduced, passed their first readings, and were otherwise disposed of as stated, viz:

By Mr. McKay: Bill (H. No. 2,) "To enable the Western Rail Road Company to complete its road from the Coalfields in Chatham County, to some point on the North Carolina Rail Road." Referred to the Committee on Internal Improvements and ordered to be printed.

By Mr. Richardson: Bill (H. No. 3,) "To punish persons who knowingly entice or persuade minors to leave the service of their parents, guardians or masters." Referred to Committee on Judiciary.

By Mr. Allen: Bill (H. No. 4,) "To amend the6th Sec-Chapter 48, Revised Code." Same reference.

By Mr. Whitfield: Bill, (H. P., No. 1,) "To incorporate Union Camp Ground in the County of Cleveland." Referred to the Committee on Private Bills.

By Mr. Long: Bill (H. No. 5,) "For the relief of the people." Referred to the Committee on Finance.

By Mr. McClammy: Bill(H.No.5,) "To empower the County Courts to levy a tax for repairing roads." Referred to the Committee on the Judiciary.

By Mr. Durham: Bill (H. No. 7,) "To construe an Act entitled "An Act to establish a scale of depreciation of Confederate currency." Placed on file.

By Mr. Jordan: Bill (H. No. 8,) "Providing a Homestead." Placed on file.

By Mr. Ashworth: Bill (H. No. 9,) "To exempt preachers and ministers of the Gospel from working on the public roads." Referred to the Committee on Propositions and Grievances.

Mr. Whitfield gave notice of intention to introduce a bill to amend section 2, chapter 39, of an Act, ratified March 12, 1866, "To establish a scale of depreciation of Confederate currency."

Received a message from the Senate, proposing to raise a Joint Select Committee, of five on the part of the Senate, and

eight on the part of the House, to consider and report on so much of the Governor's Message as refers to a Joint Resolution of Congress, proposing an amendment to the Constitution of the United States; which was concurred in.

Also, a message concurring in the proposition to raise a Joint Select Committe on so much of the Governor's message as relates to the African race and apprentices, and announcing Messrs. Berry, Thornton and Covington as the Senate branch of the Committee.

Messrs. Moore, of Hertford, Logan, Waugh, Davis and McKay were designated as the Committee on the part of the House.

Also, a message concurring in the proposition to go into the election of United States Senator on Tuesday next, at 12, M.; and announcing Messrs. Harris, of Rutherford, and Ethridge as the Senate Committee to superintend the election.

Messrs. Crawford, of Rowan, and Blair, were designated as the Committee on the part of the House.

Mr. Clark moved that a message be sent to the Senate, proposing to vote at once for Comptroller.

Mr. Crawford, of Macon, moved to amend by substituting, in lieu of "at once," "Monday next at 11 o'clock;" which did not prevail.

The motion was adopted and the message sent,—in which the Senate subsequently refused to concur.

Received a message from the Senate, announcing that they had passed the House Resolution in regard to printing, in advance of the meeting of the Legislature, the message of the Governor and the report of the Public Treasurer.

Also, concurring in the proposition to raise a Joint Select Committee on so much of the Governor's message as relates to an Agricultural and Mechanical College, and announcing Messrs Clark and Gash as the Senate branch of said Committee.

The Speaker announced Messrs. Foard, Blair and Boyd as the Committee on the part of the House.

Received a message from the Senate, announcing the pas-

sage of the following engrossed bill, and asking the concurrence of the House therein, viz :

Bill (S. No. 1) "To extend the present term of the Court of Pleas and Quarter Sessions of the County of Wake."

On motion of Mr. Rogers, the rules were suspended, the bill put upon its several readings, passed and ordered to be enrolled.

On motion of Mr. McKay, Bill (H. No. 1,) on the subject of General Amnesty was referred to the Committee on the Judiciary.

Received a message from the Senate, proposing to go into the election of Comptroller on Monday next, at 12 o'clock, M. ; which was not concurred in.

On motion of Mr. Hutchison, a message was sent to the Senate, proposing to vote forthwith for Comptroller.

Mr. Freeman nominated William F. Collins, of Warren.

Mr. Crawford, of Macon, nominated Donald W. Bain, of Wake.

Mr. Hodnett nominated J. Holderby, of Rockingham.

Mr. Carson nominated C. H. Brogden, of Wayne.

Mr. Hutchison, from the Joint Committee on Joint Rules, by leave, submitted a report embodying rules for the government of the two Houses ;

The question being on concurring in which, it was decided in the negative, Yeas 44, Nays 67,—the Yeas and Nays being demanded by Mr. Scoggin.

Those who voted in the affirmative were :

Messrs. Allen, Baker, Boyd, Cowan, Crawford of Macon, Crawford of Rowan, Davis, Davidson, Durham, Foard, Garriss, Gorham, Granbery, Harding, Harper, Henderson, Holderby, Houston, Hutchison, Judkins, Kelsey, Kenan, Kendall, Latham of Washington, Lee, Long, Lutterloh, Martin, McArthur, McClammy, McKay, McNair, McRae, Moore of Hertford, Patton, Peebles, Reinhardt, Richardson, Smith of Guilford, Turnbull, Whitfield, Williams of Harnett, Williams of Pitt and Woodard.

Those who voted in the negative were :

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bradsher, Bright, Bryson, Carson, Chadwick, Clark, Clement, Daniel, Farrow, Freeman, Galloway, Gambril, Gar-

rett, Godwin, Guess, Hinnant, Hodnett, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Jenkins of Granville, Jordan, Jones, Latham of Craven, Logan, Lowe, Lyon, May, McGeogan, Moore of Chatham, Morton, Morrissett, Murrill, Neal, Perry of Carteret, Perry of Wake, Rogers, Rosebro, Roun'ree, Russ, Scoggin, Scott, Shelton, Simpson, Smith of Duplin, Stevenson, Stone, Sudderth, Teague, Trull, Umsted, Vestal, Walker, Waugh, Westmoreland, Whitley, Wilson of Forsyth, Williams of Yancey, Womble and York.

Mr. Logan moved to reconsider the vote by which the House had just refused to concur in the Report of the Committee; which motion prevailed.

Mr. Logan then moved to strike out Rule 17* from the series reported by the Committee; which motion also prevailed.

And then the report of the Committee was concurred in, as amended, and ordered to be transmitted to the Senate.

Received a message from the Senate, refusing to concur in the proposition to go forthwith into the election of Comptroller.

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

FRIDAY, NOVEMBER 23, 1866.

The House was called to order at 11 o'clock.

Messrs McNair, Whitley, Blythe, Lyon and Rogers were an-

*[NOTE.—This Rule reads as follows: "There shall be a Joint Committee of three from the Senate and five from the House of Commons, to whom all recommendations of Justices of the Peace, in either House, shall be referred; and that Committee shall make their report, first, to the House of Commons, stating the number of Justices in each county, the necessity of the appointment and the worthiness of the candidate; and the House of Commons, after acting upon these recommendations, shall transmit the report of the Committee, with their action on it, to the Senate for concurrence; and the Clerks of the two Houses shall jointly certify to the Governor the names of such persons thus recommended for commission."]

nounced as the Committee on Enrolled Bills for the remainder of the week.

The Speaker announced the following standing Committees:

On the Judiciary: Messrs. McKay, Dargan, Davis, Kenan, Morehead, Perry, of Carteret, Richardson, Everett, Logan, Whitfield, Jordan, Durham and Peebles.

On Finance: Messrs. Harper, Patton, Latham, of Washington, Cowan, Lutterloh, Guess, Lowe and Holderby.

On Internal Improvements: Messrs. Cowan, Clark, of Halifax, Lutterloh, Umsted, Houston, Horton, of Wilkes, Patton, Bryson, Logan, Chadwick and Foard.

Mr. Cowan presented a Petition of John A. Taylor, of New Hanover, praying the reduction of the State tax on the gross receipts of his Ferry and Causeway. Referred to the Committee on Finance.

Mr. Russ presented a Memorial from Rufus H. Jones, Esq. Executor of Alfred Jones, deceased, praying that a duplicate State Bond, in lieu of one abstracted from his late testator by soldiers of the Federal army, may be issued by the Public Treasurer. Referred to the Committee on Claims.

Mr. Stevenson offered the following resolution:

Resolved, That a message be sent to the Senate, asking the concurrence of that body in the appointment of a Joint Select Committee of five members,—two from the Senate and three from the House of Commons,—to draft and report a memorial to the Congress of the United States, praying that body to call a Convention of all the States of the American Union, to take into consideration the present Constitution, and, if need be, to amend the same.

Which did not prevail.

On motion of Mr. Kenan, it was

Ordered, That a message be sent to the Senate, proposing to raise a Joint Committee, of two on the part of the Senate and three on the part of the House, to make the necessary arrangements for the purpose of opening the returns and counting the votes for Governor of the State.

On motion of Mr. Hutchison, it was

Ordered, That a message be sent to the Senate, proposing to refer so much of the Governor's Message, as relates to a Penitentiary, to a Joint Select Committee, of three on the part of the House and two on the part of the Senate; and that they report by bill or otherwise.

Received a message from the Senate, announcing their branches of the Joint Standing Committees.

Mr. Carson introduced a resolution, which was adopted, instructing the Committee on the Judiciary to report a bill making provision, by a Board of Valuation, or otherwise, that property sold under execution shall bring a fair value in the currency of the United States.

Mr. McNair offered a resolution, instructing the Secretary of State to furnish the members of the two Houses with printed copies of the Ordinances of the second session of the late Convention; which was adopted and sent to the Senate for concurrence.

The following Bills were introduced, passed their first readings, and were referred, or otherwise disposed of, as stated, viz:

By Mr. Richardson: Bill (H. No. 11,) "To incorporate the Bladen Manufacturing Company." Referred to the Committee on Corporations.

By the same: Bill (H. No. 12,) "To incorporate the Bladen Land Company." Same reference.

By Mr. Crawford, of Macon: Bill (H. No. 13,) "To repeal an Act entitled "An Act to provide hands to work on the public roads," and to re-enact sec. 40, ch. 101 Rev. Code." Referred to the Committee on the Judiciary.

By Mr. Clark: Bill (H. No. 14,) "For the relief of the People." Referred to the Committee on Finance.

By Mr. Bowe: Bill (H. No. 15,) "Concerning Working on the Public Roads." Referred to the Committee on Internal Improvements.

By Mr. Moore, of Chatham: Bill (H. No. 16,) "For the relief of the People of Chatham Co." Referred to the Committee on Finance.

By Mr. Granbery: Bill (H. No. 17,) "To amend 'An

Act to improve the law of evidence,' passed at the session of 1866." Referred to the Committee on the Judiciary.

By Mr. Rogers: Bill (H. No. 18) "Defining the property in captured horses or mules, now in the possession of citizens." Referred to the Committee on Propositions and Grievances.

By Mr. Durham: Bill (H. No. 19,) "To exempt from taxation the polls and property of disabled soldiers and the property of widows in certain cases." Referred to the Committee on the Judiciary, and ordered to be printed.

By Mr. Blair: Bill (H. No. 20) "To repeal an Act ratified February 7, 1866." Placed on file.

By Mr. McRae: Bill (H. No. 21) "To charter the South Union Manufacturing Company." Referred to the Committee on Corporations.

By Mr. Scott: Bill (H. No. 22) "To provide a Freehold Homestead." Referred to the Committee on the Judiciary, and ordered to be printed.

By Mr. Waugh: Bill (H. No. 23) "To provide more effectually for the punishment of horse-stealing." Same reference.

Received from the Senate a message announcing Messrs. Leach, McLean, Covington, Clark and Jones, as their Committee on so much of the Governor's message as refers to the Joint Resolution of Congress, proposing an amendment to the Constitution of the United States.

Whereupon, the Speaker designated Messrs. Perry, of Carteret, Davis, Morehead, Kenan, Wilson, of Forsyth, Russ, Waugh and Hodnett, as the Committee on the part of the House.

On motion of Mr. Waugh, it was

Ordered That a message be sent to the Senate, proposing to print, for each member and officer of the General Assembly, one copy of the Rules adopted for the government of the two Houses, together with a copy of the Constitutions of the State and of the United States.

Received a message from his Excellency, the Governor, covering a communication from Col. J. V. Bomford, Assistant Commissioner of the Bureau of Refugees, Freedmen, &c.,

relative to the issue of rations to destitute persons in the State; which was ordered to be sent to the Senate, with a proposition to refer the matters involved to a Joint Select Committee of three from the Senate and five from the House.

Also, a message from the Governor, inclosing the report of Jacob Siler, State Agent of Cherokee Lands; which was ordered to be transmitted to the Senate, with a proposition to refer the same to the Committee on Cherokee Lands and Western Turnpike.

On motion of Mr. Crawford, of Rowan,

A message was sent to the Senate, proposing to vote forthwith for Comptroller of Public Accounts;—in which proposition the Senate refused to concur.

On Motion of Mr. Waugh, the House adjourned until tomorrow morning, 11 o'clock.

SATURDAY, NOVEMBER 24TH, 1866.

Prayer by the Rev. Dr. Smedes, of the Episcopal Church.

The Speaker announced the following Standing Committees:

Propositions and Grievances: Messrs. Waugh, Jones, Williams, of Pitt, Barden, Daniel, Ashworth, Trull, Gambrill, Rosebro, Womble and Kendall.

Education: Messrs. Jenkins, of Granville, Lee, Bright, Beasley, McRae, Hinnant, Wilson, of Forsyth, Williams, of Martin, Brown, Bowe and Harding.

Claims: Messrs. Perry, of Carteret, Smith, of Guilford, Boyd, Murrill, Granbery, Allen, Rogers, Long, Lyon, Reinhardt and Williams, of Yancey.

Agriculture: Messrs. Russ, Wilson, of Perquimans, Galloway, Autry, Stone, Blair, Whitley, Horton, of Watauga, Neal, Blythe and Clement.

Corporations: Messrs. Mc Nair, Morrissett, Scott, Perry, of Wake, Henderson, Jenkins, of Gaston, Scoggin, McArthur, May, Smith, of Duplin, and Stevenson.

Privileges and Elections: Latham, of Craven, Henry, Simpson, Garriss, Williams, of Harnett, Judkins, Teague, Bradsher, Vestal, Garrett and Gorham.

Private Bills: Messrs. Morrisett, McClammy, Martin, Rountree, Black, Lyon, Westmoreland, Morton, Godwin, Moore, of Chatham, and Woodard.

Swamp Lands: Latham, of Washington, Murrill, Harding, Chadwick and Farrow.

Insane Asylum: Messrs. Crawford, of Rowan, Carson, Shelton, Baker and York.

Deaf, Dumb and Blind: Messrs. Hutchison, McGougan, Moore, of Hertford, and Woodard.

Military Affairs: Messrs. Morehead, Davis, Turnbull, Kenan and Davidson.

Public Buildings and Grounds: Messrs. Boyd, Houston and Freeman.

Library: Messrs. Long, Williams, of Martin and Umsted.

Cherokee Lands, &c.: Messrs. Bryson, Crawford, of Macon, Sudderth, Davidson and Kelsey.

The following Resolutions were introduced and severally adopted, viz:

By Mr. Waugh: Instructing the Judiciary Committee to inquire into the expediency of so changing the criminal law as to give the Courts the power, in cases of conviction for misdemeanors, to compel the parties convicted to work on the public roads in payment of fine and costs.

By Mr. Gorham: Instructing the Judiciary Committee to consider the expediency and constitutionality of reporting a bill for extending the insolvent debtor laws, so that any debtor may, by petition, after notice, summon all his creditors, and, upon assigning his estate for their benefit, be discharged from further liability, &c.

By Mr. Baker: Instructing the Judiciary Committee to enquire into the expediency of a Mechanic's Lien Law.

By the same: Instructing the same Committee to enquire into the expediency of a bill to more effectually secure landlords their rents, by securing them a lien upon the products grown or made by their tenants.

By Mr. Teague: Instructing the same Committee to examine into the necessity of enlarging the jurisdiction of Justices of the Peace on debts contracted prior to May 1, 1865, to sums of $100 principal, and the interest thereon.

By Mr. Whitfield: Proposing to the Senate to raise a Joint Select Committee, to be entitled the Committee on Salaries and Fees, to fix the *per diem* of members of Assembly and the salaries and fees of the officers of State.

By Mr. Ashworth: Providing for a Special Committee to take into consideration the Act of March 2, 1866, "to more effectually secure the maintenance of bastard children," and report such changes and modifications as may be necessary.

By Mr. Jones: Instructing the Committee on Propositions and Grievances, to enquire into the expediency of enacting more stringent laws upon the subject of hunting.

The following Bills were introduced, passed their first readings, and were referred, or otherwise disposed of, as stated, viz:

By Mr. Waugh: Bill (H. No. 24,) "To repeal sec. 1 of an Ordinance of the late Convention to change the time of elections in North Carolina." Judiciary.

By Mr. Allen: Bill (H. No. 25,) "To amend an act 'to regulate Salaries and Fees,' ratified Feb. 27, 1866." Same reference.

By Mr. Chadwick: Bill (H. P. No. 2.) "To incorporate the Newbern Steam Fire Engine Company, No. 1." Corporations.

By Mr. Richardson: Bill (H. No. 26.) "For the benefit of the poor of Bladen county, and for other purposes." Agriculture.

By the same: Bill (H. No. 27.) "To repeal section 9, chapter 40, of the Acts of the Legislature of 1866." Judiciary.

By the same: Bill (H. P. No. 3.) "To authorize R. P. Melvin, late Sheriff of Bladen, to collect arrearges for taxes." Private Bills.

By Mr. Williams, of Martin: Bill (H. No. 28.) "To give the Mayor ond Commissioners of the town of Williamston the sole authority to issue license to retail spirituous liquors in said town." Finance.

By Mr. Shelton: Bill (H. No. 29.) "To repeal section 2 of an Ordinance of the Convention 'to change the jurisdiction of the Courts and the rules of pleading therein.'" Judiciary.

By Mr. Latham, of Craven: Bill (H. No. 30) "To change the present jurisdiction of Justices of the Peace, and for the relief of poor debtors." Referred to the Committee on the Judiciary, and ordered to be printed.

By Mr. Kenan: Bill (H. No. 31) "To prevent the sacrifice of Real Estate in certain cases." Judiciary.

By Mr. Davis: Bill (H. No. 32) "To amend section 30, chapter 54 of the Revised Code, entitled 'Guardians and Wards.'" Judiciary.

By Mr. Horton, of Watauga: Bill (H. No. 33) "To extend the time for the collection and return of taxes in certain counties."

Mr. Horton moved a suspension of the rules in order that this bill might be put at once upon its several readings; which was decided in the negative,—Yeas 55, Nays 51,—two-thirds not voting in the affirmative.

Mr. Logan demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Black, Blair, Blythe, Bradsher, Brown, Bryson, Carson, Clark, Crawford of Macon, Daniel, Davis, Davidson, Durham, Freeman, Gambril, Garrett, Godwin, Guess, Harper, Henderson, Hinnant, Holderby, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Judkins, Kelsey, Logan, Lowe, Lyon, Lutterloh, May, McKay, Moore of Chatham, Morehead, Morton, Patton, Rosebro, Scoggin, Shelton, Simpson, Stevenson, Stone, Sudderth, Teague, Turnbull, Umsted, Vestal, Waugh, Whitfield, Williams of Harnett, Williams of Yancey, Womble and York.

Those who voted in the nevative were:

Messrs. Allen, Autry, Baker, Barden, Boyd, Bowe, Chadwick, Crawford of Rowan, Farrow, Foard, Garriss, Gorham, Granbery, Harding, Hodnett, Houston, Hutchison, Jones, Jordan, Kenan, Kendall, Latham of Craven, Latham of Washington, Lee, Long, Martin, McArthur, McClammy, McGougan, McNair, McRae, Moore of Hertford, Morrissett, Murrill, Neal, Peebles, Perry of Carteret, Perry of Wake, Reinhardt, Rountree, Russ, Scott, Smith of Duplin, Smith of Guilford, Trull,

Walker, Westmoreland, Whitley, Wilson of Forsyth, Williams of Martin, and Williams of Pitt.

On motion of Mr. Latham, of Washington, the bill was then referred to the Committee on Finance, with instructions to report by Tuesday next.

By Mr. Durham: Bill (H. No. 34,) "To repeal clauses 1 and 2 of Schedule C, of an Act entitled 'Revenue.'" Placed on file.

By Mr. Williams, of Martin: Bill (H. No. 35,) "To declare the Roanoke River a sufficient fence or protection for the sides of all lands lying immediately on its banks in Martin county." Propositions and Grievances.

Received a message from the Senate, concurring in the proposition to raise a Joint Select Committee to whom shall be referred the message from the Governor, covering a communication from the Assistant Commissioner of the Freedmen's Bureau, and announcing Messrs. Cowles, Cunningham and Respass as the Senate branch of the Committee.

Also, concurring in the proposition to raise a Joint Select Committee on so much of the Governor's message as relates to the subject of a Penitentiary, and naming Messrs. Gash and McCorkle as the Committee on the part of the Senate.

Also, concurring in the proposition to raise a Joint Select Committee to make the necessary arrangements for opening the returns and counting the votes for Governor, and announcing Messrs. Kelly and Robins as the Senate branch of the Committee.

Also, announcing that the Senate had adopted the Joint Rules of Order, proposed by the House, with certain amendments, in which they asked the concurrence of the House.

The amendments were concurred in and the Senate informed thereof by message.

The following are the

JOINT RULES OF BOTH HOUSES.

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House

to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in which it originated.

2. In any case of amendment of a bill, resolution or order, agreed to in one House, and disagreed to in the other, if either House shall request a Conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the Assistant Clerk of each House, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the Clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a bill shall have passed both Houses, it shall be duly enrolled, on suitable paper, by the Engrossing Clerks, before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a Joint Committee of three from the Senate, and five from the House of Commons, whose duty it shall be to carefully compare the enrollment with Engrossed Bills, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses, first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions and votes of the House shall be examined, engrossed and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The Committee in each House shall in all cases make in writing a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution may be formed, shall be transmitted to the other House.

12. The Committee on Finance shall be joint, consisting of eight members from each House; the Committee on Public Buildings and Grounds shall be a joint Committee of two from the Senate and three from the House of Commons; the Library Committee shall be a joint standing committee, consisting of three members from each House, appointed by the Speakers thereof respectively; the Committees on the Deaf and Dumb and Blind Asylum, the Insane Asylum, Military Affairs, Swamp Lands, and on Cherokee Lands and Western Turnpikes, shall be joint standing committees, consisting each of three members from the Senate and five from the House of Commons.

13. In all Joint Committees, the member first named on the committee, on the part of the House proposing to raise such committee, shall convene the same, and when convened they shall choose their own Chairman.

14. Either House may make reference to any Joint Committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type; and those documents ordered to be printed by the Senate, shall be printed as "Senate Documents," and those ordered to be printed by the House of Commons, shall be printed as "House Documents," and numbered in regular order, except when communications are made to either House by the Governor, Treasurer, Comptroller or Secretary of the State, and ordered to be printed, they shall be designated "Executive Documents," and said papers and documents shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one

copy to the Clerks of each House for the use thereof, and two copies shall be deposited in the Public Library, and the Public Librarian required to have them neatly bound.

16. All elections requiring a joint vote shall be *viva voce*, and a Select Committee of two members in each House shall be appointed to superintend the same in their respective Houses. After the vote shall have been taken, said select committee shall confer together, and report first to the House of Commons, stating the number of votes in each House, and the number given to each person voted for, and the House of Commons, after acting upon it, shall transmit it to the Senate, for its concurrence. The Speakers shall make a joint certificate of all elections thus made to the Governor: *Provided*, That this rule shall not apply to the election of United States Senators, but that such elections shall take place in conformity to the Act of Congress prescribing the mode of conducting the same.

17. The foregoing Rules shall be permanent Joint Rules of the Legislature of North Carolina, until altered or amended.

The Speaker presented a communication from the State Librarian, which, on motion, was sent to the Senate, with a proposition to print the same; and, also, a communication from the Comptroller of Public Accounts, which was likewise ordered to be transmitted to the Senate.

Mr. McKay, from the Committee on the Judiciary, by leave, reported back

H. No. 40, To amend section 6, chapter 48, Revised Code,

With a recommendation that the same do pass.

The Calendar of Bills on their second reading was then taken up, and the following dispositions made:

H. 4. To amend section 6, chapter 48 Revised Code; passed 2d reading.

H. No. 7. To construe an Act "To establish a scale of depreciation of Confederate currency," under a suspension of the rules passed its several readings, and ordered to be engrossed.

H. No. 8. Providing a Homestead; referred to the Committee on the Judiciary.

H. No. 20. To repeal an Act ratified February 7, 1866; referred to the Committee on Internal Improvements.

Received a message from the Senate, proposing, in lieu of the proposition originally sent from the House, to print, in pamphlet form, the Rules of each House, the Joint Rules, together with the names of the officers and members of the General Assembly, their counties and post offices; also a list of the Standing, Select and Joint Standing Committees of each House; with a copy of the Constitution of the United States, and the Bill of Rights and Constitution of North Carolina.

Which was concurred in.

Received a message from the Senate, refusing to concur in the proposition of the House to raise a Joint Select Committee on Salaries and Fees.

Mr. McNair moved that a message be sent to the Senate, proposing to go forthwith into an election of Comptroller; which motion did not prevail.

Mr. Waugh moved that the House do now adjourn until Monday morning, 11 o'clock; which was not carried.

Mr. Latham, of Washington, by leave, offered a resolution, which did not prevail, instructing the Committee on Internal Improvements to enquire into the expediency of so amending chapter 101, Revised Code, "Roads, Ferries and Bridges," as to require that any person, who shall have any one subject to work on the public Roads living on his land or in his employment, shall be responsible for the work of the one so liable, at the time the work may be required.

On motion of Mr. Waugh, the House then adjourned until Monday morning, 11 o'clock.

MONDAY, November 26, 1866.

The Speaker announced Messrs. Allen, Ashworth, Autry, Baker and Bardin as the Committee on Enrolled Bills for the week.

The Speaker announced the following gentlemen as composing the House branch of the Joint Select Committees on the subjects named, viz:

On the Penitentiary: Messrs. Hutchison, Lowe and Judkins.

On so much of the Governor's Message as refers to the Freedmen's Bureau: Messrs. Moore, of Hertford, Daniel, Jenkins, of Gaston, Rogers and Blythe.

On counting and comparing the vote for Governor: Messrs. Kenan, Crawford, of Rowan, and Black.

James H. Everitt, member elect from the County of Wayne, appeared, produced his credentials, was qualified and took his seat.

The following Memorials were presented and referred as stated, viz:

By Mr. Russ: The Memorial of E. A. Crudup and H. W. Montague, Executors of Seth Jones, deceased, praying the issue of new bonds in lieu of certain bonds abstracted from their late testator in May, 1865. Claims.

By Mr. McRae: The Memorial of Robt. S. Ledbetter, to the same effect. Same reference.

By Mr. Long: The Memorial of Thos. H. Robinson, Chairman of Cabarrus County Court, in behalf of the Magistracy of said County, in favor of the speedy establishment of a Penitentiary. Referred to the Select Committee on that subject.

Mr. Jenkins, of Gaston, from the Committee on Corporations, reported favorably on

H. No. 11, Bill to incorporate the Bladen Manufacturing Co.;

H. No. 12, Bill to incorporate the Bladen Land Co.; and

H. No. 21, Bill to incorporate the South Union Manufacturing Company, of Richmond county.

Mr. Logan offered the following resolution, viz:

Resolved, That it is the sense of this House, that the article proposed by the Congress of the United States, as an amendment to the Constitution of the same, known as the Howard Amendment and Article XIV., should be ratified by the General Assembly of North Carolina now in session.

Mr. Waugh moved its reference to the Select Committee on the subject; which was decided in the affirmative,—Yeas 92, Nays 16.

Mr. Scoggin demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs Allen, Autry, Baker, Barden, Black, Boyd, Bowe, Bradsh r,Brown, Bryson, Carson, Chadwick, Clark, Clement, Crawf rd, of Macon, Crawford, of Rowan, Daniel, Davis, Davidson, Durham, Everett, Farrow, Foard, Freeman, Gambril, Garriss, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Horton, of Wilkes, Houston, Hutchison, Jones, Judkins, Kelsey, Kenan, Kendall, Latham of Craven, Latham, of Washington, Lee, Long, Lowe, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McRae, Moore of Hertford, Morehead Morton, Morrissett, Murrill, Neal, Patton, Peebles, Perry of Carteret, Perry, of Wake, Reinhardt, Richardson, Rogers, Rosebro, Russ, Scott, Shelton, Simpson, Smith of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Trull, Turnbull, Umsted, Walker, Waugh, Westmoreland, Whitfield, Whitley, Williams of Martin, Williams of Pitt, Williams, of Yancey, Woodard, and York.

Those who voted in the negative are :

Messrs. Ashworth,Blair Blythe, Galloway, Garrett. Hinnant, Jenkins of Gaston, Jenkins, of Granville, Logan, Lyon, Rountree, Scoggin,Teague, Vestal, and Wilson, of Forsyth.

The following Bills were introduced, passed their first readings, and were referred and otherwise disposed of as stated, viz :

By Mr. Waugh : Bill (H. No. 36) "To repeal an Ordinance of the Convention, entitled 'An Ordinance to change the jurisdiction of the Courts and the rules of pleading therein.'" Judiciary.

By Mr. Whitfield : Bill (H. No. 37) "For the relief of Administrators, Executors, Guardians, Sheriffs, Constables,Clerks and other persons." Referred to the Committee on the Judiciary and ordered to be printed.

By Mr. McKay : Bill (H. No. 38) "To authorize the President and Directors of the Blount Creek Manufacturing Company, of Fayetteville, to re-build their Factory." Corporations.

By Mr. Davis: Bill (H. No. 39) "To amend sec. 12, ch. 118, Rev. Code, entitled 'Widows.'" Judiciary.

By Mr. Williams, of Pitt: Bill (H. P. No. 4,) "For the relief W. H. Perkins, late Tax Collector of Pitt County." Propositions and Grievances.

By Mr. Morehead: Bill (H. No. 40,) to be entitled "An Act to prevent fraud." Judiciary.

By Mr. Bryson: Bill (H. No. 41) "To amend the Charter of the Western North Carolina Rail Road Company, passed at the session of the Legi lature of 1854-'55, and amended at the session of 1858-'59 and 1860-'61." Referred to the Committee on Internal Improvements and ordered to be printed.

By. Mr. Granbery: Bill (H. No. 42,) "To enable Executors and Administrators to pay the debts of in olvent Testators or intestates *pro rata*." Judiciary.

By Mr. Kenan: Bill (H. No. 43,) "To change the rules of evidence concerning mortgage-deeds and for other purposes." Referred to the Committee on the Judiciary, and ordered to be printed.

By Mr. Scott: Bill (H. No. 44,) "To authorize Sheriffs and Tax Collectors to grant license to Auctioneers in incorporated towns and cities." Finance.

By Mr. Allen: Bill (H. P. No. 5,) "To authorize the Sheriff of Brunswick County to collect arrears of taxes." Propositions and Grievances.

By Mr. Bryson: Resolution (H. R. 45,) "In favor of persons who may pay for Cherokee Lands." Committee on Cherokee Lands and Western Turnpike.

On motion of Mr. Jenkins, of Gaston, the House adjourned until to-morrow morning, 11 o'clock.

TUESDAY, November 27th, 1866.

Prayer by the Rev. Mr. Atkinson, of the Presbyterian Church.

The Speaker announced the following additional members of Standing Committees, viz:

Judiciary: Messrs. Woodard, Long and Williams, of Martin.

Insane Asylum: Mr. Westmoreland.

The following Memorials were presented:

By Mr. Black: From the President and Directors of the Cheraw and Coalfields Rail Road Company, respectfully asking for aid. Referred to the Committee on Internal Improvements and ordered to be printed.

By Mr. Jordan: An auxiliary Memorial from citizens of Montgomery on the same subject. Same reference.

By Mr. Dargan: An auxiliary Memorial from citizens of Anson upon the same subject. Same reference.

Mr. Latham, of Craven, moved that a message be sent to the Senate, proposing to vote forthwith for Comptroller; which did not prevail.

Mr. Perry, of Carteret, from the Committee on Claims, to whom was referred the Memorial of Rufus H. Jones, reported back, with the recommendation that it do pass,

A Resolution (H. P. R. No. 6,) in favor of Rufus H. Jones, Executor; which was placed on file.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

Bill (H. No. 35,) to declare the Roanoke River a sufficient fence or protection for the sides of all lands lying immediately on its banks in Martin county.

Mr. McKay, from the Committee on the Judiciary, reported favorably on

Bill (H. No. 32,) to amend section 30, chapter 54, of the Revised Code, entitled "Guardian and Ward."

Also, a substitute (H. No. 46,) entitled "A Bill to grant a general amnesty and pardon to all officers and soldiers of the State of North Carolina, or of the late Confederate States armies, or of the United States, for offences committed against the criminal laws of North Carolina," for Bill (H. No 1,) to grant a general amnesty and pardon to all persons guilty of violating the criminal laws of North Carolina, except in certain cases; which was read and ordered to be printed.

Mr. Morrissett, from the Committee on Private Bills, reported favorably on

Bill (H. P. No. 1) to incorporate Union Camp-ground in the county of Cleveland.

And unfavorably on

Bill (H. P. No. 3,) to authorize R. P. Melvin, late Sheriff of Bladen, to collect arrears of taxes.

Mr. Harper, from the Committee on Finance, reported unfavorably on

Bill (H. No. 5,) for the relief of the people:

Bill (H. No. 16,) for the relief of the people of Chatham county; and

Bill (H. No 14,) for the relief of the people.

And favorably, with amendments, on

Bill (H. No. 33,) to extend the time for the collection and return of taxes in certain counties.

Mr. Kenan, from the Special Joint Committee to make arrangements for counting the vote for Governor, reported: That the two Houses should assemble in the hall of the House of Commons, on Tuesday, the 4th. proximo, at 12 o'clock, M., and then and there compare the votes cast; which report was adopted and ordered to be transmitted to the Senate for concurrence therein.

Received a message from the Senate, proposing to raise a Joint Committee of three from each House, to take into consideration the proper construction of the Act of Congress, directing the mode of electing United States Senator, and prepare suitable regulations for conducting the same; and that said Committee report as soon as possible.

The House concurring, Messrs. Clark, Wilson and Love were announced as the Senate branch of the Committee, and Messrs. Dargan, Kenan and Beasley as the Committee on the part of the House.

Mr. Long moved that the rules be suspended, in order to take up the Bill (H. No. 5,) for the relief of the people; which did not prevail.

The following Resolutions were offered and respectively adopted, viz:

By Mr. Waugh: Referring so much of the Governor's message as relates to the Executive Mansion to the Committee on Public Buildings and Grounds.

By Mr. Horton, of Watauga: Proposing to the Senate to raise a Joint Select Committee, of two on their part and three on the part of the House, to take into consideration that part of the Governor's Message relating to Weights and Measures.

By Mr. Holderby: Proposing to the Senate, that, when the Legislature adjourns to-morrow, it shall adjourn to 11 o'clock, A. M., on Friday, that the members may have the privilege of observing Thanksgiving Day, as recommended by the Governor of the State and the President of the United States.

By Mr. Waugh: Granting the use of the Hall, this evening, to the State Agricultural Society.

Mr. Himant offered the following Resolution, which, on motion of Mr. Latham, of Washington, was laid on the table, viz:

Resolved, That, if it be necessary to the despatch of public business, the Principal Clerk of this House is hereby authorized to employ a 2nd Assistant Doorkeeper.

The following Bills were introduced, passed their first readings, and were referred as stated, viz:

By Mr. Davidson: Bill, (H. No. 47,) accompanied by a Memorial, "Concerning the County Site of Clay County." Judiciary.

By Mr. McRae: Bill (H. P. No. 7.) "To authorize John A. Long, Sheriff of Richmond county, to collect arrears of taxes." Claims.

By Mr. Latham, of Washington: Bill (H. No. 48,) "To repeal chapter 12, Acts of 1861 and chapter 11, Acts of 1862, relative to the powers of County Courts, and for other purposes." Finance.

By Mr. Davidson: Bill (H. No. 49) "Providing for the construction of a bridge across Notla River, in the county of Cherokee, and for other purposes." Committee on Cherokee Lands.

By Mr. Walker: Bill (H. P. No. 8) "In favor of Henry B. Norman, late Sheriff of Tyrrell." Propositions and Grievances.

By Mr. Blythe: Blll (H. No. 50) "To revive the 9th, 10th, and 11th sections of an Act, entitled "An Act to change the

jurisdiction of the Courts and the rules of pleading therein," ratified September 11th 1861." Judiciary.

By Mr. Whitley: Bill (H. No. 51) "Allowing fees to Justices of the Peace." Propositions and Grievances.

On motion of Mr. Woodard, a message was sent to the Senate, announcing that, the hour having arrived, the House would proceed to vote for United States Senator.

Whereupon, the following nominations were made:

By Mr. Bryson: Hon John Pool, of Bertie.

By Mr. Latham, of Craven: Hon. M. E. Manly, of Craven.

By Mr. McRae: Hon. Thos. S. Ashe, of Anson.

By. Mr. Latham, of Washington: Hon. W. N. H. Smith, of Hertford.

By Mr. Peebles: M. W. Ransom, Esq., of Northampton.

By Mr. Williams, of Martin: P. H. Winston, Esq., of Bertie.

By Mr. Clark: Mason L. Wiggins, Esq., of Halifax.

By Mr. Jones: D. D. Ferebee, Esq., of Camden.

By Mr. Baker: Hon. George Howard, of Wilson.

Mr. Dargan, from the Committee appointed to consider the construction of the Act of Congress regulating the mode of election of Senator, asked to be discharged from the further consideration of the subject; which was granted.

The House then proceeded to vote, under the superintendence of Messrs. Peebles and Beasley:

For Mr. Pool:

Messrs. Beasley, Bryson, Carson, Freeman, Gambril, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Lowe, Lyon, Moore, of Chatham, Morton, Morrissett, Rogers, Rountree, Russ, Scoggin, Scott, Shelton, Teague, Vestal, Wilson, of Forsyth, Williams, of Yancey, Womble and York.

For Mr. Smith:

Messrs. Autry, Barden, Black, Davis, Farrow, Galloway Gorham, Harper, Henderson, Holderby, Latham, of Washington, Lee, McKay, Moore, of Hertford, Neal, Reinhardt, Smith, of Guilford, Walker and Williams of Pitt.

For Mr. Ashe:

Messrs. Allen, Boyd, Brown, Crawford, of Rowan, Dargan, Davidson, Foard, Kelsey, Kendall, May, McArthur, McGougan, McRae, Patton, Richardsan, Sudderth, Trull, and Whitley.

FOR MR. MANLY:

Messrs. Chadwick, Hutchison, Latham, of Craven, Lutterloh, Murrill, Perry, of Carteret, Simpson, Smith, of Duplin, Stone, Waugh and Williams, of Harnett.

FOR MR. HOWARD:

Messrs. Baker, Clement, Garris, Kenan, Long, McClammy, and Woodard.

FOR MR. RANSOM:

Messrs. Granbery, Judkins, Martin, Peebles, Turnbull and Westmoreland.

FOR MR. SETTLE:

Messrs. Ashworth, Blair, Blythe, Garrett, Jordan, and Long.

FOR MR. PHILLIPS:

Messrs. Crawford, of Macon, Perry, of Wake, Rosebro and Stevenson.

FOR MR. TURNER:

Messrs. Speaker, Guess and Umsted.

FOR MR. WINSTON:

Messrs. Brown, Hodnett and Williams, of Martin.

FOR MR. WIGGINS:

Messrs. Clark and Daniel.

FOR MR. FEREBEE:

Messrs. Jones and Morehead.

FOR MR. VANCE:

Messrs. Durham and Whitfield.

FOR MR. MCADEN:

Messrs. Everett and Houston.

Mr. Bradsher voted for Hon. E. G. Reade.

Mr. Peebles, from the Comm ttee to superintend the election, reported that 114 votes had been cast: That Mr. Pool had received 27, Mr. Smith 20, Mr. Ashe 18, Mr. Manly 11, Mr. Howard 7, Mr. Ransom 6, Mr. Settle 6, Mr. Phillips 4, Messrs. Winston and Turner 3 each, Messrs. Vance, McAden,

Wiggins and Ferebee 2 each, and Mr. Reade; and that no one had received a majority of the votes of the House.

Received a message from his Excellency, the Governor, transmitting a report from the Public Treasurer, covering a Bill for Revenue, prepared in compliance with an Act of Assembly; which,

On motion of Mr. Harper, was ordered to be sent to the Senate, with a proposition to print five copies for the use of each member, and two hundred for the Treasury Department.

Received a message from the Governor, transmitting the Report of the Secretary of State and Comptroller, made in pursuance of an Act of Assembly of December 20th, 1864; which,

On motion of Mr. Latham, of Washington, was sent to the Senate, with a proposition to print.

On motion of Mr. Russ, the House again proceeded to vote for U. S. Senator,—as follows:

For Mr. Smith: Messrs. Speaker, Autry, Barden, Black, Bowe, Bradsher, Davis, Farrow, Galloway, Gorham, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Jones, Latham, of Washington, Lee, Lowe, Lutterloh, McKay, Moore of Hertford, Morehead, Neal, Perry, of Carteret, Shelton, Simpson, Smith, of Guilford, Sudderth, Umsted, Walker, Whitley, Williams, of Harnett, and Williams, of Pitt.

For Mr. Pool: Messrs. Beasley, Bryson, Carson, Freeman, Gambril, Garrett, Hinnant, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Gaston, Jordan, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Rosebro Rountree, Russ, Scoggin, Scott, Stevenson, Teague, Vestal, Wilson, of Forsythe, Williams, of Yancey, Womble and York.

For Mr. Ashe: Messrs. Allen, Boyd, Brown, Clement, Crawford, of Macon, Crawford, of Rowan, Dargan, Davidson, Foard, Kelsey, Kendall, May, McArthur, McGougan, McRae, Patton, Reinhardt, Richardson and Trull.

For Mr. Manly: Messrs. Chadwick, Garriss, Latham, of Craven, Murrill, Smith, of Duplin, Stone and Waugh.

For Mr. Ransom: Messrs. Durham, Granbery, Judkins, Martin, Peebles, Turnbull and Westmoreland.

For Mr. Howard: Messrs. Baker, Hutchison, Kenan, Long, McClammy and Woodard.

For Mr. Wiggins: Messrs. Clark, Daniel and Everett.

Mr. Ashworth voted for Mr. Dick; Mr. Whitfield for Mr. McAden; Mr. Blythe for Mr. Settle; Mr. Logan for Mr. Lewis, Thompson; and Mr. Blair for Mr. Dockery.

Mr. Peebles, from the Committee to superintend the election, reported that no one had received a majority of all the votes, viz: 111; that Mr. Smith had obtained 35, Mr. Pool 29, Mr. Ashe 19, Messrs. Ransom and Manly 7 each, Mr. Howard 6, Mr. Wiggins 3, and Messrs. Dockery, McAden, Settle, Thompson and Dick one each.

On motion of Mr. Whitfield, the House again proceeded to vote,—as follows:

For Mr. Smith: Messrs. Allen, Autry, Barden, Black, Bowe, Bradsher, Carson, Davis, Davidson, Farrow, Galloway, Gorham, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Houston, Hutchison, Jones, Kenan, Latham, of Washington, Lee, Lowe, Lutterloh, McClammy, McGougan, McKay, Moore, of Hertford, Morehead, Neal, Perry, of Carteret, Richardson, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Sudderth, Umsted, Walker, Whitley, Williams, of Harnett, and Williams, of Pitt.

For Mr. Pool: Messrs. Ashworth, Beasley, Blair, Blythe, Bryson, Freeman, Gambril, Garrett, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jordan, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Rosebro, Rountree, Russ, Scoggin, Scott, Stevenson, Teague, Vestal, Wilson, of Forsyth, Williams, of Yancey, Womble and York.

For Mr. Ashe: Messrs. Boyd, Brown, Clement, Crawford, of Macon, Crawford, of Rowan, Dargan, Foard, Kelsey, Kendall, Long, May, McArthur, McRae, Patton, Reinhardt, and Trull.

For Mr. Manly: Messrs. Chadwick, Judkins, Latham, of Craven, Murrill, Stone and Waugh.

For Mr. Ransom: Messrs. Durham, Martin, Peebles, Turnbull and Westmoreland.

For Mr. Howard: Messrs, Garriss, Whitfield and Woodard.

For Mr. Wiggins: Messrs. Clark and Daniel.

Mr. Logan voted for Mr. T. R. Caldwell.

Mr. Peebles, from the Committee to superintend the election, reported that 107 votes had been cast; that Mr. Smith had received 44, Mr. Pool 30, Mr. Ashe 16, Mr. Manly 6, Mr Ransom 5, Mr. Howard 3, Mr. Wiggins 2, and Mr. T. R. Caldwell 1; and that no one had received a majority of the whole number.

On motion of Mr. Latham, of Craven, the House again proceeded to vote, as follows—the names of Messrs. Ransom, and Howard having been previously withdrawn from nomination:

For Mr. Smith: Messrs. Speaker, Autry, Baker, Barden, Black, Boyd, Bowe, Bradsher, Brown, Clark, Clement, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson Everett, Farrow, Foard, Galloway, Garriss, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Houston, Jones, Kelsey, Kendall, Latham, of Craven, Latham, of Washington, Lee, Long, Lowe, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McRae, Moore of Hertford, Morehead, Neal, Patton, Peebles, Perry of Carteret, Reinhardt, Richardson, Shelton, Simpson, Smith of Duplin, Smith, of Guilford, Sudderth, Umsted, Walker, Westmoreland, Whitley, Williams of Harnett, and Williams of Pitt.

For Mr. Pool: Messrs. Ashworth, Beasley, Blair, Blythe, Bryson, Carson, Freeman, Gambril, Garrett, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jordan, Logan, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Rosebro, Rountree, Russ, Scoggin, Scott, Stevenson, Teague, Trull, Vestal, Wilson, of Forsyth, Williams, of Yancey, Womble and York.

For Mr. Manly: Messrs. Allen, Chadwick, Durham, Hutchison, Judkins, Kenan, Martin, Murrill, Stone, Turnbull, Waugh, Whitfield and Woodard.

Mr. Peebles, from the Committee appointed to superintend the election, reported that the whole number of votes cast was 110; that 56 constituted a majority; that Mr. Smith had

received 65, Mr. Pool 33, and Mr. Manly 12; and that the Hon. W. N. H. Smith, of Hertford, had received a majority of all the votes given in the House. Which report was concurred in.

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

WEDNESDAY, November 28th, 1866.

Prayer by the Rev. Dr. Skinner, of the Baptist Church.

Received a message from the Senate, declining to concu in the proposition of the House, that the two Houses adjour over from Wednesday to Friday, 11 o'clock, A. M.

Mr. McKay, from the Committee on the Judiciary, reporte back:

Resolution of instruction to report a bill "providing tha property, sold under execution, shall bring a fair value i the currency of the United States;"

Resolution of instruction to report a bill for the relief o insolvent debtors, upon assignment of their estates for th benefit of creditors;

Resolution of enquiry as to the expediency of passing Mechanic's Lien law; and

Resolution of enquiry as to the necessity of enlarging th jurisdiction of Justices of the Peace;

Asking to be discharged from their consideration; whic was so ordered.

Mr. McKay, from the same Committee, reported unfavora bly on

Bill (H. No. 23,) to provide more effectually for the punis ment of horse-stealing.

On motion of Mr. Waugh, the Bill was then referred the Committee on Propositions and Grievances.

Mr. Perry, of Carteret, from the Committee on Claims, r ported back:

Bill (H. P. No. 7,) to authorize John A. Long, Sheriff Richmond County, to collect arrears of taxes,

Asking its reference to the Committee on Propositions and Grievances; which was ordered accordingly.

Mr. Dargan offered a Resolution, instructing the Committee on the Judiciary to enquire into the expediency and necessity of reforming the Judicial system of the State; which did not prevail.

Mr. Holderby offered a Resolution, instructing the Committee on the Judiciary to enquire into the expediency and propriety of enacting a State Bankrupt Law; which did not prevail.

The following Bills were introduced, passed their first readings and were referred, and otherwise disposed of, as follows:

By Mr. Waugh: Bill (H. No. 52,) "To provide for including the value of stamps in the taxation of costs." Judiciary.

By Mr. Latham, of Craven: Bill (H. No. 53,) "To abolish imprisonment for debt." Same reference and ordered to be printed.

By Mr. McClammy: Bill (H. No. 54,) "To amend an Act, entitled 'An Act to establish work-houses and houses of correction in the counties of the State,' ratified March 2d, 1866." Same reference and ordered to be printed.

By Mr. Perry, of Carteret: Bill (H. No. 55,) "To amend the Charter of the Oceanic Hook and Ladder Company, of the town of Beaufort." Corporations.

Received a message from the Senate, transmitting the following report of the Joint Committee on the subject, proposing rules regulating the Joint Assembly of the two Houses in the election of U. S. Senator, and asking the concurrence of the House therein, viz:

"The Joint Committee, appointed to take into consideration the proper construction of the Act of Congress regulating the manner of electing Senators in that body, and also to report rules for the government of the Joint Assembly, in carrying out the provisions of said Act, ask leave to report: That, as each House proceeded to elect before it was practicable for the Committee to consider and report the proper con-

struction thereof, they asked to be discharged from the further consideration of that duty:

That as to the mode of procedure in Joint Assembly, the Committee ask leave to report the following Rules for the government of the Joint Assembly, and recommend their adoption, to-wit:

1. That provision be made for the accommodation of the Senate in the Hall of the House of Commons, where the Joint Assembly shall be held.

2. That at 12 o'clock, meridian, on this day, the Senate, with its officers, shall proceed to the Hall of the House of Commons; that the Speaker of each House occupy the Speaker's rostrum—the Speaker of the Senate occupying the position to the right of the Speaker of the House; that the Speaker of the Senate shall be the President of the Joint Assembly; that the Clerks of each House shall occupy the Clerk's desk; that so much of the Journal of each House, as relates to the election of Senator on yesterday, shall be read.

If it is ascertained that no person voted for has received a majority of all the votes in each House, such result to be ascertained by the appointment of a committee of four members, consisting of two on the part of the Senate, and a like number on the part of the House, to be appointed by the President of the Joint Assembly, then it shall be the duty of the President to announce such result: Whereupon, the Joint Assembly shall then proceed to elect in the following manner, to-wit:

The roll of the Senate shall be first called by the Clerk thereof, and Senators required to vote; that after such call is completed, the roll of the House of Commons shall be called by the Clerk thereof, and the members of that House required to vote; that the committee, appointed as aforesaid, shall superintend the election, and report the result to the Joint Assembly; that in case any person, thus voted for, shall have received a majority of all the votes thus given, the President shall announce such person duly elected. In case of failure to give such majority, the Joint Assembly shall proceed to vote in conformity to the provisions of said act, until such election is completed: that when such election is completed,

the President of the Joint Assembly shall certify the result to the Governor of the State.

3. That any question which may arise, in relation to the performance of the duty or duties required of the Joint Assembly, by virtue of said act, shall be considered by each House in their respective Halls, and the result of such consideration communicated to each House by message from one to the other.

4. That motions necessary to be made in Joint Assembly, in discharge of the subjects thereof, accompanied by a statement on the part of the mover, shall be in order, but it shall not be in order to discuss the same in Joint Assembly.

5. That the proceedings of the Joint Assembly shall be recorded by the Clerks of each House, upon the respective Journals thereof.

All of which is respectfully submitted,

J. H. WILSON,
for the Committee."

Which report was concurred in and the Senate informed thereof by message.

And the hour of 12, M., having arrived, the Senators, preceded by their Speaker, were received in the Hall of the House of Commons by the members thereof, standing; and the Speaker of the Senate having taken his seat on the right of the Speaker of the House, as President of the Joint Convention, the following proceedings were had:

PROCEEDINGS IN JOINT ASSEMBLY.

The Clerk of the House of Commons, and the Clerk of the Senate, having respectively read so much of their journals of the day previous, as related to the election of United States Senator,

The Presiding Officer designated Messrs. Harris, of Rutherford, and Etheridge, on the part of the Senate, and Messrs. Beasley and Peebles, on the part of the House, as a committee to ascertain and declare the result.

Mr. Harris, of Rutherford, on behalf of the Committee, reported:

"That the whole number of votes cast in the House was 110, and that the Hon. W. N. H. Smith, of Hertford, had received a majority of that number:

"And that in the Senate, no person had received a majority of the whole number of votes cast."

Whereupon, the Presiding Officer announced that no election having been effected, the Convention would proceed to vote for Senator, in manner and form prescribed by the Act of Congress.

FIRST BALLOT.

The Senate voted as follows:

For Mr. Manly: Messrs. Avery, Battle, Brown, Clark Cunningham, Edwards, Hall, Harriss, of Franklin, Kelly, Koonce, Love, Moore, Thompson, Thornton and Wiggins—15.

For Mr. Smith: Messrs. Adams, Barnes, Berry, Ferebee, Hill, Matthews, Paschal, Perkins, Robins, Spencer, Willey and Williams—12.

For Mr. Pool: Messrs. Bullock, Cowles, Etheridge, Gash, Harriss, of Rutherford, Jones, Respass, Richardson and Sneed—9.

For Mr. Ashe: Messrs. Speaker, Covington, Johnston, Lloyd, Marshall, McCorkle, McLean and McRae—8.

Mr. Speed voted for Mr. Gilmer and Mr. Wilson for Mr. William A. Wright.

The members of the House of Commons voted as follows:

For Mr. Smith: Messrs. Black, Bowe, Bradsher, Brown, Crawford, of Macon, Davis, Davidson, Galloway, Gorham, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Houston, Jones, Kelsey, Latham, of Washington, Lee, Lowe, Lutterloh, McArthur, McKay, Moore, of Hertford, Morehead, Neal, Patton, Reinhardt, Rosebro, Shelton, Smith, of Guilford, Sudderth, Umstead, Walker, Whitley, Williams, of Harnett, and Williams, of Pitt.

For Mr. Manly: Messrs. Speaker, Allen, Autry, Baker, Barden, Clark, Clement, Cowan, Daniel, Durham, Everett,

Foard, Garriss, Granbery, Hutchison, Judkins, Kenan, Datham, of Craven, Long, Martin, McClammy, McGougan, Murrill, Peebles, Perry, of Carteret, Richardson, Scott, Simpson, Smith, of Duplin, Stone, Turnbull, Waugh, Westmoreland, Whitfield and Woodard.—34.

For Mr. Pool: Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Gambril, Garrett, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Logan, Lyon, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Rountree, Russ, Scoggin, Stevenson, Teague, Vestal, Wilson, of Forsyth, Williams of Yancey, Womble and York.—33.

For Mr. Ashe: Messrs. Boyd, Clement, Crawford, of Rowan, Dargan, Kendall, May, McRae, and Trull.—8

Mr. Peebles, from the Committee appointed to superintend the election, reported that the whole number of votes cast was 159,—necessary to a choice 80; that Mr. Smith had received 50, Mr. Manly 49, Mr. Pool 42, Mr. Ashe 16, and Messrs. Gilmer and Wright 1 each; and that no one having received a majority there was no election.

A second ballot was then had, as follows:

SECOND BALLOT.

The Senators voted as follows:

For Mr. Manly: Messrs. Avery, Battle, Brown, Clark, Covington, Cunningham, Edwards, Hall, Harris, of Franklin, Kelly, Koonce, Love, Lloyd, Marshall, McRae, Moore, Thornton, Thompson, Wiggins, and Wilson.—20.

For Mr. Smith: Messrs. Adams, Barnes, Berry, Ferebee, Hill, Johnston, Matthews, McCorkle, McLean, Paschal, Perkins, Robins, Spencer, Willey and Williams.—15.

For Mr. Pool: Messrs. Bullock, Cowles, Etheridge, Gash, Harris, of Rutherford, Jones, Respass, Richardson and Snead.—9.

The Speaker voted for Mr. Ashe.

The members of the House of Commons voted as follows:

For Mr. Smith: Messrs. Boyd, Bowe, Bradsher, Clement, Crawford, of Macon, Davis, Davidson, Galloway, Gorham,

Guess, Harding, Harper, Henderson, Hodnett, Holderby, Houston, Jones, Kelsey, Latham, of Washington, Lee, Lowe, Lutterloh, May, McArthur, McGougan, McKay, Moore, of Hertford, Morehead, Neal, Patton, Reinhardt, Rosebro, Shelton, Smith, of Guilford, Stevenson, Trull, Umsted, Walker, Whitley, Williams, of Harnett, Williams, of Pitt, and York.—41.

For Mr. Manly: Messrs. Speaker, Allen, Autry, Baker, Barden, Brown, Chadwick, Clark, Cowan, Crawford of Rowan, Dargan, Daniel, Durham, Everett, Foard, Garriss, Granbery, Hutchison, Judkins, Kenan, Kendall, Latham, of Craven, Long, Martin, McClammy, McRae, Murrill, Peebles, Perry, of Carteret, Richardson, Scott, Simpson, Smith, of Duplin, Stone, Sudderth, Turnbull, Waugh, Westmoreland, Whitfield and Woodard.—40.

For Mr. Pool: Messrs. Ashworth, Beasley, Black, Blythe, Bright, Bryson, Carson, Freeman, Gambril, Garrett, Godwin, Hinnant, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Jenkins of Granville, Jordan, Logan, Lyon, Moore of Chatham, Morton, Morrissett, Perry of Wake, Rogers, Rountree, Russ, Scoggin, Teague, Vestal, Wilson of Forsyth, Williams of Yancey, Womble and York—33.

Mr. Peebles, from the Committee to superintend the election, reported that the whole number of votes cast was 159,—necessary to a choice 80; that Mr. Manly had received 60, Mr. Smith 56, Mr. Pool 42 and Mr. Ashe 1.

No one having received a majority of all the votes cast, the Convention proceeded to vote again,—as follows:

THIRD BALLOT.

The Senators voted as follows:

For Mr. Manly: Messrs. Adams, Avery, Battle, Brown, Clark, Covington, Cunningham, Edwards, Hall, Harriss of Franklin, Johnston, Kelly, Koonce, Love, Lloyd, Marshall, McCorkle, McRae, Moore, Paschal, Thompson, Thornton, Wiggins and Wilson—24.

For Mr. Smith: Messrs. Speaker, Barnes, Berry, Ferebee, Hill, McLean, Perkins, Robins, Spencer, Willey and Williams—11.

For Mr. Pool: Messrs. Bullock, Cowles, Etheridge, Gash, Harris of Rutherford, Jones, Matthews, Respass, Richardson and Snead—10.

The members of the House of Commons voted as follows:

For Mr. Manly: Messrs. Speaker, Allen A, utry, Baker, Barden, Boyd, Brown, Chadwick, Clark, Clement, Cowan, Crawford of Rowan, Dargan, Daniel, Davis, Durham, Everett, Foard, Garriss, Granbery, Hutchison, Judkins, Kenan, Kendall, Latham of Craven, Long, Martin, McClammy, McGougan, McRae, Murrill, Patton, Peebles, Reinhardt, Richardson, Scott, Simpson, Smith of Duplin, Stone, Turnbull, Waugh, Westmoreland, Whitfield, Williams of Martin, and Woodard—45.

For Mr Smith: Messrs. Black, Bowe, Bradsher, Crawford of Macon, Davidson, Galloway, Gorham, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Houston, Jones, Kelsey, Latham, of Washington, Lee, Lowe, Lutterloh, May, McArthur, McKay, Moore, of Hertford, Morehead, Neal, Rosebro, Shelton, Smith, of Guilford, Stevenson, Sudderth, Trull, Umsted, Walker, Whitley, Williams, of Harnett, and Williams, of Pitt.—37.

For Mr. Pool: Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Gambril, Garrett, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Lyon, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Rountree, Russ, Scoggin, Teague, Vestal, Wilson, of Forsyth, Williams, of Yancey, Womble and York.—31.

Mr. Logan voted for Mr. R. W. Lassiter.

Mr. Peebles, from the Committee appointed to superintend the election, reported that the whole number of votes cast was 159,—necessary to a choice 80; that Mr. Manly had received 69, Mr. Smith 48, Mr. Pool 41 and Mr. Lassiter 1.

No one having received a majority, the Convention proceeded to vote again as follows:

FOURTH BALLOT.

The Senate voted as follows:

For Mr. Manly: Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harriss, of Franklin, Johnston, Kelly, Koonce, Love, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Paschal, Thompson, Thornton, Wiggins, Williams and Wilson.—30.

For Mr. Pool: Messrs. Bullock, Cowles, Gash, Harriss, of Rutherford, Jones, Matthews, Respass, Richardson and Snead.—9.

For Mr. Smith: Messrs. Speaker, Hill, Perkins, Robins, Spencer and Willey.—6.

The members of the House of Commons voted as follows:

For Mr. Manly: Messrs. Speaker, Allen, Autry, Baker, Barden, Boyd, Bowe, Bradsher, Brown, Chadwick, Clark, Clement, Cowan, Crawford of Rowan, Dargan, Daniel, Davis, Durham, Everett, Foard, Garriss, Granbery, Henderson, Hodnett, Holderby, Hutchison, Jones, Judkins, Kenan, Kendall, Latham of Craven, Lee, Long, Lutterloh, Martin, McClammy, McGougan, McKay, McRae, Moore of Hertford, Murrill, Neal, Patton, Peebles, Perry of Carteret, Reinhardt, Richardson, Scott, Simpson, Smith of Duplin, Stone, Sudderth, Trull, Turnbull, Waugh, Westmoreland, Whitfield, Whitley, Williams of Martin, Williams of Pitt, and Woodard—61.

For Mr. Pool; Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Galloway, Gambril, Garrett, Godwin, Hinnant, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Jenkins of Granville, Jordan, Lyon, Moore of Chatham, Morton, Morrissett, Perry of Wake, Rogers, Rountree, Russ, Scoggin, Teague, Vestal, Wilson of Forsyth, Williams of Yancey, Womble and York—32.

For Mr. Smith: Messrs. Black, Crawford of Macon, Davidson, Guess, Gorham, Harding, Harper, Houston, Kelsey, Latham of Washington, Lowe, May, McArthur, Morehead, Rosebro, Shelton, Smith of Guilford, Stevenson, Umsted, Walker and Williams of Harnett—21.

Mr. Logan voted for Mr. C. R. Thomas.

Mr. Peebles, from the Committee to superintend the election, reported that the whole number of votes cast was 160,—necessary to a choice 81; that Mr. Manly had received 91, Mr. Pool 41, Mr. Smith 27, and Mr. Thomas 1; and that Mr. Manly had received a majority of the whole number. Which report was concurred in.

And the Presiding Officer, having declared the Hon. Mathias E. Manly duly elected United States Senator from the State of North Carolina for six years from the 4th day of March next, declared the Joint Assembly dissolved.

Whereupon, the Senators retired to their Chamber.

Received a message from the Senate, refusing to concur in the House proposition to raise a Joint Select Committee on so much of the Governor's message as relates to Weights and Measures.

On motion of Mr. Waugh, a message was transmitted to the Senate, proposing that when the two Houses adjourn this day, they adjourn until Friday, 11 o'clock, A. M.,—to-morrow being the day recommended by the National and State authorities as a day of Thanksgiving.

Received a message from the Senate, concurring in the foregoing proposition.

When, on motion of Mr. Waugh, the House adjourned until Friday morning, 11 o'clock.

FRIDAY, NOVEMBER 30TH, 1866.

Prayer by the Rev. Henry Hardie, of the Presbyterian Church.

The Speaker announced Mr. Allen as an additional member of the Committee on the Judiciary, and Mr. Reinhardt as a member of the Committee on the Asylum for the Deaf, Dumb and the Blind.

Leave of absence, until Monday next, was granted to Messrs. Barden, Clark, Lowe, Turnbull and Womble.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

Bill (H. No. 18,) defining property in captured horses and mules.

Mr. Jenkins, of Gaston, from the Committee on Corporations, reported favorably on

Bill (H. P. No. 2,) to incorporate the Newbern Steam Fire Engine Company No 1; and

Bill (H. No. 38,) to authorize the President and Directors of Blount's Creek Manufacturing Company, of Fayetteville, to re-build their Factory.

Mr. Perry, of Carteret, from the Committee on Claims, to whom was referred the Memorial of E. A. Crudup and H. W. Montague, Executors, reported back a Resolution granting the prayer of the petitioners, viz:

Resolution (H. P. R. No. 9,) for the relief of Seth Jones' estate; which was placed on file.

Mr. Cowan, from the Committee on Internal Improvements, reported favorably on

Bill (H. No. 20,) to repeal an Act ratified February 7, 1866;

And unfavorably on

Bill (H. No. 15,) concerning working on Public Roads.

The following Resolutions were offered and disposed of, as stated, viz:

By Mr. Durham: Instructing the Judiciary Committee to enquire into the expediency of re-forming the Judicial system of the State, and, if necessary, to report a bill for th t purpose. Adopted.

By Mr. Moore, of Hertford: Providing for a Committee of eight, to be appointed by the Speaker, to whom shall be referred all Bills proposing pecuniary relief to the people; and that said Committee be instructed to prepare and report such a Bill as will most effectually accomplish this object. Adopted.

By Mr. York: Proposing to send a message to the Senate,

asking their concurrence in an adjournment *sine die*, on Monday, the 10th proximo.

On motion of Mr. Waugh, laid on the table.

By Mr. Williams, of Pitt: Resolution (H. R. 56,) "For the relief of wounded and disabled soldiers." Referred to the Committee on Propositions and Grievances.

By Mr. Williams, of Martin: Resolution (H. R. 57,) "To declare an Act of 1860, entitled 'An Act to incorporate the Williamston and Tarboro Railroad Company,' to be now, and to have been since its passage, in full force and effect." Referred to the Committee on Internal Improvements.

Bills, of the titles named, were introduced, referred and otherwise disposed of, as follows:

By Mr. Richardson: Bill (H. No. 58,) "To exempt certain personal property therein named from seizure under execution or attachment." Judiciary.

By Mr. Woodard: Bill (H. No. 59,) "For revising and digesting the public Statute Laws of this State." Same reference.

By Mr. Russ: Bill (H. No. 60,) "For the relief of the people." Referred to the Select Committee on the subject and ordered to be printed.

By Mr. Garrett: Bill (H. No. 61,) "To amend the Charter of the Jonathan's Creek and Tennessee Mountain Turnpike Road in the County of Haywood." Cherokee Lands.

By Mr. Simpson: Bill (H. No. 62,) "To postpone the Special Term appointed for the County of Chowan on the second Monday of December, 1866." Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. Autry: Bill (H. No. 63,) "To raise Revenue." Finance.

By Mr. Harding: Bill (H. No. 64,) "To incorporate the Albemarle Swamp Land Company." Corporations.

By Mr. Vestal: Bill (H. No. 65) "To change the time of holding the Courts of Pleas and Quarter Sessions of Yadkin." Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. Gorham: Bill (H. No. 66,) "To allow fees to Clerks of County Courts in certain cases." Propositions and Grievances.

By Mr. Chadwick: Bill (H. No. 67,) "To diminish costs in certain cases. Judiciary.

On motion of Mr. Russ, the following Resolutions were called up:

Resolution (H. P. R. No. 6,) in favor of R. H. Jones, Executor;

Resolution (H. P. R. No. 9,) for the relief Seth Jones' Estate;

And, under a suspension of the rules, respectively passed their several readings, and were ordered to be engrossed.

On motion of Mr. Ashworth, the resolution of enquiry, on the subject of the Bastardy Law, heretofore directed to be referred to a Special Committee, was referred to the Committee on the Judiciary.

The Calendar of Bills on their second reading was taken up, and the following proceedings had:

Bill (H. No. 1,) to grant a general amnesty and pardon to all persons guilty of violating the criminal laws of North Carolina, except in certain cases:

The question being on the adoption of the substitute (H. No. 46,) reported by the Committee on the Judiciary, the same was adopted.

Mr. Crawford, of Macon, moved to amend, by striking out, in section 1, the words "January 1, 1866," and inserting, in lieu thereof, the words "June 1, 1865;" which did not prevail.

Mr. Blair offered the following, as additional sections:

"SEC. 5. *Be it further enacted*, That no person shall be liable to indictment, or subject to any civil action for damages, for any offence, committed prior to the 1st day of January, 1866, against the person or property of any person in the civil or military service of the State, or of the late Confederate States, or in the service of the United States.

SEC. 6. *Be it further enacted*, That any person mentioned in section 5, against whom any action is now pending, civil or criminal, committed prior to the first day of January, 1866,

shall be entitled to full and complete amnesty and pardon' upon the payment of costs of such action."

Which were rejected.

The bill then passed its second reading,—Yeas 81, Nays 23.

Mr. Waugh demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Allen, Autry, Baker, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Chadwick, Clements, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Everett, Farrow, Foard, Galloway, Gambril, Garrett Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Horton, of Watauga, Houston, Hutchison, Jones, Judkins, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Lee, Long, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McRae, Moore, of Hertford, Morehead, Murrill, Neal, Patton, Perry, of Carteret, Perry, of Wake, Reinhardt, Richardson, Rogers, Rosebro, Russ, Shelton, Simpson, Smith, of Duplin, Stevenson, Stone, Sudderth, Walker, Waugh, Westmoreland, Whitfield, Whitley, Williams, of Harnett, Williams, of Martin, Williams, of Pitt, Williams of Yancey, Womble and Woodard.

Those who voted in the negative are;

Messrs. Ashworth, Beasley, Black, Blair, Blythe, Carson, Freeman, Godwin, Hinnant, Horton, of Wilkes, Jenkins, of Gaston, Jenkins of Granville, Jordan, Lyon, Moore, of Chatham, Morton, Morrissett, Scoggin, Teague, Trull, Vestal, Wilson, of Forsyth, and York.

Under a suspension of the rules, the bill then passed its third reading, and was ordered to be engrossed.

Received a message from the Senate, asking the concurrence of the House in the following Joint Resolution:

Resolved, (the House concurring,) That this General Assembly will adjourn *sine die* on Monday, the 17th day of December next, at 6 o'clock, A. M.

Mr. Patton moved to lay the same upon the table; which was decided in the affirmative,—Yeas 64, Nays 38.

Mr. Hodnett demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs Baker, Beasley, Black, Boyd, Bright Bryson, Chadwick, Crawford, of Macon, Dargan, Daniel, Davis, Davidson, Durham, Everett, Foard, Freeman, Galloway, Garrett, Godwin, Harper, Horton, of Wilkes, Houston, Hutchison, Jones, Jordan, Judkins, Kelsey, Kenan, Latham of Craven, Lee, Long, Lyon, Lutterloh, Martin, McArthur, McGougan, McKay, McRae, Moore of Hertford, Morehead, Morton, Morrissett, Neal, Patton, Perry of Carteret, Perry, of Wake, Richardson, Rosebro, Russ, Simpson, Smith of Duplin, Stevenson, Stone, Sudderth, Trull, Walker, Waugh, Whitfield, Whitley, Williams, of Harnett, Williams of Martin, Williams of Pitt, Williams, of Yancey, and Woodard.—64.

Those who voted in the negative, are :

Messrs. Allen, Ashworth, Autry, Blair Blythe, Bowe, Bradsher, Brown, Carson, Clement, Crawford, of Rowan, Farrow, Gambril, Gorham, Granbery, Guess, Harding, Hinnant, Hodnett, Holderby, Horton of Watauga, Jenkins of Gaston, Jenkins, of Granville, Latham, of Washington, May, McClammy, Moore, of Chatham, Murrill, Reinhardt, Rogers, Scoggin, Shelton, Teague, Vestal, Westmoreland, Wilson, of Forsyth, Womble and York.—38.

Mr. Kenan offered the following resolution :

Resolved, (the Senate concurring,) That this General Assembly adjourn, sine die, on Monday, the 24th day of December next, at 10 o'clock, A. M.

Which did not prevail.

Received a message from his Excellency, the Governor, covering his correspondence with the Treasury Department of the United States, in response to the resolution of enquiry upon the subject of National Currency, passed by the House on the 23rd inst.; which was ordered to be sent to the Senate, with a proposition to print.

On motion of Mr. Latham, of Craven, the House adjourned until to-morrow morning, 11 o'clock.

SATURDAY, DECEMBER 1, 1866.

Prayer by Rev. Dr. Craven, of the Methodist Church.

Leave of absence until Thursday next was granted to Mr. Woodard; until Monday to Mr. Bradsher; and from the 5th to the 10th inst., to Mr. Martin.

The Speaker announced the following gentlemen as the Committee of eight, to whom all bills "for the relief of the people" shall be referred, viz: Messrs. Moore, of Hertford, Russ, Davis, McKay, Jenkins, of Granville, Latham, of Washington, Waugh and Richardson.

Mr. Richardson requesting to be excused from service on the Committee, Mr. Bryson was designated in his stead.

. eceived a message from the Senate, proposing to vote at 12 o'clock, M., for seven Councillors of State, which was concurred in.

Whereupon, the following nominations were made and information thereof transmitted to the Senate, viz:

By Mr. Whitfield: Gilbreth Dickson, of Cleaveland; by Mr. Kenan: W. A. Wright, of New Hanover; by Mr. Boyd: Giles Mebane, of Caswell; by Mr. Lyon: Eugene Grissom, of Granville; by Mr. Crawford, of Rowan: J. F. Foard, of Iredell; by Mr. Richardson: T. D. McDowell, of Bladen: by Mr. Latham, of Craven: W. B. Wadsworth, of Craven; by Mr. Morehead: Samuel F. Rankin, of Guilford; by Mr. Moore, of Hertford: J. J. Yeates, of Hertford; by Mr. Dargan: J. A. Leak, of Anson; by Mr. Westmoreland: J. F. Poindexter, of Stokes; by Mr. Rosebro: R. F. Simonton, of Iredell; by Mr. Granbery: W. F. Martin, of Pasquotank; by Mr. Blythe: T. R. Caldwell, of Burke; by Mr. Allen: D. L. Russell, Sr., of Brunswick; by Mr. Guess: S. F. Phillips, of Orange; by Mr. Martin: W. W. Peebles, of Northampton; by Mr. Woodard: J. S. Bridgers, of Edgecombe; by Mr. Daniel: Messrs. H. Joyner and R. H. Smith, of Halifax; by Mr. Brown: J. F. Hoke, of Lincoln; by Mr. Perry, of Carteret: Jasper Stowe, of Gaston; by Mr. Latham, of Washington: P. H. Winston, of Bertie; by Mr. Williams, of Martin: D. W. Bagley, of Martin; by Mr. Jenkins, of Gaston: W. J. Yates, of Mecklenburg; by Mr. Neal: Gen. A. Burgin,

of McDowell; by Mr. Horton, of Wilkes: E. W. Jones, of Caldwell; by Mr. Davidson: R. B. Vance, of Buncombe; by Mr. Cowan: Wm. Eaton, Jr., of Warren; and by Mr. Russ: C. B. Root, of Wake.

And the hour of 12 o'clock having arrived, the House proceeded to vote as follows, under the superintendence of Messrs. Allen and Latham, of Craven:

For Mr. Wright: Messrs. Speaker, Allen, Autry, Black, Blythe, Bowe, Brown, Bryson, Chadwick, Clement, Cowan, Crawford of Macon, Crawford of Rowan, Daniel, Durham, Everett, Farrow, Foard, Galloway, Garriss, Godwin, Granbery, Harding, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Houston, Hutchison, Kelsey, Kenan, Kendall, Latham of Craven, Latham of Washington, Lee, May, Martin, McArthur, McClammy, McGougan, McKay, McRae, Moore, of Hertford, Morehead, Murrill, Neal, Patton, Perry of Carteret, Richardson, Smith of Duplin, Smith of Guilford, Trull, Walker, Westmoreland, Whitfield, Whitley, Williams of Harnett, Williams, of Pitt, Williams, of Yancey, and Woodard.—62.

For Mr. Eaton: Messrs. Speaker, Blythe, Boyd, Chadwick, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Daniel, Everett, Foard, Galloway, Garriss, Godwin, Granbery, Guess, Harding, Harper, Hinnant, Houston, Hutchison, Judkins, Kelsey, Kenan, Latham, of Washington, Martin, McClammy, McGougan, Murrill, Patton, Perry, of Carteret, Russ, Smith, of Duplin, Smith, of Guilford, Stone, Walker, Westmoreland, Whitley, Williams, of Pitt, and Williams, of Yancey—40.

For Mr. Jones: Messrs. Ashworth, Beasley, Blair, Blythe, Boyd, Boye, Carson, Crawford, of Macon, Dargan, Davidson, Freeman, Gambril, Garrett, Godwin, Guess, Harper, Henderson, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jones, Kelsey, Latham, of Craven, Lyon, Morehead, Morton, Neal, Patton, Rosebro, Shelton, Stevenson, Sudderth, Umsted, Vestal, Westmoreland, Williams, of Yancey, and York—40.

For Mr. Phillips: Messrs. Ashworth, Beasley, Blair, Bright, Bryson, Chadwick, Durham, Everett, Freeman, Galloway,

Gambril, Garrett, Guess, Houston, Jenkins of Gaston, Jenkins of Granville, Jones, Jordan, Lyon, McArthur, McRae, Murrill, Perry of Carteret, Richardson, Rosebro, Stevenson, Teague, Umsted, Vestal, Waugh, Wilson of Forsyth, and York—32.

For Mr. Simonton: Messrs. Speaker, Bowe, Carson, Clement, Cowan, Crawford of Macon, Crawford, of Rowan, Daniel, Gambril, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Houston, Jenkins of Gaston, Morton, Neal, Rosebro, Russ, Shelton, Smith of Guilford, Stevenson, Stone, Sudderth, Vestal, Waugh, Williams of Pitt, and York—30.

For Mr. Foard: Messrs. Allen, Autry, Black, Bowe, Bryson, Clement, Cowan, Crawford of Rowan, Dargan, Davidson, Foard, Garriss, Harding, Henderson, Hodnett, Holderby, Hutchison, Kenan, Kendall, Latham of Craven, Latham of Washington, McClammy, Reinhardt, Smith of Duplin, Trull, Walker, Whitley, Williams of Martin, Williams of Pitt, and Woodard—29.

For Mr. Poindexter: Messrs. Boyd, Bowe, Carson, Dargan, Freeman, Gambril, Guess, Harding, Henderson, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Houston, Jenkins of Granville, Jordan, Kendall, Latham of Washingington, Morehead, Neal, Shelton, Smith of Guilford, Teague, Trull, Umsted, Walker, Westmoreland, Wilson of Forsyth, Williams of Harnett, and York—29.

For Mr. Leak: Messrs. Crawford of Rowan, Dargan, Everett, Farrow, Foard, Horton of Wilkes, Hutchison, Judkins, Kendall, Latham of Craven, Lee, Lutterloh, May, Martin, McGougan, McKay, Morton, Morrissett, Richardson, Smith of Duplin, Sudderth, Trull, Waugh, Westmoreland, Whitley, Williams of Harnett, and Willams of Martin—27.

For Mr. Rankin: Messrs. Ashworth, Carson, Daniel, Durham, Gambril, Garriss, Henderson, Holderby, Horton of Wilkes, Houston, Jones, Kenan, Lyon, McClammy, McGougan, McKay, Morehead, Reinhardt, Rosebro, Russ, Shelton, Smith of Guilford, Stevenson, Sudderth, Williams of Harnett, Woodard and York—27.

For Mr. Grissom: Messrs. Ashworth, Beasley, Blair, Blythe, Bright, Carson, Freeman, Galloway, Gambril, Garrett, God-

win, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Granville, Jones, Lyon, Murrill, Scoggin, Shelton, Simpson, Umstead, Vestal, Williams, of Yancey and York—25.

For Mr. Wadsworth: Messrs. Chadwick, Clement, Dargan, Everett, Farrow, Foard, Galloway, Granbery, Harding Horton, of Wilkes, Kendall, Latham, of Craven, May, McKay, Murrill, Perry, of Carteret, Richardson, Russ, Waugh, Westmoreland, Whitfield, Williams, of Harnett, Williams, of Martin, and Woodard—24.

For Mr. McDowell: Messrs. Allen, Autry, Black, Bryson, Davidson, Garriss, Harding, Kenan, Kendall, Latham, of Washington, Lutterloh, McArthur, McGougan, Moore of Hertford, Reinhardt, Richardson, Simpson, Smith, of Duplin, Trull, Walker, Whitfield, Whitley and Woodard—23.

For Mr. Mebane: Messrs. Speaker, Boyd, Bowe, Brown, Cowan, Guess, Henderson, Hodnett, Holderby, Houston, Kelsey, McArthur, McRae, Moore, of Hertford, Patton, Richardson, Russ, Smith, of Duplin, Stone, Umsted and Williams' of Pitt.—21.

For Mr. Caldwell, Messrs. Autry, Beasley, Black, Blair, Blythe, Freeman, Garrett, Godwin, Hinnant, Jenkins of Gaston, Jenkins, of Granville, Jordan, Morton, Morrissett, Scoggin, Teague, Vestal, Wilson, of Forsyth and Williams, of Yancey.—19.

For Mr. Yeates: Messrs. Speaker, Beasley, Black, Blair, Clement, Cowan, Crawford, of Macon, Horton, of Watauga, Lee, May, McClammy, McGougan, McKay, Moore, of Hertford, Morton, Richardson, Waugh, Williams, of Harnett, and Williams, of Pitt.—19.

For Mr. Yates: Messrs. Ashworth, Autry, Beasley, Crawford, of Rowan, Farrow, Foard, Freeman, Garrett, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Jones, Lyon, Scoggin, Smith, of Duplin, Trull, Vestal, Waugh, Whitley—19.

For Mr. R. B. Vance: Messrs. Speaker, Allen, Brown, Bryson, Clement, Crawford, of Rowan, Davidson, Durham, Guess, Kelsey, Lee, May, McArthur, McRae, Moore, of Hertford, Neal, Patton, Simpson and Whitfield—19.

For Mr. Bridges: Messrs. Allen, Brown, Galloway, Garriss, Hutchison, Judkins, Kenan, McArthur, McGougan, Mc-

Rae, Morehead, Reinhardt, Smith, of Duplin, Stone, Whitfield, Whitley, Williams, of Pitt, and Woodard—18.

For Mr. Winston: Messrs. Ashworth, Beasley, Bowe, Bright, Durham, Foard, Freeman, Galloway, Harding, Hodnett, Jenkins, of Granville, Latham, of Washington, Murrill, Richardson, Stone, Sudderth, Walker and Williams, of Martin.—18.

For Mr. Hoke: Messrs. Autry, Black, Brown, Bryson, Durham, Farrow, Garriss, Hutchison, Judkins, Kenan, Lee, May, Moore, of Hertford, Reinhardt, Simpson, Stone, and Trull.—17.

For Mr. Martin: Messrs. Ashworth, Daniel, Granbery, Jones, Judkins, Lyon, Lutterloh, Martin, McKay, Morrissett, Perry, of Carteret, Simpson, Sudderth, Whitfield, and Williams, of Martin.—15.

For Mr. Peebles: Messrs. Dargan, Farrow, Granbery, Jones, Judkins, Kendall, Lee, Lutterloh, May, Martin, Moore, of Hertford, Morrissett, Simpson, Waugh and Williams, of Martin—15.

For Mr. Burgin: Messrs. Carson, Crawford, of Macon, Davidson, Gambril, Garrett, Harper, Kelsey, Neal, Patton, Rosebro, Stevenson, Sudderth, Westmoreland, and Williams, of Yancey—14.

For Mr. Dickson: Messrs. Allen, Autry, Black, Brown, Bryson, Chadwick, Davidson, Durham, Granbery, Latham, of Washington, Walker and Woodard—13.

For Mr. Root: Messrs. Boyd, Bright, Guess, Harper, Hinnant, Morrissett, Rosebro, Russ, Shelton, Smith, of Guilford, Stevenson, Stone, and Umsted—13.

For Mr. Dick: Messrs. Blair, Garrett, Jenkins of Gaston, Jordan, Scoggin, Shelton, Teague, Vestal and Wilson, of Forsyth—9.

For Mr. Joyner: Messrs. Chadwick, Cowan, Dargan, Daniel, Horton, of Watauga, Judkins, McClammy, Morehead—8.

For Mr. Russell: Messrs. Speaker, Allen, Bright, Davidson, Lutterloh, Murrill, Neal, and Perry, of Carteret.—8.

For Mr. Thompson: Messrs. Blair, Jenkins, of Gaston, Jordan, Morton, Morrissett, Scoggin, Teague and Wilson, of Forsyth.—8.

For Mr. Stowe: Messrs. Brown, Chadwick, Everett, Granbery, Latham, of Craven, McClammy and Perry, of Carteret—7.

For Mr. Shepherd: Messrs. Latham, of Craven, Martin, McArthur, McKay, McRae and Williams, of Harnett.—6.

For Mr. Lemley: Messrs. Crawford, of Macon, Harper, Lee, Rosebro and Stevenson.—5.

For Mr. Logan: Messrs. Blythe, Godwin, Jordan, Teague and Wilson, of Forsyth.—5.

For Mr. Smith: Messrs. Boyd, Daniel, Kelsey, Patton and Umsted—5.

For Mr. J. T. Leach: Messrs. Jordan, Teague and Wilson, of Forsythe.

For Mr. Parrott: Messrs. Bright, Everett and Lyon.

For Z. B. Vance: Messrs. Farrow and Lutterloh.

For Mr. J. D. Williams: Messrs. Lutterloh and Simpson.

For Loverd Eldridge: Messrs. Blythe, Hinnant and Williams, of Yancey.

For T. Ruffin, Jr.: Mr. Boyd.

For mr. Bagley: Mr. Williams, of Martin.

For Mr. Cnwles: Mr. Hodnett.

For Mr. Settle: Mr. Scoggin.

For Mr. R. W. Lassiter: Mr. Russ.

For Mr. Carson: Mr. York.

For Mr. D, M. Carter: Mr. Scoggin.

For Mr. E. C. Yellowley: Mr. Bright.

For Mr. S. L. Love: M. Martin.

Received a communication from his Excellency, the Governor, covering the report of the Pre. ident of the Western N. C. R. R. Co.; which was ordered to be transmitted to the Senate, with a proposition to print.

Mr. Jones presented the memorial of citizens of Pasquotank, remonstrating against the extension of the corporate limits of the town of Elizabeth City; which was referred to the Committee on Corporations.

Mr. Cowan, from the Committee on Internal Improvements, reported favorably, with amendments, on

Bill (H. No. 2,) to enable the Western Railroad Company to complete its Road from the Coalfields in Chatham county to some point on the N. C. R. R.

Also, a substitute (H. No. 68,) "To enhance the value of the bonds to be issued for the completion of the Western N. C. R. R., and for other purposes," in lieu of Bill (H. 40,) to amend the charter of the Western N. C. R. R., &c.

Mr. Jenkins, of Gaston, from the Committee on Corporations, reported favorably on

Bill (H. No. 55,) to amend the charter of the Oceanic Hook and Ladder Co., of the town of Beaufort.

Mr. Davidson, from the Committee on Cherokee Lands, reported favorably, with an amendment, on

Bill (H. No. 49,) to provide for the construction of a bridge across Notla River, and for other purposes.

Mr. Rosebro, from the Committee on Propositions and Grievances, reported a substitute (H. No. 69,) "Allowing fees to Justices of the Peace and regulating the same," in lieu of

Bill (H. 51)—same title. Ordered to be printed.

Mr. Waugh, from the same Committee, to whom was referred a resolution of enquiry on the subject of trespasses in hunting, reported the same back and asked to be discharged from its further consideration; which was so ordered.

The following Resolutions were offered and disposed of as stated, viz:

By Mr. McClammy: Directing a message to the Senate, proposing a Joint Conmittee, of three from each House, to take into consideration and report the earliest practicabl day on which this General Assembly can adjourn, and whether said adjournment shall be *sine die*.

Mr. Lyon moved to lay on the table; which did not prevail, and the Resolution was adopted.

By Mr. Whitfield: Resolution upon the subject of memorializing Congress as to removing the negroes from this State.

On motion of Mr. Waugh, laid on the table.

By Mr. Waugh: Instructing the Committee on Public Buildings and Grounds to enquire into the expediency of selling the various public squares, including the present Executive Mansion, and of appropriating the proceeds to the erection of a suitable Executive residence, &c.

On motion of Mr. Dargan, laid on the table.

By Mr. McGougan: Resolution (H. R. No. 70,) "In favor of certain maimed soldiers." Propositions and Grievances.

By the same: Resolution (H. P. R. No. 10,) "In favor of William S. Mason." Claims.

The following Bills were introduced, referred, or otherwise disposed of, as stated, viz:

By Mr. Guess: Bill (H. No. 71,) "For the relief of the People." Referred to the Special Committee.

By Mr. Dargan: Bill (H. No. 72,) "In favor of Widows." Judiciary.

By Mr. Latham, of Washington: Bill (H. No. 73,) "To amend section 71, chapter 31, Revised Code." Filed.

By Mr. Whitfield: Bill (H. No. 74,) "To enable the Wilmington, Charlotte and Rutherford Rail Road Company to complete its road, pay its debt to the State, and extend its road to the Tennessee line." Internal improvements.

By Mr. Harding: Bill (H. No. 75,) "To amend section 52, chapter 60, Revised Code." Judiciary.

By Mr. Garrett: Bill (H. No. 76,) "To prevent the felling and cutting of timber in Pigeon River, in Haywood County, above Killian's Bridge." Filed.

By. Mr. Bowe: Bill (H. No. 77,) "To incorporate the Yanceyville and Milton Rail Road Company." Internal Improvements.

By Mr. Perry, of Carteret; Bill (H. No. 78,) "In relation to Set-off." Judiciary.

By Mr. Chadwick: Bill (H. No. 79,) "To facilitate the adjudication and settlement of disputed boundaries." Judiciary.

By Mr. Patton: Bill (H. No. 82,) "To prevent the destruction of Ginseng in the mountains of North Carolina." Filed.

By Mr. Harding: Bill (H. No. 83,) "To amend the charter of the Washington Toll Bridge Company." Judiciary.

Mr. McKay, from the Committee on the Judiciary, to whom was referred Bill (H. No. 17) to amend an act to improve the law of evidence, passed at the session of 1866, reported back a substitute for the same, viz:

Bill (H. No. 80,) "To amend section 2, chapter 43, of an Act, ratified March 12, 1866, entitled 'An Act to improve the law of evidence.'"

Mr. McKay, from the same Committee, to whom was referred Bill (H. No. 13,) to repeal an act entitled "An Act to provide hands to work on the public roads," and to re-enact section 40, chapter 101, Revised Code, reported back a substitute for the same, viz:

Bill (H. No. 81,) "To repeal an Act entitled 'An Act to provide hands to work on public roads.'"

Received a message from the Senate, announcing that they had passed the Engrossed Bill (H. No. 62,) to postpone the Special Term appointed for Chowan County, with an amendment, in which they asked the concurrence of the House. Concurred in and the Senate informed thereof by message.

Also, a message, announcing their concurrence in the House proposition to print the correspondence between the United States Treasury Department and his Excellency, the Governor.

The Calendar of Private Bills on their second reading was then taken up, as follows:

Bill (H. P. No. 1,) to incorporate Union Camp Ground in Cleaveland County. Passed its second, and, under a suspension of the rules, its third reading, and ordered to be engrossed.

Bill (H. P. No. 2,) to incorporate Newbern Steam Fire Engine Co., No. 1. Passed second reading.

Bill (H. P. No. 3) to authorize R. P. Melvin, late Sheriff of Bladen, to collect arrears of taxes. On motion of Mr. Waugh, referred to the Committee on Propositions and Grievances.

On motion of Mr. Stone, the House adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 3, 1866.

Prayer by the Rev. Dr. Mason, of the Episcopal Church.

Leave of absence until Wednesday was granted to Mr. McGougan.

The Speaker announced Messrs. Beasley, Black, Blair, Blythe and Boyd as the Committee on Enrolled Bills for the week.

On motion of Mr. McKay, the use of the Hall was granted to Dr. T. P. Atkinson, of Danville, Va., on Tuesday evening, for the delivery of a Lecture.

Mr. Crawford, of Rowan, presented a memorial from the Rowan Immigration Society; which was referred to the Committee on Propositions and Grievances.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

Bill (H. No. 23) to provide more effectually for the punish ment of horse-stealing.

Mr. Patton, from the Committee on Internal Improvements, reported favorably on

Bill (H. No. 74) to enable the Wilmington, Charlotte and Rutherford Rail Road Company to complete its road, pay its debt to the State and extend the road to the Tennessee line.

Mr. Latham, of Craven, from the Committee appointed on Saturday to superintend the election of seven Councillors of State, reported that the House vote was 101 and Senate vote 41,—total 142, and necessary to a choice 72; that Mr. Wright had received 84, Mr. Eaton 70, Mr. Jones 50, Mr. Phillips 43, Mr. Simonton 42, Mr. Rankin 39, Mr. Leak 34, Mr. Poindexter 33, Mr. Mebane 32, Mr. Foard 30, Mr. Grissom 29, Mr. Wadsworth 29, Messrs. McDowell, R. B. Vance, J. J. Yeates and W. J. Yates 27 each, Mr. Winston 25, Mr. Caldwell 24, Mr. Bridgers 23, Mr. Martin 22, Messrs. Hoke and Joyner 20 each, Mr. Shepherd 19, Mr. Shober 18, Messrs. Peebles and Ruffin 17 each, Mr. Burgin 16, Messrs. Dickson and Root 13 each, Messrs. Russell and Love 12 each, Mr. Dick 11, Mr. Thompson 10, Mr. Logan 8, Messrs. Stowe and Smith 7 each, Mr. Lemly 5, Mr. J. D. Williams 5, Mr. Parrott 4, Messrs. J. T. Leach, Eldridge and Bagley 3 each, Messrs. Z. B. Vance, Cowles and W. D. Jones 2 each, and Messrs. Settle, Carson, Lassiter, Carter, Yellowley, Arendell, Brown, J. M. Leach, Dancy, and Puryear 1 each; and that Mr. William A. Wright, alone, having received a majority of the whole num-

ber of votes, was duly elected. Which report was concurred in and transmitted to the Senate.

Mr. Williams, of Harnett, offered the following Resolution:

Resolved, That the Committee appointed to take into consideration the *sine die* adjournment of this Legislature, be requested to take into consideration the propriety and the importance of adjourning at an early day, to be fixed by them, to meet again on the first Monday in March next.

Which did not prevail.

Mr. Horton, of Wilkes, offered a Resolution (H. P. R. No. 11) 'In favor of R. F. Armfield." Referred to the Committee on Claims."

The following bills were introduced, read and disposed of as stated, viz :

By Mr. Latham, of Craven: Bill (H. No. 84) "To enable the County Court of Craven to extend its sessions."

On motion of Mr. Latham, the rules were suspended and the bill put upon its second reading; when

Mr. Hutchison moved to amend by inserting, after the word "Craven," the word "Mecklenburg." Carried.

Mr. McKay moved further to amend, by inserting after the word "Mecklenburg," the words "and Cumberland." Carried.

Mr. Clark moved further to amend by adding "and all the other counties of the State;" which did not prevail.

The bill then passed its second reading, and, being read the third time,

Mr. Hutchison offered, as an amendment, an additional section, to come in as section 2; which was adopted, and the bill then passed its 3rd reading and was ordered to be engrossed.

From the Senate: Resolution (S. 20,—H. 85) "Fixing the *per diem* and mileage of officers and members of the General Assembly."

Which, being read, Mr. Dargan moved that the rules be suspended and the Resolution put upon its second reading; which motion prevailed.

Mr. Blythe offered the following as a substitute, and demanded the Yeas and Nays thereon:

Resolved, That the Speakers of the two Houses of this General Assembly receive seven dollars per day; each member four dollars per day; principal and assistant Clerks seven dollars per day; enrolling Clerks four dollars per day; and that, in addition thereto, each member and officer shall be entitled to receive twenty cents per mile, coming from and returning to his residence by the most direct route.

The demand for the Yeas and Nays was not sustained, and the substitute did not prevail.

Mr. Whitfield moved to amend, by striking out "six dollars" and inserting "three dollars in gold, to be paid in currency at the rates of premium prevailing in Raleigh," and asked the Yeas and Nays thereon.

The call was not sustained, and the amendment did not prevail.

The Resolution then passed its 2nd and 3rd readings and was ordered to be enrolled.

By Mr. Carson: Bill (H. No. 86,) "To change the time of holding the Courts of Pleas and Quarter Sessions of Alexander county." Under a suspension of the rules passed its several readings and ordered to be engrossed.

By Mr. Ashworth: Bill (H. No. 87,) "To protect honest debtors." Referred to the Judiciary Committee and ordered to be printed.

By Mr. Granbery: Bill (H. No. 88,) "To prohibit citizens of other States from fishing in Currituck Sound." Private Bills.

Received a message from the Senate, announcing their concurrence in the House proposition to raise a Joint Select Committee, to take into consideration the question of adjournment *sine die*, and also announcing Messrs. Clark, Adams and Love as the Committee on their part.

The Speaker designated Messrs. McClammy, Crawford, of Rowan, and Carson, as the House branch of the Committee.

On motion of Mr. Lowe, a message was sent to the Senate, proposing to go forthwith into the election of Comptroller. And the Senate concurring, the House proceeded to vote as follows, under the superintendence of Messrs. Lowe and Boyd,—the name of Mr. J. R. Love having been added to,

and that of Mr. D. W. Bain withdrawn from, the list of those previously put in nomination :

For Mr. Brogden : Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bright, Brown, Carson, Clement, Crawford of Rowan, Everett, Foard, Garriss, Godwin, Hinnant, Horton of Watauga, Horton of Wilkes, Jordan, Kendall, Lowe, McArthur, McNair, Murrill, Perry of Carteret, Reinhardt, Rogers, Rosebro, Scoggin, Shelton, Simpson, Smith of Duplin, Stevenson, Trull, Vestal, Whitley, Williams of Yancey, Womble and York—40.

For Mr. Cowper : Messrs. Allen, Clark, Cowan, Galloway, Harding, Hutchison, Kenan, Latham, of Washington, Lee, Martin, McClammy, McKay, Moore, of Hertford, Morrissett, Neal, Russ, Sudderth, Walker, Whitfield, Williams, of Martin, and Williams, of Pitt—22.

For Mmr. Holderby : Messrs. Bowe, Gambril, Guess, Harper, Henderson, Hodnett, Houston, Jenkins, of Gaston, Lutterloh, McRae, Morehead, Smith, of Guilford, Teague, Umsted. Waugh, Westmoreland and Wilson, of Forsythe—17.

For Mr. Collins : Messrs. Boyd, Chadwick, Dargan, Daniel, Davis, Farrow, Granbery, Jones, Judkins, Long, May, Morton, Stone, and Williams, of Harnett—14.

For Mr. Love : Messrs. Bryson, Crawford, of Macon, Davidson, Durham, Garrett, Kelsey and Patton—7.

Mr. Richardson voted for Mr. C. B. Root.

Mr. Lowe, from the Committee appointed to superintend the election, reported that the House vote was 101 and Senate vote 42,—total 143, and necessary to a choice 72 ; that Mr. Brogden had received 50, Mr. Cowper 36, Mr. Holderby 28, Mr. Collins 20, Mr. Love 7 and Mr. Root 1 ; and that there was no election. Which report was concurred in and transmitted to the Senate.

On motion of Mr. Whitfield, a message was sent to the Senate, pro posing to vote again forthwith for Comptroller.

The Senate concurring, the House voted as follows,—the name of Mr. Love having been withdrawn from, and that of Mr. Bain added to the list of the nominees :

For Mr. Brogden : Messrs. Autry, Barden, Beasley, Black, Blair, Blythe, Bright, Carson, Clement, Crawford, of Rowan,

Durham, Everett, Foard, Galloway, Garrett, Garris, Godwin, Harding, Hinnant, Horton, of Watauga, Jenkins, of Gaston, Jordan, Kelsey, Kendall, Lowe, Lutterloh, McArthur, McNair, Morton, Murrill, Perry, of Carteret, Reinhardt, Rogers, Rosebro, Scoggin, Shelton, Simpson, Smith, of Duplin, Trull, Vestal, Whitley, Williams, of Yancey, Womble and York—45.

For Mr. Cowper: Messrs. Brown, Clark, Cowan, Hutchison, Kenan, Latham of Craven, Latham of Washington, Lee, Martin, McClammy, McKay, Moore of Hertford, Neal, Patton, Russ, Sudderth, Walker, Whitfield, Williams of Martin, and Williams of Pitt—20.

For Mr. Holderby: Messrs. Ashworth, Bowe, Davidson, Gambril, Guess, Henderson, Hodnett, Houston, McRae, Morehead, Smith of Guilford, Umsted, Waugh, Westmoreland, Wilson of Forsyth, and Williams of Harnett—16.

For Mr. Collins: Messrs. Boyd, Chadwick, Dargan, Daniel, Davis, Farrow, Granbery, Jones, Judkins, Long, May, Morrissett and Stone—13.

For Mr. Bain: Messrs. Allen, Crawford, of Macon, Harper, Perry, of Wake, Richardson, and Stevenson—6.

M. Lowe, from the Committee appointed to superintend the election, reported that the House vote was 100 and Senate vote 39,—total 139, and necessary to a choice 70; that Mr. Brogden had received 56, Mr. Cowper 32, Mr. Holderby 23, Mr. Collins 17, Mr. Bain 10, and Mr. Martin 1. Which report was concurred in and transmitted to the Senate.

On motion of Mr. Dargan, a message was sent to the Senate, proposing to proceed at once to an election of Public Treasurer.

Mr. Dargan nominated Kemp P. Battle, Esq.

The Senate concurring, the House voted as follows, under the superintendence of Messrs. Dargan and Long:

For Mr. Battle: Messrs. Allen, Ashworth, Autry, Barden, Beasley, Black, Blythe, Boyd, Bowe, Bright, Brown, Bryson, Carson, Clark, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Everett, Farrow, Foard, Galloway, Gambril, Garriss, Godwin, Granbery, Guess, Harding, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes,

Honston, Hutchison, Jenkins, of Gaston, Jones, Jordan, Judkins, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washi gton, Lee, Long, Lowe, Lutterloh, May, Martin, McArthur, McClammy, McKay, McNair, McRae, Moore, of Hertford, Morton, Morrissett, Murrill, Neal, Patton, Perry, of Wake, Reinhardt, Richardson, Rogers, Rosebro, Russ, Scoggin, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Teague, Trull, Umsted, Vestal, Walker, Waugh, Westmoreland, Whitfield, Whitley, Williams, of Harnett, Williams, of Martin, Williams, of Pitt, Williams, of Yancey, Womble and York—97.

Mr. Dargan, from the Committee appointed to superintend the election, reported that the House vote was 97 and Senate vote 40,—total 137, and necessary to a choice 69; that Mr. Battle had received 134, and Mr. Geo. W. Mordecai 2 and Mr. Bain 1; and that Mr. Battle was elected. Which report was concurred in and transmitted to the Senate.

On motion of Mr. Crawford, of Rowan, a message was sent to the Senate, proposing to vote forthwith for six Councillors of State; in which proposition the Senate subsequently refused to concur.

On motion of Mr. Horton, of Watauga,

Bill (H. No. 33,) to extend the time for the collection and return of taxes in certain counties, was taken from the Calendar of Bills on their 2nd reading and considered.

The amendments recommended by the Committee on Finance were adopted; when

Mr. Kenan moved to amend by striking out the words, in the 1st section, "composing the Seventh Congressional District, together with the counties of Wilkes and Alexander."

The amendment was adopted, when

On motion of Mr. Davis, the Bill, as amended, was re-referred to the Committee on Finance.

Mr. Waugh moved that the House do now adjourn until to-morrow morning, 11 o'clock.

Mr. York moved to amend by substituting 10 A. M., to-morrow.

The motion of Mr. Waugh prevailed, and the House adjourned until to-morrow morning, 11 o'clock.

TUESDAY, DECEMBER 4th, 1866.

Prayer by Rev. Mr. Atkinson, of the Presbyterian Church.

Mr. Russ presented a Memorial from the Mayor and Commissioners of the city of Raleigh, relative to the subscription to the Capital Stock of the Chatham Rail Road Company; which was read and referred to the Committee on Propositions and Grievances.

Received a messa e from the Senate, proposing that the daily sessions of each House shall begin at 10½ o'clock A. M., until further orders; which was concurred in.

Also proposing to increase the Joint Select Committee on the Agricultural and Mechanical College to five in each House; which was also concurred in.

Mr. Waugh, from the Committee on Propositions and Grievances, reported back House Private Bills Nos. 3, 4, 5, 7 and 8, for the relief of sundry Sheriffs and Tax Collectors, and recommended the passage of a general substitute therefor, viz:

Bill (H. No. 89,) "For the relief of Sheriffs and Tax Collectors."

Also, unfavorably on Bill (H. No. 66,) to allow fees to Clerks of County Courts in certain cases.

Mr. Russ, from the Committee on Agriculture, reported favorably on

Bill (H. No. 26,) for the benefit of the poor of Bladen county, and for other purposes.

Mr. Harper, from the Committee on Finance, reported back, with an amendment,

Bill (H. No. 33,) to extend the time for the collection and return of taxes in certain counties.

And unfavorably on

Bill (H. No. 63,) to raise Revenue.

On motion of Mr. Richardson, said bill was referred to the Special Committee on Bills of Relief.

The following Resolutions were introduced and disposed of as stated, viz:

By Mr. Harper: Referring so much of the Governor's Message, as relates to artificial limbs, and the accompanying report of the Superintendent of the Artificial Limb Depart-

ment, to the Committee on Propositions and Grievances. Adopted.

By Mr. McNair: Resolution (H. P. R. No. 12,) "In favor of Neill McNeill." Claims.

By Mr. Horton, of Wilkes: Resolution (H. P. R. No. 13,) "In favor of A. J. Adkins, and others." Propositions and Grievances.

The following Bills were introduced, referred and otherwise disposed of, viz:

By Mr. Whitfield: Bill (H. No. 90,) "To revive and amend the charter of the Shelby and Broad River Railroad." Internal Improvements.

By Mr. Smith, of Duplin: Bill (H. No 91,) "To exempt certain articles from execution." Special Committee on Bills of Relief.

By Mr. Patton: Bill (H. No. 92,) "To incorporate Hoover Hill Mining Company." Corporations.

By the same: Bill (H. No. 93) "Giving debtors, whose lands have been sold under execution, a right of redemption.' Judiciary.

By Mr. Davis: (Bill No. 94) "To incorporate Collins Gold-Mining Company, in Franklin County." Corporations.

By the same: Bill (H. No. 95) "To incorporate Sturgis Gold Mining Company, in Franklin County." Same reference.

By the same: Bill (H. No. 96) "To incorporate Thomas Gold Mining Company, in Franklin county." Same reference.

By Mr. McKay: Bill (H. No. 97) "To give to married women one-third interest in the real estate of their husbands." Judiciary.

By Mr. Clark: Bill (H. No. 98) "To repeal section 2, chapter 34, Revised Code." Same reference.

By Mr. Blythe: Bill (H. No. 99) "To authorize administrators to pay for the schooling of minor heirs." Education.

By Mr. Davidson: Bill (H. No. 100) "To repeal an Act for the better regulation of the Western Turnpike Road." Cherokee Lands.

By Mr. McNair: Bill (H. No. 101) "To amend section 12, chapter 52, Revised Code." Judiciary.

By Mr. Crawford, of Macon: Bill (H. No. 102) "To abolish

Jury trial in the County Court of Macon county." Judiciary.

Mr. Hutchison moved to re-consider the vote by which Bill (H. No. 84) to enable the County Courts of Craven, Mecklenburg and Cumberland to extend their sessions, was finally passed on yesterday: which motion prevailed.

Mr. Hutchison then moved to amend, by striking out the word "Mecklenburg," in section 1, and the whole of section 2; which was carried.

And the bill passed its 3rd reading and was ordered to be engrossed.

At 12 o'clock, on motion of Mr. Kenan, a message was sent to the Senate, informing that body that the hour, heretofore jointly agreed on, for counting the votes for Governor in Oct. last, had arrived, and the House waited to receive them.

Immediately after which the Senate, preceded by their Speaker, arrived in the Hall and were received by the House standing. The Speaker of the Senate took his seat on the right of the Speaker of the House, and, having announced the business of the Convention, proceeded to open the returns in the alphabetical order of counties, reading them aloud. The tellers appointed recorded the votes as pronounced by the presiding officer, and, when all the returns had been ascertained and recorded, retired, and, soon after returning, made the following report, through Mr. Kenan:

"The Joint Committee, on the part of the Senate and House of Commons to superintend the counting of the votes cast for Governor in October last, have discharged their duty, and beg leave to report that the Hon. Jonathan Worth, of Randolph, received 34,250 votes, the Hon. Alfred Dockery, of Richmond, 10,759 votes, and that there were scattering 117 votes. Hon. Jonathan Worth, having received a majority of all the votes cast, is duly elected."

Which, being read, the Speaker of the Senate announced the result, and, in the presence and hearing of all, declared Jonathan Worth Governor of North Carolina for two years from and after the first day of January next.

There being no dissent, the Speaker of the Senate dissolved the Convention, and, followed by the Senate, withdrew.

The following is the list of votes, as recorded by the tellers, viz:

VOTE FOR GOVERNOR.

Counties.	Worth.	Dockery.	Holden.	Rogers.	Vance.	Scat'ring.
Alamance,	563	120				
Alexander,	393	31				
Alleghany,	220	51				
Anson,	513	9				
Ashe,	512	199				
Beaufort,	413	178				
Bertie,	260	155				
Bladen,	427				3	19
Brunswick,	335					
Buncombe,	582	334				
Burke,	577	56				
Cabarrus,	349	25				
Caldwell,	308	44				
Camden,	294					1
Carteret,	327	79				
Caswell,	342	20				
Catawba,	449	178				
Chatham,	884	211				
Cherokee,	299	147				
Chowan,	124	60			1	
Clay,	129	95				
Cleaveland,	619	83				
Columbus,	259	9			8	
Craven,	362	8				
Cumberland,	590	17				
Currituck,	316	5				8
Davidson,	735	598				
Davie,	476	50				
Duplin,	433	4				
Edgecombe,	340	17				
Forsyth,	544	267				
Franklin,	300	3				
Gaston,	252	258				
Gates,	119	4				
Granville,	534	137				
Greene,	179	122				
Guilford,	882	438				
Halifax,	391	9				

VOTE FOR GOVERNOR.—CONTINUED.

COUNTIES.	Worth.	Dockery.	Holden.	Rogers.	Vance.	Scattering.
Harnett,	300	36				
Haywood,	378	207				
Henderson,	423	482				
Hertford,	126	2				
Hyde,	320	21				
Iredell,	870	109				
Jackson,	404	28				
Johnston,	189	280				
Jones,	166	5				
Lenoir,	290	120				
Lincoln,	208	29			8	
Macon,	334	47				
Madison,	271	49				
Martin,	130	2				
McDowell,	440	108				
Mecklenburg,	334	10				
Mitchell,	116	153				
Montgomery,	235	386				
Moore,	433	364				
Nash,	389	10				
New Hanover,	498	2				
Northampton,	453				2	
Onslow,	190	5				
Orange,	916	37				
Pasquotank,	347	19				
Perquimans,	221	84				
Person,	479	3				
Pitt,	297	41			7	13
Polk,	172	173				
Randolph,	566	793				
Richmond,	250	113				
Robeson,	309	69				
Rockingham,	616	4				
Rowan,	592	2	1			
Rutherford	382	648				
Sampson,	465	38				
Stanly,	407	130				
Stokes,	500	216				

VOTE FOR GOVERNOR.—CONTINUED.

COUNTIES.	Worth.	Dockery.	Holden.	Rogers.	Vance.	Scat'ring.
Surry,	474	153				
Transylvania, (see Henderson,						
Tyrrell,	169	2				
Union,	432	51				
Wake,	718	341				
Warren,	383	7				
Washington,	203	175				
Watauga,	282	68				
Wayne,	492	59				
Wilkes,	530	462				
Wilson,	201	70				
Yadkin,	486	459				
Yancey,	333	83	48			
	34,250	10,759				

On motion of Mr. Williams of Martin, a message was sent to the Senate, proposing to vote forthwith for Comptroller.

The Senate concurring, the House voted as follows, under the superintendence of Messrs. Williams, of Martin, and Perry, of Carteret,—the name of Mr. Bain having been withdrawn from the list of nominees:

FOR MR. BROGDEN: Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bright, Bryson, Carson, Clement, Crawford, of Rowan, Foard, Galloway, Garrett, Garriss, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Kelsey, Kendall, Lowe, McArthur, McGougan, McNair, Morton, Murrill, Perry, of Carteret, Reinhardt, Richardson, Rogers, Rosebro' Rountree, Scoggin, Shelton, Simpson, Smith, of Duplin, Stevenson, Trull, Vestal, Williams, of Yancey, Womble and York—47.

FOR MR. COWPER: Messrs. Allen, Bradsher, Clark, Coman, Hutchison, Kenan, Latham, of Craven, Latham, of Washing-

ton, Lee, Lutterloh, Martin, McClammy, McKay, Moore, of Hertford, Neal, Patton, Russ, Sudderth, Walker, Whitfield, Williams, of Martin, and Williams, of Pitt—22.

For Mr. Holderby: Messrs. Bowe, Brown, Crawfo d, of Macon, Davidson, Gambril, Guess, Harper, Hodnett, Houston, McRae, Morehead, Perry of Wake, Smith of Guilford, Stone, Teague, Umstead, Waugh, Whitley and Wilson, of Forsyth—21.

For Mr. Collins: Messrs. Boyd, Chadwick, Dargan, Daniel, Davis, Durham, Farrow, Freeman, Granbery, Judkins, Long, May, Marrissett, Turnbull and Williams, of Harnett—15.

Mr. Holderby voted for Mr. Boyd.

Mr. Williams, from the Committee appointed to superintend the foregoing election, reported that the House vote was 106 and Senate vote 44,—total 150, and necessary to a choice 76; that Mr. Brogdon had received 59, Mr. Cowper 32, Mr. Holderby 27, Mr. Collins 26, Mr. Bain 4, Mr. J. G. Martin 1, and Mr. Boyd 1, and that there was no election. Report concurred in and transmitted to the Senate.

Mr. Horton, of Wilkes, moved to take from the Calendar Bill (H. No. 33,) to extend the time for the collection and return of taxes in certain counties; which motion prevailed.

The amendment of the Committee on Finance was adopted, and the Bill, as amended, passed its second reading.

The rules being suspended and it placed on its third reading,

Mr. Waugh moved to strike out the word "Surry." Carried.

The Bill then passed and was ordered to be engrossed and sent to the Senate.

Mr. Williams, of Martin, moved that a message be sent to the Senate, proposing to vote again forthwith for Comptroller; which motion prevailed.

The Senate concurring, the House voted as follows under the superintendence of Messrs Morehead and Daniel:

For Mr. Brogden: Messrs. Ashworth, Autry, Barden Beasley, Black, Blair. Blythe, Bright, Brown, Bryson, Carson, Clement, Crawford, of Rowan, Everett, Foard, Galloway,

Garrett, Garriss, Godwin, Hinnant, Horton, of Watauga, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Kelsey, Kendall, Long, Lowe, Lutterloh, McArthur, McGougan, McNair, McRae, Morton, Murrill, Perry, of Carteret, Perry, of Wake, Reinhardt, Rogers, Rosebro, Rountree, Scoggin, Shelton, Smith, of Duplin, Stevenson, Teague, Trull, Vestal, Williams, of Yancey, Womble and York—51.

For Mr. Holderby: Messrs. Bowe, Bradsher, Crawford, of Macon, Davidson, Freeman, Gambril, Guess, Harper, Henderson, Hodnett, Horton, of Wilkes, Houston, Morehead, Richardson, Russ, Smith, of Guilford, Stone, Umsted, Waugh, Westmoreland, Whitley, and Wilson, of Forsyth—22.

For Mr. Cowper: Messrs. Allen, Chadwick, Clark, Cowan, Hutchison, Kenan, Latham, of Craven, Latham, of Washington, Lee, Martin, McClammy, McKay, Moore, of Hertford, Neal, Patton, Simpson, Sudderth, Walker, Whitfield, Williams, of Martin, and Williams, of Pitt—21.

For Mr. Collins: Messrs. Boyd, Dargan, Daniel, Davis, Durham, Farrow, Granbery, Jones, Judkins, May, Morrissett, Turnbull and Williams of Harnett—13.

Mr. Holderby voted for Mr. Boyd.

On motion of Mr. Waugh, a message was sent to the Senate, proposing to increase the Committee on Public Buildings and Grounds to five from the House and three from the Senate.

Mr. Waugh moved that the House do now adjourn. Lost.

Mr. Hutchison moved that a message be sent to the Senate, proposing to go, at once, into the election of six Councillors of State; which motion did not prevail.

And then, on motion of Mr. Dargan, the House adjourned until to-morrow morning, 10½ o'clock.

WEDNESDAY, December 5th, 1866.

Thomas Wilson, Commoner elect from the county of Perquimans, appeared, produced his credentials, was qualified and took his seat.

The Speaker announced Messrs. Dargan and Latham, of Washington, as additional members, on the part of the House, of the Joint Select Committee on the Agricultural College.

Mr. Bowe presented a Memorial from citizens of Caswell, in favor of the passage of a Fence Law. Referred to the Committee on Agriculture.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred Bill (H. No. 9,) to exempt Preachers, &c., from working on the Public Roads, reported back a substitute, viz :

Bill (H. No. 103,) "To exempt Justices of the Peace and Ministers of the Gospel from working on the public roads."

Mr. Perry, from the Committee on Claims, reported unfavorably on

Bill (H. P. No. 12,) in favor of Neill McNeill.

Mr. Perry, from the same Committee, to whom was referred Resolution (H. P. No. 10,) in favor of W. S. Mason, reported back a substitute for the same and recommended its passage.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. No. 92,) to incorporate the Hoover Hill Mining Company ;

Bill (H. No. 94) to incorporate Collins' Gold Mining Company ;

Bill (H. No. 95,) to incorporate Sturgis Gold Mining Company ; and

Bill (H. No. 96,) to incorporate Thomas' Gold Mining Company.

Mr. Daniel, from the Committee appointed on yesterday to superintend the election of Comptroller, reported that the House vote was 108 and Senate vote 44,—whole number 152 and necessary to a choice 77 ; that Mr. Brogden had received 65, Mr. Cowper 34, Mr. Holderby 33, Mr. Collins 18, Mr. Bain 1 and Mr. Boyd 1 ; and that there was no election. Which report was concurred in and transmitted to the Senate.

The following Resolutions were offered and respectively adopted, viz :

By Mr. Williams, of Harnett : Resolution instructing the Committee on Adjournment to consider the propriety of ad-

journing at an early day, to meet again on some day after the 15th prox.

By Mr. Horton, of Watauga: Referring so much of the Governor's Message, as relates to Weights and Measures, to a Select Committee of five.

The following Bills, &c., were introduced, and referred, or otherwise disposed of, as stated, viz:

By Mr. Davis: Bill (H. No. 104,) "To amend an Act, 'For the Relief of Landlords,' ratified January 26, 1863, and An Act amendatory of the same, ratified May 28, 1864." Judiciary.

By Mr. Hinnant: Bill (H. No. 105,) "To abolish imprisonment for all debts contracted prior to May 1, 1865." Same reference.

From the Senate: Bill (Sen. No. 7—H. No. 106) To repeal an Ordinance of the Convention." Filed.

From the Senate: Resolution, (S. No. 9—H. No. 107,) "In regard to Confederate Soldiers from North Carolina, detained in Northern prisons." Passed and ordered to be enrolled.

From the Senate: Bill (S. No. 30,—H. No. 108,) "In relation to the County Courts of Hyde." Under a suspension of the rules passed its several readings and ordered to be enrolled.

By Mr. Allen: Bill (H. No. 109,) "To incorporate Pythagoras Lodge, No. —, in the town of Smithville." Corporations.

By Mr. Perry, of Carteret: Bill (H. No. 110,) "To incorporate Franklin Lodge. No. 109, F. and A. M., in the town of Beaufort." Same reference.

Received a message from the Senate, proposing to raise a Joint Committee, of two from each House, to wait upon the Governor elect, and ascertain when it will be convenient for him to appear before the two Houses and take the oaths of office.

Which was concurred in; and Messrs. Love and Moore having been subsequently announced as the Senate branch of the Committee, Messrs. Morehead and Vestal were designated as the Committee on the part of the House.

On motion of Mr. Rogers, a message was sent to the Senate, proposing to vote at once for Comptroller; and, the Senate concurring, the House voted as follows, under the superintendence of Messrs. Kelsey and Davidson:

For Mr. Brogden: Messrs. Ashworth, Barden, Beasley Black, Blair, Blythe, Brown, Bryson, Carson, Clement, Davidson, Everett, Galloway, Garrett, Garriss, Godwin, Harding, Hinnant, Horton, of Watauga, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Kelsey Kendall, Lowe, Lyon, McArthur, McGougan, McNair, Morton, Murrill, Perry, of Carteret, Perry of Wake, Reinhardt, Rogers, Rosebro, Scoggin, Shelton, Smith, of Duplin, Stevenson, Trull, Vestal, Wilson, of Perquimans, Williams, of Yancey, Womble and York—47.

For Mr. Holderby: Messrs. Speaker, Boyd, Bowe, Bradsher, Crawford, of Macon, Foard, Freeman, Gambril, Guess, Harper, Henderson, Hodnett, Houston, Lutterloh, McKay, Morehead, Neal, Russ, Smith, of Guilford, Stone, Umsted, Waugh, Westmoreland, and Wilson, of Forsyth.—24.

For Mr. Cowper: Messrs. Allen, Baker, Clark, Cowan, Hutchison, Kenan, Latham, of Craven, Latham, of Washington, Lee, McClammy, Moore, of Hertford, Patton, Richardson, Simpson, Sudderth, Walker, Whitfield, Williams of Martin, and Williams, of Pitt.—19.

For Mr. Collins: Messrs. Bright, Chadwick, Dargan, Daniel, Davis, Durham, Farrow, Granbery, Jones, Judkins, May, Morrissett, Rountree, Turnbull, and Williams, of Harnett.—15.

Mr. Holderby voted for Mr. Boyd.

Mr. Davidson, from the Committee appointed to superintend the foregoing election, reported that the House vote was 106 and the Senate vote 45,—whole number 151 and necessary to a choice 76; that Mr. Brogden had received 62, Mr. Cowper 37, Mr. Holderby 31, Mr. Collins 19, Mr. Boyd 1 and Mr. Lenoir 1; and that there was no election. Which report was concurred in and transmitted to the Senate.

On motion of Mr. Latham, of Craven, a message was sent to the Senate, proposing to vote again forthwith for Comptroller.

The Senate concurring, the House proceeded to vote as follows, under the superintendence of Messrs. Bright and Clark :

For Mr. Brogden: Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bright, Brown, Carson, Clement, Davidson, Everett, Galloway, Garrett, Garriss, Godwin, Harding, Hinnant, Horton of Watauga, Horton of Wilkes, Jenkins of Granville, Jordan, Kelsey, Kendall, Lowe, Lyon, Lutterloh, McArthur, McGougan, McNair, Morton, Murrill, Perry of Carteret, Perry of Wake, Reinhardt, Rogers, Rosebro, Rountree, Scoggin, Shelton, Simpson, Smith of Duplin, Stevenson, Trull, Vestal, Wilson of Perquimans, Williams of Yancey, Womble and Yor —50.

For Mr. Holderby: Messrs. Speaker, Boyd, Bowe, Bradsher, Cowan, Crawford of Macon, Foard, Freeman, Gambril, Guess, Harper, Henderson, Hodnett, Houston, May, McClanmy, Morehead, Neal, Smith of Guilford, Stone, Teague, Umsted, Waugh, Westmoreland, Whitley and Wilson of Forsyth—26.

For Mr. Cowper: Messrs. Allen, Baker, Clark, Crawford, of Rowan, Daniel, Davis, Kenan, Latham of Craven, Latham, of Washington, Lee, McKay, Moore, of Hertford, Patton, Richardson, Sudderth, Walker, Whitfield, Williams, of Martin, and Williams, of Pitt.—19.

For Mr. Collins: Messrs. Chadwick, Dargan, Durham, Farrow, Granbery, Jones, Judkins, Morrissett, Turnbull and Williams, of Harnett.—10.

Mr. Holderby voted for Mr. Boyd.

Mr. Clark, from the Committee appointed to superintend the foregoing election, reported that the whole number of votes cast was 152,—106 in the House, and 46 in the Senate; that Mr. Brogden had received 69, Mr. Cowper 35, Mr. Holderby 34, Mr. Collins 12, Messrs. Boyd and Lenoir 1 each; and 77 being necessary to a choice, that there was no election. Which report was concurred in and sent to the Senate.

The Calendar of bills on their second reading was then taken up :

Bill (H. No. 2) to enable the Western North Carolina Rail Road Company, to complete its road from the Coalfields in Chatham County, to some point on the North Carolina Rail Road:

Mr. McKay moved to amend the amendment recommended by the Committee on Internal Improvements, by substituting "$100" in lieu of "$500;" which prevailed, and the amended amendment was then adopted.

The bill then passed its second reading.

Bill (H. No. 5) for the relief of the People: Laid on the table, on motion of Mr. Latham, of Washington.

Bill (H. No. 9) to exempt preachers, &c., from working on the public roads:

The substitute, viz: Bill (H. No. 103) to exempt Justices of the Peace, and Ministers of the Gospel, from working on the public roads,—reported from the Committee,—was adopted, when

Mr. Williams, of Harnett, moved to amend the same, by adding, after the words "Ministers of the Gospel," the words "all regular practising Physicians;" which did not prevail.

Mr. Latham, of Washington, moved to amend, by inserting, after the word "Gospel," the words "and all Civil officers of the State;" which did not prevail.

Mr. Richardson moved to amend, by inserting, after the word "Gospel," the words "having pastoral charges."

Mr. Whitfield moved to amend the amendment, by adding, after the words "charges," the words "of regular congregations."

Mr. Dargan moved to lay the Bill on the table; and the motion prevailed.

On motion of Mr. Richardson, a message was sent to the Senate, proposing to go at once into the election of Comptroller, and announcing that the name of William F. Collins was withdrawn from nomination.

The Senate concurred, and announced by message that James R. Love had been placed in nomination in that body.

Whereupon, the House voted as follows, under the superintendence of Messrs. Turnbull and York:

For Mr. Brogden: Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bright, Brown, Carson, Clement, Everett, Farrow, Galloway, Gambril, Garrett, Garriss, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Granville, Jordan, Kendall, Lowe, Lyon, McArthur, McGougan, McNair, Morton, Murrill, Perry, of Carteret, Perry, of Wake, Reinhardt, Rogers, Rosebro, Rountree, Scott, Shelton, Smith, of Duplin, Stevenson, Trull, Vestal, Wilson, of Perquimans, Williams, of Yancey, Womble and York—46.

For Mr. Holderby: Messrs. Speaker, Boyd, Bowe, Bradsher, Chadwick, Dargan, Freeman, Guess, Henderson, Hodnett, Houston, Judkins, May, Morehead, Neal, Patton, Russ, Smith, of Guilford, Stone, Teague, Umsted, Waugh, Westmoreland, Whitley, Wilson, of Forsyth, and Williams, of Harnett—27.

For Mr. Cowper: Messrs. Baker, Clark, Cowan, Crawford of Rowan, Daniel, Davis, Granbery, Jones, Kenan, Latham of Craven, Latham of Washington, Lee, McClammy, McKay, Moore of Hertford, Morrissett, Richardson, Simpson, Sudderth, Turnbull, Walker, Williams of Martin, and Williams of Pitt—23.

For Mr. Love: Messrs. Allen, Bryson, Crawford of Macon, Davidson, Durham, Kelsey and Whitfield—7.

Mr. Holderby voted for Mr. Boyd.

Mr. York, from the Committee appointed to superintend the foregoing election, reported that the House vote was 105 and the Senate vote 44,—total 149 and necessary to a choice 75; that Mr. Brogden received 62, Mr. Cowper 47, Mr. Holderby 33, Mr. Love 15, and Messrs. Bain and Boyd 1 each and that there was no election. Which report was concurred in and transmitted to the Senate.

The consideration of the Calendar was resumed:

Bill (H. No. 11,) to incorporate the Bladen Manufacturing Company: Under a suspension of the rules, passed its several readings and ordered to be engrossed.

Bill (H. No. 12,) to incorporate the Bladen Land Company: Under a suspension of the rules, passed its several readings and ordered to be engrossed.

Bill (H. No. 13,) to repeal an Act "To provide hands to work on the Public Roads," and to re-enact section 40, chapter 101, Revised Code:

The question being on the adoption of the substitute, reported from the Judiciary Committee, viz. Bill (H. No. 81,) to repeal an Act "to provide hands to work on the public roads,"

Mr. Dargan moved to lay the same on the table; which was decided in the negative—Yeas 30, Nays 81.

Mr. Crawford, of Macon, demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker Boyd, Bradsher, Brown, Clement, Cowan, Dargan, Daniel, Davis, Everett, Freeman, Garriss, Hutchison, Jenkins, of Granville, Kelsey Kenan, McClammy, Morton, Murrill, Neal, Reinhardt, Smith, of Duplin, Stone, Turnbull, Walker, Westmoreland, Whitley, Wilson, of Forsyth and Williams, of Martin—30

These who voted in the negative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bowe, Bright, Bryson, Carson, Chadwick, Clark, Crawford, of Macon, Crawford of Rowan, Davidson, Durham, Farrow, Foard, Galloway, Gambril, Garrett, Godwin, Granbery, Guess, Harding, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Gaston, Jones, Jordan, Judkins, Latham, of Washington, Lee, Long, Lowe, Lyon, Lutterloh, May, McArthur, McGougan, McKay, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Morehead, Morrissett, Patton, Perry, of Carteret, Perry, of Wake, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Scott, Shelton, Simpson, Smith, of Guilford, Stevenson, Sudderth, Teague, Trull, Umsted, Vestal, Waugh, Whitfield, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt, Williams, of Yancy, Womble and York—81.

The substitute was then adopted, and the same passed its second reading.

On motion of Mr. Garriss, a message was sent to the Senate, proposing to vote at once for six Councillors of State.

The following additional nominations were made and information thereof transmitted to the Senate, viz :

By Mr. Williams, of Pitt : James Parrott, of Lenoir ; By Mr. Long : D. M. Barringer, of Wake ; By Mr. Rogers: W. H. Hood, of Wake.

The name of D. W. Bagley and Alney Burgin were withdrawn from nomination.

The Senate concurring, the House proceeded to vote as follows, under the superintendence of Messrs. Garris and Russ :

For Mr. Eaton: Messrs. Baker, Blythe, Boyd, Bowe, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Durham, Everett, Farrow, Foard, Gambril, Garriss, Granbery, Guess, Hinnant, Houston, Hutchison, Judkins, Kelsey, Kenan, Kendall, Latham, of Craven, Latham of Washington, Lee, Lowe, Lutterloh, May, McArthur, McClammy, McGougan, McNair, McRae, Moore, of Hertford, Patton, Perry, of Carteret, Reinhardt, Russ, Smith, of Duplin, Stone, Sudderth, Umsted, Walker, Westmoreland, Whitfield, Whitley, Williams, of Pitt and Womble—58.

For Mr. Joyner: Messrs. Speaker, Baker, Bowe, Bright, Brown, Bryson, Clark, Clement, Cowan, Crawford, of Rowan, Dargan, Daniel, Durham, Farrow, Foard, Garriss, Granbery, Henderson, Hodnett, Holderby, Horton, of Watauga, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Jones, Judkins, Kenan, Kendall, Lee, Lowe, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Murrill, Rountree, Scott, Smith, of Duplin, Waugh, Whitfield, Whitley, Williams, of Harnett, Williams, of Martin, Williams, of Pitt, and Womble—48.

For Mr. E. W. Jones: Messrs. Ashworth, Beasley, Blair, Blythe, Bright, Carson, Chadwick, Clement, Crawford, of Macon, Dargan, Everett, Freeman, Galloway, Gambril, Godwin, Granbery, Harding, Harper, Henderson, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Granville, Jones, Kelsey, Latham, of Craven, Lyon, Morehead, Morton, Morrissett, Murrill, Neal, Patton, Perry, of Wake, Rogers, Rosebro, Rountree, Russ, Scott, Shelton,

Smith, of Guilford, Stevenson, Sudderth, Waugh, Westmoreland and York—47.

For Mr. Mebane: Messrs. Speaker, Boyd, Bowe, Bradsher, Clark, Crawford, of Macon, Crawford, of Rowan, Daniel, Davis, Farrow, Garriss, Guess, Hodnett, Holderby, Kendall, Latham, of Washington, Lee, May, McArthur, McRae, Moore, of Hertford, Patton, Reinhardt, Richardson, Russ, Smith, of Guilford, Stone, Sudderth, Umsted, Walker, Wilson, of Perquimans, Williams, of Harnett, and Womble—33.

For Mr. Root: Messrs. Speaker, Allen, Clement, Cowan, Crawford of Rowan, Dargan, Davis, Davidson, Everett, Foard, Galloway, Garris, Granbery, Harper, Judkins, Kenan, Latham of Craven, McArthur, McClammy, McGougan, McNair, Morehead, Morrissett, Perry of Wake, Rogers, Russ, Smith of Guilford, Sudderth and Williams of Pitt—29.

For Mr. Simonton: Messrs. Bright, Carson, Chadwick, Clement, Farrow, Gambril, Granbery, Guess, Harper, Hinnant, Horton of Watauga, Houston, Jenkins of Granville, Latham of Craven, Lee, Lowe, Morton, Neal, Rosebro, Russ, Shelton, Smith of Guilford, Stevenson, Umsted, Vestal, Waugh, Wilson, of Perquimans, Williams of Martin, and Womble—29.

For Mr. Parrott: Messrs. Ashworth, Beasley, Blair, Chadwick, Clark, Everett, Freeman, Galloway, Guess, Harper, Horton of Wilkes, Houston, Kelsey, Lyon, Morton, Murrill, Perry of Wake, Rogers, Rosebro, Rountree, Scott, Smith of Duplin, Smith of Guilford, Stevenson, Vestal, Williams of Pitt and York—27.

For Mr. Poindexter: Messrs. Bowe, Carson, Gambril, Guess, Harding, Henderson, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Jenkins of Granville, Latham of Washington, Lowe, Lutterloh, McKay, Morehead, Neal, Perry of Carteret, Shelton, Teague, Trull, Umsted, Walker, Wilson of Forsyth, and Williams of Harnett—26.

For Mr. Rankin: Messrs. Speaker, Boyd, Carson, Cowan, Daniel, Everett, Freeman, Garriss, Harper, Henderson, Holderby, Houston, Jones, Kelsey, Kenan, Lutterloh, McClammy, McGougan, McKay, Morehead, Perry of Carteret, Rosebro, Shelton, Smith of Guilford, Stevenson—25.

For Mr. Foard: Messrs. Allen, Autry, Barden, Bryson, Cowan, Crawford of Rowan, Dargan, Davidson, Foard, Garriss, Harding, Hutchison, Judkins, Kenan, Latham of Craven Latham of Washington, McClammy, McGougan, Reinhardt Smith of Duplin, Walker, Whitfield, Whitley, Williams of Martin, and Williams of Yancey—35.

For Mr. Martin: Messrs. Allen, Baker, Bradsher, Clark, Clement, Cowan, Gambril, Granbery, Harding, Jones, Judkins, Lutterloh, McKay, McNair, Morrissett, Neal, Perry, of Carteret, Simpson, Stevenson, Sudderth, Walker, Wilson, of Perquimans, Williams, of Harnett, and Williams, of Pitt—24.

For Dr. E. Grissom: Messrs. Ashworth, Beasley, Blair, Blythe, Bright, Carson, Freeman, Galloway, Garrett, Godwin, Hinnant, Horton, of Wilkes, Jenkins, of Granville, Jones, Lyon, Murrill, Rogers, Rountree, Scott, Umsted, Vestal, Williams, of Yancey, and York—23.

For Mr. T. R. Caldwell: Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Freeman, Garrett, Godwin, Hinnant, Honston, Jenkins of Gaston, Jordan, Kelsey, Lyon, Moore, of Chatham, Morrissett, Scoggin, Teague, Wilson, of Forsyth, and Williams, of Yancey—22.

For Mr. McDowell: Messrs. Allen, Autry, Barden, Black, Brown, Davidson, Henderson, Hutchison, Kenan, Kendall, May, McClammy, McGougan, McRae, Moore, of Chatham Moore, of Hertford, Morehead, Richardson, Smith, of Duplin, Trull, Whitfield, and Whitley.—22.

For Mr. Dickson: Messrs. Allen, Autry, Barden, Black, Boyd, Bryson, Daniel, Davis, Davidson, Durham, Everett, Foard, Kelsey, McRae, Moore, of Chatham, Patton, Reinhardt, Richardson, Stone, Whitfield, Williams, of Martin and Williams, of Yancey.—21.

For Mr. Philnips: Messrs. Black, Bradsher, Bright. Freeman, Gambril, Guess, Houston, Latham, of Washington, Lyon, Moore, of Chatham, Morton, Murrill, Neal, Rosebro. Rountree, Scott, Shelton, Stevenson, Umsted and Westmoreland.—20.

For Mr. Jesse Yeates: Messrs. Autry, Beasley, Black, Farrow, Horton, of Watauga, Jones, Lee, Lowe, McKay, McNair, Moore, of Chatham, Moore, of Hertford, Richardson,

Simpson, Waugh, Wilson, of Perquimans, Williams, of Harnett, and Womble—18.

For Mr. Shepherd: Messrs. Bowe, Bradsher, Clark, Daniel, Kendall, Lutterloh, May, McArthur, McKay, McNair, McRae, Moore, of Hertford, Richardson, Simpson, Walker, Westmoreland, and Williams, of Harnett—17.

For Mr. Robert. B. Vance: Messrs. Allen, Boyd, Bryson, Crawford, of Macon, Davidson, Durham, McArthur, Moore, of Hertford, Neal, Patton, Simpson, Wilson, of Perquimans—12.

For Mr. Shober: Messrs. Speaker, Chadwick, Crawford, of Rowan, Foard, Henderson, Holderby, Lowe, Patton, Rosebro, Shelton, Trull and Wilson, of Perquimans.—12.

For Mr. Leak: Messrs. Bryson, Dargan, Durham, Horton, of Wilkes, Judkins, Kendall, May, Morton, Richardson, Trull, and Williams, of Martin.—11.

For Mr. Winston: Messrs. Baker, Bradsher, Davis, Farrow, Latham, of Washington, Lee, Simpson, Stone, Walker, Williams, of Harnett, and Womble.—11.

For Mr. R. P. Dick: Messrs. Ashworth, Beasley, Blair, Garrett, Jenkins, of Gaston, Jordan, Lyon, Scoggin, Teague, Vestal and Wilson, of Forsyth.—11.

For Mr. W. J. Yates: Messrs. Ashworth, Barden, Blair, Brown, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Trull, Waugh and Whitley.—10.

For Mr. Hoke: Messrs. Autry, Barden, Black, Brown, Durham, Moore, of Chatham, Morton, Reinhardt and Trull—9.

For Mr. Barringer: Messrs. Baker, Bowe, Galloway, Hutchison, Perry, of Wake, Reinhardt, Rogers and Stone—8.

For Mr. Hood: Messrs. Crawford, of Macon, Galloway, Godwin, Hinnant, Perry, of Wake, Rogers and York—7.

For Mr. Wadsworth: Messrs. Chadwick, Harding, Harper, Horton, of Wilkes, Latham, of Washington, Russ and Westmoreland—7.

For Mr. Thompson: Messrs. Jenkins, of Gaston, Jordan, Morrissett, Scoggin, Teague, Vestal, and Wilson, of Forsyth—7.

For Mr. Russell: Messrs. Speaker, Davidson, Harding, Horton, of Watauga, Murrill, Rountree and Scott—7.

For Mr. Logan: Messrs. Blythe, Godwin, Jordan, Teague, and Wilson, of Forsyth—5.

For Mr. Bridges: Messrs. Baker, Morehead, Smith, of Duplin, Stone and Whitley—5.

For Mr. Williams: Messrs. Bright, Garrett, Vestal and Waugh—4.

For Mr. Peebles: Messrs. Morrissett, Simpson and Sudderth.

For Mr. Leach: Messrs, Jordan, Teague and Wilson, of Forsyth.

For Mr. J. J. Davis: Messrs. Crawford, of Macon, Perry of Wake, and York.

For Mr. Stone: Messrs. Brown and Perry, of Carteret.

For Mr. W. F. Green: Mr. Davis.

For Mr. Lamb: Messrs. Whitfield and Williams, of Martin.

For Mr. Eldridge: Messrs. Blythe and Godwin.

For Mr. J. D. Williams: Messrs. Bradsher and Lutterloh.

For Mr. Settle: Messrs. Garrett and Scoggin.

For Mr. Thos. Ruffin, Jr.: Mr. Boyd.

For Mr. Henly: Mr. Garrett.

For Mr. R. Don Wilson: Mr. Williams, of Yancey.

For Mr. Dockery: Mr. Jordan.

For Mr. Carter: Mr. Scoggin.

On motion of Mr. Perry, of Carteret, the House then adjourned.

THURSDAY, December 6th, 1866.

Prayer by the Rev. Mr. Hudson, of the Methodist Church.

Leave of absence until Monday next was granted to Messrs. Foard and Wilson, of Forsyth, and until Tuesday next to Mr. Latham, of Craven.

The Speaker announced Messrs. Horton, of Watauga, Walker, Turnbull, May and Guess as the Special Committee

on so much of the Governor's Message as refers to Weights and Measures.

Mr. Long presented a Memorial from citizens of Stanly and Union counties, praying for relief. Referred to the Committee on Propositions and Grievances.

Mr. Russ presented a Memorial from the Colored Deacons of the Baptist Church, in Raleigh, praying the use of part of one of the public lots to erect a Church on. Referred to the Committee on Public Buildings and Grounds.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred a Memorial from the Mayor and Commissioners of the city of Raleigh, reported the same back and asked its reference to the Committee on Internal Improvements; which was ordered accordingly.

Mr. Waugh, from the same Committee, reported favorably on Bill (H. P. No. 13,) in favor of A. J. Adkins and others.

Mr. McKay, from the Committee on the Judiciary, reported unfavorably on

Bill (H. No. 22,) to provide a Freehold Homestead;

Bill (H. No. 8,) to provide a Homestead;

Bill (H. No. 43,) to change the rule of evidence concerning mortgage deeds and for other purposes;

Bill (H. No. 21,) to prevent the sacrifice of Real Estate in certain cases;

Bill (H. No. 87,) to protect Honest Debtors;

Bill (H. No. 40,) to prevent Fraud; and

Bill (H. No. 102,) to abolish Jury Trials in the County Courts of Macon.

Favorably on the following:

Bill (H. No. 101,) to amend section 12, chapter 52, Revised Code;

Bill (H. No. 39,) to amend section 12, chapter 118, Revised Code, entitled "Widows."

And favorably, with amendment of title, on

Bill (H. No. 97,) to give to married women one-third interest in the real estate of their husbands; and

Bill (H. No. 52,) to provide for including the value of stamps in the taxation of costs.

Mr. Garris, from the Committee appointed on yesterday to superintend the election of six Councillors of State, reported that the House vote was 108 and the Senate vote 46.—total 154 and necessary to a choice 78; that Mr. Eaton had received 99, Mr. Joyner 74, Mr. Jones 73, Mr. Mebane 45, Mr. Simonton 39, Mr. Parrott 33, Mr. Shepherd 33, Messrs. Rankin, Phillips and Yeates 32 each, Mr. Root 31, Mr. Martin 30 Messrs. Poindexter and Foard 29 each, Messrs. McDowell Grissom and Caldwell 26 each, Mr. Shober 23, Mr. Dickson 21, Messrs. Vance and Thos. Ruffin, Sr., 20 each, Mr. Leak 19, Mr. Winston 14, Messrs. W. J. Yates and Wadsworth 13 each, Mr. Dick 11, Mr. Hoke 9, Mr. Barringer 8, Messrs. Hood, Thompson, Russell, Logan and N. S. Williams 7 each, Messrs. Bridgers and Peebles 5 each, Messrs. J. T. Leach and Davis 3 each, Messrs. Stowe, Lamb, Eldridge, J. D. Williams, Settle, J. M. Leach, Arendell, W. D. Jones, Cowles and Thos. Wilson 2 each, and Messrs. W. F. Green, T. Ruffin, Jr., R. M. Henry, R. Don. Wilson, Dockery, Carter, Burgin and Bagley 1 each; and that William Eaton, Jr. alone, having received a majority, was duly elected. Which report was concurred in and sent to the Senate.

On motion of Mr. Waugh, the Revenue Bill, accompanying the Public Treasurer's Report, was referred to the Committee on Finance.

The following Resolutions were introduced and disposed of as stated, viz:

By Mr. Davis: Resolution (H. P. R. No. 14,) "In favor of A. S. Merrimon." Claims.

By Mr. Latham, of Craven: Instructing the Military Committee to enquire into the practicability of collecting the remains of North Carolina soldiers, of the late civil war, who died in captivity, and into the expediency of re-interring them in some suitable place or places and marking the spots by appropriate memorials. Adopted.

The following Bills, &c., were introduced, read, referred, or otherwise disposed of, as stated, viz:

From the Senate: Resolution (H. R. No. 111) "Authorizing the Governor to accept the aid proffered by the United States Government." Passed and ordered to be enrolled.

By Mr. Latham, of Washington: Bill (H. No. 112) "To amend section 1, chapter 29, Acts of 1865-'6, relative to Roads, Ferries and Bridges." Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. Bright: Bill (H. No. 113) "To allow persons convicted of crimes and misdemeanors, who are unable to pay the costs, to work them out on the public roads." Judiciary.

By Mr. Durham: Bill (H. No. 114) "To amend section 1, chapter 7, Revised Code." Judiciary.

By Mr. Allen: Bill (H. No. 115) "To incorporate Black Rock Lodge, No. 135, in the county of Brunswick." Corporations.

By Mr. Davis: Bill (H. No. 116) "To amend an Act, entitled 'An Act to prevent wilful trespass on lands and stealing any kind of property therefrom.'" Judiciary.

By Mr. Guess: Bill (H. No. 117) "To extend the jurisdiction of Justices of the Peace, and for other purposes." Special Committee on Relief.

By Mr. Black: Bill (H. No. 118) "To prevent litigation and the ruinous sacrifice of the property of honest debtors." Filed and ordered to be printed.

By Mr. Everett: Bill (H. No. 119) "Concerning Dormant Judgments." Judiciary.

By Mr. Baker: Bill (H. No. 120) "To make valid the sale of the old jail lot by the County Court of Edgecombe, and to secure the title to the purchaser, and to sell and purchase other lands for certain purposes." Propositions and Grievances.

By Mr. Hutchison: Bill (H. No. 121) "To empower the County Court of Mecklenburg to hold extra terms." Filed.

On motion of Mr. Lowe, a message was sent to the Senate, proposing to go forthwith into the election of Comptroller.

Mr. Dargan withdrew the name of Joseph Holderby and nominated Winslow Burgin, of Buncombe.

Mr. Morehead nominated William Cowles, of Yadkin.

Mr. Whitfield withdrew the name of J. R. Love and Mr. Hutchison that of Pulaski Cowper.

The Senate concurring, the House voted as follows, under

the superintendence of Messrs. Lowe and Crawford, of Macon:

For Mr. Burgin: Messrs. Speaker, Allen, Baker, Boyd Bowe, Bradsher, Bryson, Clark, Clement, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Foard, Freeman, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Houston, Hutchison, Jones, Kelsey, Kenan, Latham, of Craven, Latham of Washington, Lee, May, McClammy, McKay, McRae, Morehead, Morrissett, Neal, Patton, Reinhardt, Richardson, Russ, Simpson, Stone, Sudderth, Turnbull, Umsted, Walker, Whitfield, Williams, of Harnett and Williams, of Pitt—54.

For Mr. Brogden: Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bright, Brown, Carson, Everett, Farrow, Galloway, Garris, Godwin, Hinnant, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Kendall, Long, Lowe, Lyon, McArthur, McGougan, McNair, Moore, of Chatham, Morton, Murrill, Perry, of Wake, Rogers, Rosebro, Rountree, Scoggin, Scott, Shelton, Smith, of Duplin, Teague, Trull, Vestal, Westmoreland, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Martin, Williams, of Yancey, Womble and York—47.

For Mr. Cowles: Messrs. Chadwick, Gambril, Horton, of Watauga, Horton, of Wilkes, Lutterloh, Moore, of Hertford, Smith, of Guilford, and Waugh—8.

Mr. Lowe, from the Committee to superintend the foregoing election, reported that the House vote was 110 and Senate vote 48,—total 158, and 80 necessary to a choice; that Mr. Burgin had received 62, Mr. Brogden 60, and Mr. Cowles 36; and that there was no election. Which report was concurred in and sent to the Senate.

The Calendar of Bills on their second reading was then taken up:

Bill (H. No. 8,) providing a Homestead. Rejected.

Bill (H. No. 14) for the relief of the People. On motion of Mr. Latham, of Washington, laid on the table.

Bill (H. No. 15,) concerning working of public roads:

Mr. Durham moved to amend, by adding a section, to the

effect that the provisions of the Bill should only apply to the County of Caswell; which prevailed.

The Bill failed to pass its second reading.

On motion of Mr. Latham, of Craven, a message was sent to the Senate, proposing to vote again for Comptroller.

The Senate concurring, the House voted as follows, under the superintendence of Messrs. Dargan and Durham:

For Mr. Burgin: Messrs. Allen, Baker, Boyd, Bowe, Bradsher, Bryson, Clark, Clement, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Foard, Freeman, Gambril, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Hutchison, Jones, Judkins, Kelsey, Kenan, Latham, of Craven, Latham, of Washington, Lee, May, McClammy, McKay, McRae, Morrisett, Neal, Patton, Reinhardt, Richardson, Simpson, Sudderth, Turnbull, Umsted, Walker, Whitfield, Whitley, Williams, of Harnett and Williams, of Pitt—52.

For Mr. Brogden: Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Brown, Carson, Everett, Farrow, Galloway, Garris, Godwin, Hinnant, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Kendall, Long, Lowe, Lyon, McArthur, McGougan, McNair, Moore, of Chatham, Morton, Murrill, Perry, of Wake, Rogers, Rosebro, Rountree, Scoggin, Scott, Shelton, Teague, Trull, Wilson, of Forsythe, Wilson, of Perquimans, Williams, of Yancey and Womble —41.

For Mr. Cowles: Messrs. Bright, Chadwick, Horton, of Watauga, Horton, of Wilkes, Houston, Lutterloh, Moore, of Hertford, Morehead, Russ, Smith of Duplin, Smith, of Guilford, Stevenson, Stone, Waugh, Westmoreland and York —16.

Mr. Dargan, from the Committee appointed to superintend the foregoing election, reported that the House vote was 109 and the Senate vote 46.—total 155, and necessary to choice 78; that Mr. Burgin had received 62, Mr. Brogden 53 and Mr. Cowles 40; and that there was no election. Which report was concurred in and sent to the Senate.

On motion of Mr. Jenkins, of Gaston, a message was sent to the Senate, proposing to vote again for Comptroller; and,

the Senate concurring, the House voted as follows, under the superintendence of Messrs. Kenan and Lutterloh :

For Mr. Burgin: Messrs. Speaker, Allen, Baker, Boyd, Bowe, Bradsher, Brown, Bryson, Clark, Clement, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Foard, Freeman, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Hutchison, Jones, Kelsey, Kenan, Latham, of Craven, Latham, of Washington, Lee, Lutterloh, May, McClammy, McGougan, McRae, Morehead, Morrissett, Neal, Patton, Reinhardt, Richardson, Russ, Simpson, Stone, Sudderth, Turnbull, Umsted, Walker, Whitfield, Whitley, Williams, of Harnett, and Williams, of Pitt—56.

For Mr. Brogden: Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Everett, Farrow, Galloway Garris, Godwin, Hinnant, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Kendall, Long, Lowe, Lyon, McArthur, McKay, McNair, Moore, of Chatham, Morton, Murrill, Perry, of Wake, Rogers, Rountree, Scoggin, Scott, Shelton, Teague, Trull, Vestal, Westmoreland, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Martin, Williams, of Yancey, and Womble—41.

For Mr. Cowles: Messrs. Bright, Carson, Chadwick, Gambril, Horton, of Watauga, Horton, of Wilkes, Moore, of Hertford, Rosebro, Smith, of Duplin, Smith, of Guilford, Stevenson, Waugh, and York—13.

Mr. Houston voted for Mr. Collins.

Mr. Kenan, from the Committee appointed to superintend the foregoing election, reported that the House vote was 111 and the Senate vote 48,—total 159 and necessary to a choice 80; that Mr. Burgin had received 70, Mr. Brogden 57, Mr. Cowles 31 and Mr. Collins 1; and that there was no election. Which report was concurred in and sent to the Senate.

Bill (H. No. 2) to enable the North Carolina Rail Road Company to complete its road, from the Coalfields in Chatham to some point on the North Carolina Rail Road, was taken up.

And the question being "Shall the Bill pass its third reading?" it was decided in the negative,—Yeas 45, Nays 58.

Mr. Lowe demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Bowe, Bright, Bryson, Crawford, of Macon, Crawford, of Rowan, Dargan, Davis, Davidson, Foard, Garrett, Garris, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Wilkes, Houston, Jordan, Kelsey, Kenan, Kendall, Long, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Chatham, Morehead, Murrill, Neal, Patton, Richardson, Rountree, Scott, Smith, of Duplin, Sudderth, Westmoreland, Williams, of Yaneey and Womble—45.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Barden, Blaek, Blair, Boyd, Bradsher, Brown, Carson, Chadwiek, Clark, Clement, Daniel, Durham, Farrow, Freeman, Galloway, Gambril, Godwin, Gorham, Granbery, Guess, Harding, Horton, of Watauga, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Jones, Latham, of Craven, Latham, of Washington, Lee, Lowe, Lyon, Moore, of Hertford, Morton, Morrissett, Reinhardt, Rogers, Rosebro, Russ, Seoggin, Shelton, Simpson, Stevenson, Stone, Teague, Trull, Turnbull, Umsted, Vestal, Walker, Waugh, Whitfield, Whitley, Wilson, of Forsyth, Williams, of Harnett, Williams, of Yaneey and York—58.

On motion of Mr Dargan, a message was sent to the Senate, proposing to vote again for Comptroller.

Mr. Morehead withdrew the name of Mr. Cowles.

The Senate eoneurring, the House voted as follows, under the superintendence of Messrs. Williams, of Pitt, and Reinhardt:

For Mr. Burgin: Messrs. Speaker, Allen, Baker, Boyd, Bowe, Bradsher, Brown, Bryson, Chadwick, Clark, Clement, Crawford, of Maeon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Foard, Freeman, Gambril, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett. Holderby, Hutchison, Jones, Kelsey, Kenan, Latham, of Craven, Latham, of Washington, Lee, May, McClammy, McKay, McRae, Moore, of Hertford. Morehead, Morrissett, Neal, Patton, Reinhardt, Riehardson, Russ, Simpson, Stone, Sudderth, Turnbull, Umsted, Walker, Waugh, Westmoreland,

Whitfield, Whitley, Williams, of Harnett, Williams, of Martin, and Williams, of Pitt—61.

For Mr. Brogden: Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bright, Carson, Everett, Farrow, Galloway, Garris, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Gaston, Jenkins of Granville, Jordan, Kendall, Lowe, Lyon, McArthur, McGougan, McNair, Moore, of Chatham, Morton, Murrill, Perry, of Wake, Rogers, Rosebro, Rountree, Scoggin, Scott, Shelton, Smith, of Duplin, Smith, of Guilford, Teague, Trull, Vestal, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Yancey, Womble and York.

Mr. Lutterloh voted for Mr. Collins.

Mr. Williams, from the Committee appointed to superintend the foregoing election, reported that the House vote was 109 and Senate vote 48,—total 157 and necessary to a choice 79; that Mr. Burgin had received 89, Mr. Brogden 67 and Mr. Collins 1; and that Mr. Burgin, having received a majority, was duly elected. Which was concurred in and transmitted to the Senate.

On motion of Mr. Jordan, the House then adjourned.

FRIDAY, December 7, 1866.

Prayer by Rev. Dr. Smedes, of the Episcopal Church.

On motion of Mr. Kenan, the use of the Hall, for to-morrow evening, was granted to the Young Men's Christian Association, for the delivery of a Lecture by the Hon. Z. B. Vance.

Mr. Moore, of Hertford, presented the Memorial of John H. Wheeler, of Washington, D. C., asking compensation for services rendered in obtaining the land scrip for North Carolina, donated by the Congress of the United States. Referred to the Committee on Claims.

Mr. McKay, from the Committee on the Judiciary, reported favorably on

Bill (H. No. 6,) to empower the County Courts to levy a tax for repairing roads; and

Bill (H. No. 83.) to amend the charter of the Washington Toll Bridge.

On motion of Mr. McKay, the rules were suspended, and this latter Bill taken up; when

Mr. Williams, of Pitt, moved an amendment; which, being adopted, the Bill passed its several readings and was ordered to be engrossed.

The following Resolutions were offered and disposed of, severally, as stated, viz:

By Mr. Holderby: Proposing to the Senate, by message, to raise a Joint Select Committee, to take into consideration so much of the Governor's message as relates to the office of Comptroller. Adopted.

By Mr. Davis: Instructing the Committee on Agriculture to enquire whether any changes in the laws of North Carolina are necessary to insure a better system of labor, and whether any additional legislation is necessary to perfect the laws against Vagrancy; and that they report by bill or otherwise. Adopted.

By Mr. York: Proposing to the Senate, by message, that on and after Monday next, the two Houses shall hold two sessions daily,—the morning session commencing at 10 o'clock, A. M., and adjourning at 2 o'clock, P. M.; the evening session commencing at 7 o'clock, P. M., and adjourning at 9 o'clock, P. M. Not carried.

The following Bills were introduced and severally referred, as stated:

By Mr. Jenkins, of Granville: Bill (H. No. 122) "To incorporate the Henderson and Western Rail Road Company." Internal Improvements.

By Mr. Rountree: Bill (H. No. 123,) "To place Physicians' services and accounts on an equal dignity with Bonds." Judiciary.

By Mr. Everett: Bill (H. No. 124,) "To regulate and change the fees of County Court Solicitors." Judiciary.

By Mr. Moore, of Hertford: Bill (H. No. 125,) "In aid of the Literary Fund." Special Committee on Relief.

By Mr. Baker: Bill (H. P. No. 15,) "For the relief of Henry Williams." Propositions and Grievances.

By Mr. Jordan: Bill (H. No. 126,) "Concerning Surveyors." Judiciary.

Received a message from the Senate, refusing to concur in the proposition to refer so much of the Governor's Message, as relates to the Comptroller, to a Joint Select Committee.

Also, announcing Messrs. Avery, McLean and Edwards as the additional members of the Senate branch of the Committee on the Agricultural College.

Also, transmitting the Report of the Joint Committee appointed to wait on his Excellency, the Governor, announcing that he had designated Saturday, the fifteenth day of December, as the time for his inauguration.

Also, proposing to refer so much of the Governor's Message, as relates to the Comptroller, to the Committee on Finance. Concurred in.

Also, proposing so to alter the 12th Joint Rule of the House as to place four members of each House on the Committee on Public Buildings and Grounds; which was concurred in, and Mr. Murrill designated as the additional member on the part of the House.

On motion of Mr. Jenkins, of Gaston, a message was sent to the Senate, proposing to go forthwith into the election of five Councillors of State.

Mr. Dargan put in nomination Hon. Thos. S. Ashe, of Anson, Hon. Jesse G. Shepherd, of Cumberland, Hon. R. C. Puryear, of Yadkin, Hon. Thos. Ruffin, of Orange, and Giles Mebane, Esq., of Caswell.

Mr. Moore, of Chatham, nominated the Hon. Abraham Rencher.

Mr. Reinhardt nominated A. Costner, Esq., of Lincoln.

Mr. Allen withdrew the name of Mr. Russell; Mr. Perry, of Carteret, that of Mr. Stowe; Mr. Brown that of Mr. Hoke; Mr. Morehead that of Mr. Rankin: and Mr. Crawford, of Rowan, that of Mr. Foard.

The Senate concurring, the House at once proceeded to vote, under the superintendence of Messrs. Rogers and Jenkins, of Gaston.

Mr. Moore, of Hertford, moved to reconsider the vote by which, on yesterday, Bill (H. No. 2,) to enable the Western N. C. R. R. Co. to complete its road from the Coalfields in Chatham to some point on the N. C. R. R., was lost on its third reading.

The motion prevailed; and the question being "Shall this Bill pass its third reading?" it was decided in the affirmative, and the Bill ordered to be engrossed,—Yeas 64, Nays 40.

Mr. Lyon demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Baker Beasley, Blythe, Boyd, Bowe, Br ght, Brown, Bryson, Chadwick, Cowan, Crawford, of Macon, Crawford of Rowan, Dargan, Davis, Davidson, Durham, Everett, Gambril, Garrett, Garriss, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Houston, Jordan, Kelsey Kenan, Kendall, Long, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Morehead, Murrill, Neal, Patton, Perry, of Carteret, Richardson, Rountree, Scoggin, Scott, Smith of Duplin, Smith of Guilford, Stone, Sudderth, Trull, Westmoreland, Whitley, Williams, of Martin, Williams, of Yancey, and Womble—64.

These who voted in the negative were:

Messrs. Autry, Barden, Black, Bradsher, Carson, Clark, Clement, Farrow, Freeman, Galloway, Gorham, Granbery, Guess, Harding, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Jones, Judkins, Latham, of Washington, Lowe, Lyon, Morton, Morrissett, Perry, of Wake, Reinhardt, Rogers, Rosebro, Russ, Shelton, Stevenson, Teague, Turnbull, Umsted, Walker, Waugh, Williams, of Harnett, Williams, of Pitt, and York—40.

The Calender of Bills on their third reading was taken up:

Bill (H. No. 4,) to amend Section 6, Chapter 48, Revised Code. Passed and ordered to be engrossed.

Bill (H. No. 81,) to repeal an Act, entitled "An Act to provide hands to work on the public roads." Passed and ordered to be engrossed.

Mr. Russ offered the following Resolutions:

Whereas this General Assemby has unmistakable evidence that there are persons in the State, who consider themselves interested in misrepresenting the condition of things, and the state of public sentiment here, with reference to the Federal Government; *and whereas*, it is understood that these misrepresentations are used in Washington city, where the voice of the people of North Carolina cannot be heard; *and whereas*, the silence of this Assembly, representing the whole people of the State, and familiar with their views, may be used to the disparagement of the community: therefore,

Be it Resolved. That the charges of disloyalty, of persecution towards those styling themselves the original Union men, and of the partial administration of justice, are false, and known by those in our midst, who make them, to be without the shadow of foundation.

Resolved, That no better evidence of the law-abiding character of our people can be afforded, than their honorable forbearance towards native citizens, who utter publicly the grossest slanders on the land of their birth, and, for their own selfish ends, would invoke upon a people struggling with adversity, and assiduously devoting themselves to the arts of peace, the stringent measures justified only in cases of actual treason.

Resolved, That this Assembly deems it due to itself, and to the people whom it represents, to record, in this solemn form, its sense of the injustice attempted to be done, by unscrupulous partizans, to a community as devoted to peace and to the cause of law and order and to all their Constitutional obligations, State and Federal, as any in the United States.

Mr. Blair moved to lay the Resolutions on the table, which did not prevail,—Yeas 18, Nays 88.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative, were:

Messrs. Ashworth, Beasley, Black, Blair, Blythe, Garrett, Hinnant, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Lyon, Moore, of Chatham, Morton, Rountree, Scoggin, Teague, Vestal and Williams, of Yancey—18.

Those who voted in the negative were :

Messrs. Allen, Autry, Baker, Barden, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Davis, Davidson, Durham, Everett, Farrow, Freeman, Galloway, Gambril, Garris, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jones, Judkins, Kelsey, Kenan, Kendall, Latham, of Washington, Lee, Long, Lowe, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morrissett, Morehead, Murrill, Neal, Patton, Perry, of Carteret, Perry, of Wake, Reinhardt, Rogers, Rosebro, Russ, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Trull, Turnbull, Umsted, Walker, Waugh, Westmoreland, Whitley, Williams, of Harnett, Williams, of Pitt, Womble and York—88.

Mr. Blair moved the following, as an additional Resolution, viz :

"*Resolved, further,* That it is the opinion of this General Assembly, that the persons who instigated the late war,—the men who fired the Southern mind and inflamed the Southern heart,—are unworthy of the confidence of the people of North Carolina, and should never be allowed to vote or hold office."

Mr. Lyon moved the indefinite postponement of the whole subject; which did not prevail.

Mr. Blair's amendment was then rejected.

Mr. Lyon moved to amend, by adding the words "and Union" after the words "law and order" in the last Resolution; which was carried.

The Resolutions were then adopted and ordered to be transmitted to the Senate,—Yeas 86, Nays 14.

Mr. Davis demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Allen, Autry, Baker, Barden, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Davis, Davidson, Durham, Everett, Freeman, Galloway, Gambril, Garriss, Gorham, Granbery, Guess, Harding,

Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jones, Judkins, Kelsey, Kenan, Kendall, Latham, of Washington, Lee, Long, Lowe, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Morton, Morrissett, Murrill, Neal, Patton, Perry, of Carteret, Perry, of Wake, Reinhardt, Richardson, Rosebro, Russ, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Sudderth, Trull, Turnbull, Umsted, Walker, Waugh, Westmoreland, Whitley, Williams, of Harnett, Williams, of Pitt, Womble and York—85.

Those who voted in the negative were:

Messrs. Ashworth, Beasley, Blair, Blythe, Garrett, Jenkins, of Granville, Jordan, Lyon, Moore, of Chatham, Scoggin, Stevenson, Teague, Vestal, and Williams, of Yancey—14.

On motion of Mr. Lowe, the House then adjourned.

SATURDAY, DECEMBER 8, 1866.

Prayer by the Rev. Dr. Smedes, of the Episcopal Church.

Leave of absence until Tuesday next was granted to Mr. Womble, and until Wednesday next to Mr. Davis.

Mr. Whitfield obtained leave to record his vote in the affirmative upon the Resolutions declaratory of the loyalty of North Carolina, adopted on yesterday.

Mr. Holderby moved that a message be sent to the Senate, proposing to go forthwith into the appointment of magistrates for the various counties of the State; which motion prevailed.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred Resolution (H. No. 70,) in favor of certain maimed soldiers, reported back a substitute for the same, viz:

Bill (H. No. 127,) "To supply artificial arms to disabled soldiers, and for other purposes."

Mr. Waugh, from the same Committee, reported unfavorably on

Bill (H. No. 56,) for the relief of wounded and disabled soldiers.

And favorably on

Bill (H. No. 120,) to make valid the sale of the old jail lot by the County Court of Edgecombe, and to secure title to the purchaser, and to sell and purchase other lands for certain purposes. Under a suspension of the rules, passed its several readings and ordered to be engrossed.

Mr. Rosebro, from the same Committee, to whom was referred so much of the Governor's Message, as relates to artificial limbs, together with the report of the Superintendent of the Artificial Limb Department, reported back, recommending its passage:

Bill (H. No. 128,) "For the relief of disabled Soldiers;" which was placed on file.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. No. 64,) to incorporate Albemarle Swamp Land Company;

Bill (H. No. 109,) to incorporate Pythagoras Lodge, No. 249, in the town of Smithville;

Bill (H. No. 110,) to incorporate Franklin Lodge, No. 109, Free and Accepted Masons, in Beaufort; and

Bill (H. No. 115,) to incorporate Black Rock Lodge, No. 135, in Brunswick.

Mr. Harper, from the Committee on Finance, reported unfavorably on

Bill (H. No. 44,) to authorize Sheriffs and Tax Collectors to grant license to Auctioneers in incorporated towns and cities.

Mr. Perry, of Carteret, from the Committee on Claims, reported unfavorably on

Bill (H. P. No. 11,) i favor of R. F. Armfield.

And favorably on

Resolution (H. P., No. 14.) in lavor of A. S. Merrimon. Under a suspension of the rules, passed its several readings and ordered to be engrossed.

Mr. McClammy, from the Special Committee on the subject of Adjournment, reported a Resolution to the effect that the two Houses should adjourn at 6 o'clock, A. M., on the 24th inst., to meet again on the 8th day of January, at 12 o'clock, M.

Mr. Patton moved to amend by striking out "8th of January" and inserting "28th of December," in lieu thereof.

Mr. McKay moved to amend the amendment by inserting "Wednesday, 19th" in lieu of "24th inst," and "Tuesday after the 3rd Monday in January" in lieu of "January 8th;" which prevailed.

Mr. Blythe moved to amend the amended Resolution by striking out "Tuesday after the 3d Monday in January" and inserting "1st Tuesday in January."

Mr. Patton moved to lay the whole subject on the table; which did not prevail.

The amendment of Mr. Blythe was lost.

Mr. Morehead moved to amend by striking out all after "Wednesday 19th," and inserting "*sine die*;" which did not prevail.

Mr. Crawford, of Macon, moved to amend by inserting in lieu of "Tuesday after 3rd Monday," &c., "1st Tuesday in May;" which did not prevail.

Mr. Cowan moved, as a substitute, that the adjournment shall take place on the 31st inst., and be *sine die*; which did not prevail.

Mr. Horton, of Watauga, moved to strike out "Tuesday aftar the 3rd Monday," &c., and insert "1st Tuesday in Feb urary;" which did not prevail.

Finally, on motion of Mr. Bryson, the matter was re-committed.

Tho Committee, appointed on yesterday to superintend the election of five Councillors of State, reported that the House vote was 105 and the Senate vote 47,—total 152, and necessary to a choice 77; that Mr. Jones had received 77, Mr. Joyner 76, Mr. Mebane 71, Mr. Ashe 69, Mr. Shepherd 65, Mr. Simonton, 37, Mr. Ruffin 35, Mr. Martin 33, Mr. Par ott 29, Mr. Poindexter 24, Mr. Puryear, 23, Mr. Phillips 20, Mr. Caldwell 16, Mr. Grissom 15. Mr. Root and Mr. Dick 12 each,

Mr. McDowell and Mr. J. J. Yeates 10 each, Mr. Winston and Mr. Barringer 9 each, Mr. Vance 8, Messrs. Costner, Wadsworth and Dickson 6 each, Mr. J. D. Williams and Mr. Rencher 5 each, Messrs. Bridgers, W. N. H. Smith, Thomson and Carter 4 each, Messrs. Russell, W. J. Yates, Settle, Leach, Rankin, Winstead and Hood 3 each, Messrs. N. L. Williams, Bragg, Dockery, Dargan, Leak, Cowles, Arendell and Cannon 2 each, and Messrs. Foard, Gaither, Peebles, Venable, Bright, Murrill, Yellowley, A. M. Scales and Howard 1 each, and that Mr. E. W. Jones, of Caldwell, having alone received a majority of the whole number, was duly elected.—Which report was concurred in and transmitted to the Senate.

Received a message from the Senate, concurring in the proposition to go forthwith into the appointment of Justices of the Peace.

Whereupon the list of Counties was called, and the various recommendations submitted, approved and ordered to be sent to the Senate for concurrence.

When the roll of Counties was completed, Mr. Waugh moved to re-consider the action of the House, whereby the recommendations for the county of Randolph had been approved; which was agreed to.

Mr. Waugh moved to strike from the list the name of J. C. Hill.

Mr. Blair demanded the Yeas and Nays thereon, but the demand was not sustained.

The motion to strike out prevailed; and the other recommendations were then approved.

The following resolutions were offered and disposed of as stated, viz:

By Mr. Clark: Instructing the Committee on the subject of Adjournment, to report on Monday next. Adopted.

By Mr. Russ: Resolution, amendatory of the "Resolution in regard to the message of the Governor, and the report of the Public Treasurer," ratified November 24, 1866, including the report of the Comptroller and other reports which can be

printed priar to the meeting of the General Assemby. Passed and ordered to be engrossed.

Received a message from his Excellency the Governor, covering the report of the Board of Internal Improvement; which was ordered to be sent to the Senate, with a proposition to print.

Mr. Bryson moved to take from the Calendar, and consider, Bill, (H. No. 49,) providing for the construction of a bridge across Notla River, in Cherokee County; which did not prevail.

Mr. McRae made a similar motion with reference to Bill (H. No. 21) to charter the South Union Manufacturing Company, of Richmond county; which did not prevail.

On motion of Mr. Bryson, Bill (H. 41,) to amend the charter of the Western North Carolina Rail Road Company, passed in 1854-'5, and amended 1858-'9 and 1860-'1, was made the Special Order for Monday next, at 12 o'clock, M.

On motion of Mr. Durham, Bill (H. 74,) to enable the Wilmington, Charlotte and Rutherford R. R Co., to complete its road, &c., was made the Special Order for Tuesday next, 11 o'clock.

The following Bills were introduced, referred, or otherwise disposed of, as stated, viz:

By Mr. Latham, of Washington: Bill (H. No. 129,) "To amend section 7, chapter 62, Revised Code, entitled 'Justices of the Peace.'" Judiciary.

By Mr. Harper: Bill (H. No. 130,) "Authorizing the Public Treasurer to employ Counsel in certain cases." Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. Cowan: Bill (H. No. 131,) "To amend the 3rd section, 97th chapter, Revised Code, entitled 'Religious Societies.'" Judiciary.

From the Senate: Bill (S. 21—H. 132,) "To amend an Act for the relief of such persons as may suffer from the destruction of the public records, &c." Filed.

From the Senate: Bill (S. 23—H. 133,) "Authorizing a majority of the Justices of the several counties to fix the

rates of Jailor's fees." On motion of Mr. Latham, of Washington, laid on the table.

From the Senate: Bill (S. 48—H. 134,) "To authorize the Dismal Swamp Land Company to issue eight per cent. Coupon Bonds." Under a suspension of the rules, passed its several readings and ordered to be enrolled.

From the Senate: Bill (S. 18—H. 135,) "To authorize certain counties to subscribe to the Capital Stock of the Cheraw and Coal Fields Rail Road Company." Referred to the Committee on Internal Improvements.

Received a message from the Senate, transmitting recommendation of Justices of the Peace for the county of Henderson; which was concurred in and the Senate informed thereof.

Also, a message announcing that they had passed Bill (H. No. 33,) to extend the time for the collection and return of taxes in certain counties, with the following amendment: After the word "Wilkes" insert "and Beaufort;" which was concurred in and the Senate informed thereof.

Received a message from the Senate, announcing that that body had amended the House recommendation of magistrates from Randolph county, by striking out all the names therein, except R. E. Blair, and inserting: A. S. Horney, Micajah Cox, J. M. Odell, William Burney, Richard McKoy, Henry A. Steed, Geo. W. Dorsett.

Mr. Blair moved that the message be laid on the table; which motion did not prevail.

The amended list of the Senate was then concurred in and it informed thereof by message.

On motion of Mr. Dargan, the House then adjourned.

MONDAY, DECEMBER 10, 1866.

The House was called to order at 10½ o'clock, A. M.,—Mr. Kenan in the Chair.

The Speaker announced Messrs. Bryson, Bowe, Bradsher, Bright and Brown as the Committee on Enrolled Bills for the week.

Recommendations of Magistrates for the counties of Wayne, Rowan, Montgomery, Madison, Martin and Onslow were submitted, approved and sent to the Senate for concurrence.

Mr. Granbery presented a Memorial from citizens of Currituck county, praying that Commissioners of Wrecks may be elected by the people; which was referred to the Committee on Private Bills.

Mr. McKay, from the Committee on the Judiciary, to whom was referred a Resolution instructing them to report a Bill to secure landlords their rents, asked to be discharged from the further consideration of the subject; which was so ordered.

Mr. McKay, from the same Committee, reported favorably on

Bill (H. No. 47) concerning the County site of Clay County.

Mr. Cowan, from the Committee on Internal Improvements, to whom was referred a Memorial of the Mayor and Commissioners of the City of Raleigh, reported back a Resolution embodying the prayer of the petitioners, viz:

Resolution (H R. No. 140) "In favor of the City of Raleigh;" which, under a suspension of the rules, passed its several readings and was ordered to be engrossed.

Mr. Cowan, from the same Committee, to whom was referred resolution (H. No. 57) to consider t he Act of 1860, to incorporate the Williamston and Tarboro Rail Road, to be now, and to have been since its passage, in full force and effect, reported bac a substitute for the same, viz:

Bill (H. No. 141) "To re-enact and confirm the Charter of the Williamston and Tarboro' Rail Road Company, and the amendment thereto." Placed on file.

Also, favorably on

Bill (H. 90) to revive and amend the Charter of the Shelby and Broad River Rail Road; and

Favorably, with amendments, on

Bill (H. No. 79) to incorporate the Yanceyville and Milton Rail Road Company.

Mr. McClammy, from the Select Committee on Adjournment, reported the following resolution to the House, recommending its passage, viz:

"*Resolved*, (The Senate concurring,) That this General Assembly do adjourn on Monday, December 24th, at 6 o'clock, A. M.. to meet again at 12, M., Tuesday, January 22d, 1867."

Mr. Hutchison moved to amend by substituting "December 17th" for "December 24th," and it was decided in the negative.

Mr. Patton moved to amend by inserting the words "January 1, 1867" in lieu of "Tuesday, January 22;" which did not prevail.

The Resolution, as reported by the Committee, was then adopted, and sent to the Senate for concurrence.

The following Resolutions were offered and disposed of, severally, as stated, viz:

By Mr. Waugh: Resolution instructing the Judiciary Committee to request the member fromHenderson County to appear before them and furnish the facts on which he rested the allegation of the "persecution of Union men," made in the House a few days since; and that said Committee, in order that a full and fair investigation be made, have power to send for persons and papers; and that they report, at an early day, by bill or otherwise. Adopted.

By Mr. Whitfield: Resolution instructing the Judiciary Committee to enquire and report whether the General Assembly has the power to raise Revenue, by levying a tax upon travellers over the Rail Roads of the State. Adopted.

By Mr. Holderby: Instructing the Judiciary Committee to enquire into the expediency, propriety and constitutionality of enacting a law suspending the sale of property under execution or *venditioni exponas*, for a limited time; and that they report by bill or otherwise. Adopted.

By Mr. Morehead: Instructing the Finance Committee to enquire into the expediency and practicability of issuing Treasury Notes, for the payment of the non-funded interest on the debt of the State, &c. Adopted.

The following Bills were introduced, referred and otherwise disposed of, as stated:

By Mr. Simpson: Bill (H. No. 136,) "To incorporate Centre Hill Lodge, 260, in the County of Chowan." Corporations.

By Mr. Boyd: Bill (H. No. 137,) "To regulate assignments and protect creditors." Referred to the Committee on Propositions and Grievances, and ordered to be printed.

By Mr. Trull: Bill (H. No. 138,) "To pay *tales* Jurors for their services in capital felonies." Propositions and Grievances.

By Mr. Waugh: Bill (H. No. 139,) "To amend section 2, chapter 68, Revised Code." Judiciary.

By Mr. Perry, of Wake: Bill (H. No. 142,) "For the relief of Wards." Judiciary.

By Mr. Dargan: Bill (H. P. No. 16,) "For the relief of the estate of L. O'B. Branch, deceased." Judiciary.

By. Mr. Chadwick: Bill (H. No. 143.) "To convert the debt due the State from the Atlantic and North Carolina Rail Road Company into Capital Stock." Internal Improvements.

From the Senate: Bill (S. P. 2,—H. 144.) "To incorporate Pasquotank Lodge, No. 103, F. and A. M., at Elizabeth City." Filed.

From the Senate: Bill (S. P. 3—H. 145) "To incorporate the Hibernian Society of the City of Wilmington." Filed.

From the Senate: Bill (S. P. 4—H. P. 17) "To incorporate the McLean Fire Engine Company, No. 1, in the town of Fayetteville." Filed.

From the Senate: Resolution (S. —,—H. P. 18) "In favor of W. S. Mason." Filed.

On motion of Mr. Hutchison,

Bill (H. No. 121) to empower the County Courts of Mecklenburg to hold extra terms, was taken up. Passed its several readings, under a suspension of the rules, and ordered to be engrossed.

Mr. May moved to take up and consider Bill (H. No. 118) to prevent litigation and the ruinous sacrifice of the property of honest debtors; which did not prevail.

Mr. Williams, of Martin, moved to take up and consider Bill (H. No. 57) concerning the Williamston and Tarboro' Rail Road; which did not prevail.

The hour having arrived for the consideration of the special order, viz: Bill (H. No. 68) to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes,—being the substitute recommended by the Committee for Bill (H. No. 41) for the same object,—the same was taken up, considered and passed its second reading.

The Calendar was taken up, when

Bill (H. No. 6) to empower the County Courts to levy a tax for repairing roads was, on motion of Mr. Holderby, laid on the table.

Received a message from the Senate, announcing Messrs. Barnes, Willey and Wiggins as the Senate branch of the Committee on Enrolled Bills for the week.

Received a message from his Excellency, the Governor, covering the Report of the Literary Board, and the annual Reports of the North Carolina Rail Road Company, the Atlantic and North Carolina Rail Road Company, the Raleigh and Gaston Rail Road Company, and the Albemarle and Chesapeake Canal Company; which was sent to the Senate, with a proposition to print.

On motion of Mr. Richardson,

A message was sent to the Senate, proposing to vote at once for four Councillors of State, and announcing that Messrs. McDowell, Winston, Wadsworth, Phillips and Dickson had been withdrawn from nomination.

The Senate concurring, the House voted as follows, under the superintendence of Messrs. Morehead and Williams, of Pitt:

For Mr. Joyner: Messrs. Allen, Autry, Baker, Barden, Boyd, Bowe, Bradsher, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford of Macon, Crawford of Rowan, Dargan, Davidson, Durham, Everett, Farrow, Freeman, Galloway, Gambril, Garris, Gorham, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Houston, Hutchison, Jenkins of Granville,

Jones, Kelsey, Kenan, Kendall, Latham of Washington, Lee, Lowe, Lyon, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore of Hertford, Morehead, Morton, Murrill, Neal, Patton, Peebles, Perry of Carteret, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Scott, Shelton, Simpson, Smith of Duplin, Smith of Guilford, Stevenson, Stone, Sudderth, Trull, Turnbull, Umsted, Waugh, Whitfield, Whitley, Williams of Harnett, Williams of Martin, Williams of Pitt, Womble, Woodard and York—88.

For Mr. Mebane: Messrs. Allen, Autry, Baker, Barden, Boyd, Bowe, Bradsher, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford of Macon, Crawford of Rowan, Dargan, Davidson, Durham, Everett, Farrow, Freeman, Galloway, Gambril, Garris, Gorham, Guess, Harding Harper, Henderson, Hodnett, Holderby, Horton of Watauga' Horton of Wilkes, Houston, Hutchison, Jones, Kelsey, Kenan' Kendall, Latham of Washington, Lee, Lowe, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore of Hertford, Morehead, Morton, Murrill, Neal, Patton, Peebles, Perry of Carteret, Richardson, Rogers, Roscbro, Russ, Scoggin, Simpson, Smith of Duplin, Smith of Guilford, Stone, Sudderth, Trull, Turnbull, Umsted, Waugh, Whitfield, Whitley, Williams of Harnett, Williams of Martin, Williams of Pitt, Womble, Woodard and York—81.

For Mr. Ashe: Messrs. Allen, Autry, Baker, Barden, Boyd, Bowe, Bradsher, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford of Macon, Crawford of Rowan Dargan, Davidson, Durham, Everett, Farrow, Freeman, Galloway, Gambril, Garris, Gorham, Granbery, Guess, Harding, Harper, Hodnett, Horton of Watauga, Horton of Wilkes, Houston, Hutchison, Jenkins of Granville, Jones, Kelsey, Kenan, Kendall, Latham of Washington, Lee, Lowe, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore of Hertford, Morehead, Morton, Murrill, Neal, Patton, Peebles, Perry of Carteret, Richardson, Rogers, Russ, Scoggin, Scott, Simpson, Smith of Duplin, Smith of Guilford, Stone, Sudderth, Trull, Turnbull, Umsted, Waugh, Westmoreland, Whitfield, Whitley, Williams of Harnett, Williams of Pitt, Womble, Woodard and York—81.

For Mr. Shepherd: Messrs. Allen, Autry, Baker, Barden, Boyd, Bowe, Bradsher, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan. Crawford, of Macon, Crawford of Rowan, Dargan, Davidson, Durham, Everett, Farrow, Freeman, Galloway, Gambril, Garris, Gorham, Guess. Harding, Harper, Hodnett, Horton, of Watauga, Houston, Hutchison, Jenkins, of Granville, Jones, Kelsey, Kenan, Kendall, Latham, of Washington, Lee, Lowe, Lutterloh, May, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Morton, Murrill, Neal, Patton, Peebles, Perry, of Carteret, Richardson, Rogers, Rosebro, Rountree, Russ, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Sudderth, Trull, Turnbull, Umsted, Waugh, Whitfield, Whitley, Williams, of Harnett, Williams, of Martin, Williams, of Pitt, Womble, Woodard and York—79.

For Mr. Poindexter: Messrs. Black, Henderson, Shelton, Holderby, Stevenson, Teague, Vestal and Westmoreland—8.

For Mr. Grissom: Messrs. Beasley, Garrett, Jenkins, of Granville, Lyon, Rountree and Scott—6.

For Mr. Dick: Messrs. Black, Blair, Jordan, Teague and Vestal—5.

For Mr. Leach: Messrs. Black, Jordan, Teague and Vestal—4.

For Mr. Simonton: Messrs. Horton, of Wilkes, Rosebro, Shelton and Stevenson—4.

For Mr. Thompson: Messrs. Beasley, Blair, Garrett and Jordan—4.

For Mr. N. L. Williams: Messrs. Black, Teague and Vestal—3.

For Mr. Settle: Messrs. Beasley, Blair and Garrett—3.

For Mr. Parrott: Messrs. Rountree and Scott—2.

For Mr. Rankin: Messrs. Shelton and Stevenson—2.

For Mr. Dockery: Messrs. Blair and Jordan—.2

For Mr. Martin: Messrs. Granbery and Scoggin—2.

For Mr. Caldwell: Messrs. Beasley and Garrett—2.

For Mr. Ruffin: Messrs. Holderby and Henderson—2.

For Mr. Root: Mr. Granbery.

For Mr. Lamb: Mr. Williams, of Martin.

For Mr. Dargan: Mr. Westmoreland.

For Mr. Dickson: Mr. Granbery.

For Mr. Puryear: Mr. Westmoreland.

Received a message from the Senate, announcing that they had passed the House Resolution concerning adjournment, with the following amendment:

Strike out all after the words "December 24th, 6 o'clock, A. M.,'' and insert, in lieu of what follows, the words "*sine die;*"

In which they asked the concurrence of the House.

Mr. Black moved to lay the message on the table; which was decided in the negative,—Yeas 36, Nays 61.

Mr. Black demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Barden, Black, Bryson, Chadwick, Cowan, Dargan, Durham, Everett, Galloway, Garris, Granbery, Harper, Horton, of Wilkes, Houston, Jordan, Kelsey, Lyon, Lutterloh, McKay, Neal, Peebles, Perry, of Carteret, Richardson, Rogers, Sudderth, Turnbull, Waugh, Westmoreland, Whitfield, Williams, of Harnett, Williams, of Martin, Williams, of Pitt, Williams, of Yancey and Woodard—36.

Those who voted in the negative were:

Messrs. Ashworth, Baker, Beasley, Blair, Blythe, Boyd, Bowe, Bradsher, Brown, Carson, Clark, Clement, Crawford, of Macon, Crawford, of Rowan, Davidson, Farrow, Freeman, Gambril, Garrett, Godwin, Gorham, Guess, Harding, Henderson, Hodnett, Holderby, Horton, of Watauga, Hutchison, Jenkins, of Granville, Jones, Kendall, Latham, of Washington, Lee, Lowe, May, McArthur, McClammy, McGougan, McNair, McRae, Moore, of Hertford, Morehead, Murrill, Patton, Rosebro, Rountree, Russ, Scoggin, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Trull, Umsted, Vestal, Whitley, Wilson, of Perquimans, Womble and York—61.

The question recurring on concurrence in the amendment of the Senate, it was not agreed to.

On motion of Mr. Moore, of Hertford, a message was sent to the Senate, proposing a Committee of Conference, to consist of two on the part of each House, to consider the disa-

greement between the two Houses upon the subject of adjournment.

On motioh of Mr. Williams, of Martin, the House adjourned.

TUESDAY, DECEMBER 11th, 1866.

Prayer by the Rev. Mr. Hardie of the Presbyterian Church.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

Bill (H. P. No. 15) in favor of Henry Williams.

Mr. McKay, from the Committee on the Judiciary, reported favorably on

Bill (H. No. 116) to amend an Act "to prevent wilful trespasses on lands and stealing any kind of property therefrom;"

Bill (H. No. 54) to amend an Act "to establish work-houses and houses of correction in the several Counties of the State;"

Bill (H. No. 72) in favor of Widows;

Bill (H. No. 104) to amend an Act "for the relief of Landlords," and an Act amendatory of the same; and

Bill (H. No. 131) to amend section 3, chapter 79, Revised Code, entitled "Religious Societies."

And adversely upon

Bill (H. No. 50) to revive the 9th, 10th and 11th sections of an Act "to change the jurisdiction of the Courts," &c., ratified September 11, 1861;

Bill (H. No. 29) to repeal section 2 of an Ordinance of the Convention, "to change jnrisdiction of the Courts," &c;

Bill (H. No. 42) to enable Executors and Administrators to pay the debts of insolvent Testators and Intestates *pro rata;*

Bill (H. No. 98) to repeal section 2, chapter 34, Revised Code;

Bill (H. No. 36) to repeal an Ordinance of the Convention to "change the jurisdiction of the Courts and the rules of pleading therein;" and

Bill (H. No. 79) to facilitate the adjudication and settlement of disputed boundaries.

Mr. McKay, from the same Committee, to whom was referred a Resolution of enquiry upon the subject of the Bastardy laws, reported back, asking to be discharged from its further consideration; which was so ordered.

Mr. Horton, of Watauga, from the Select Committee, to whom was referred so much of the Governor's message as relates to Weights and Measures, asked to be discharged from the further consideration of the subject; which was so ordered.

Mr. Morehead, from the Committee appointed on yesterday to superintend the election of four Councillors of State, reported that the House vote was 99 and the Senate vote 38.—total 137 and necessary to a choice 69; that Mr. Joyner had received 125, Mr. Mebane 119, Mr. Ashe 118, Mr. Shepherd 115, Mr. Poindexter 8, Mr. Grissom 6, Mr. Dick 5, Messrs. Leach, Thompson and Simonton 4 each, Messrs. Settle, Williams, Ruffin and Phillips 3 each, Messrs. Caldwell, Martin, Dockery, Rankin and Parrott 2 each, and Messrs. Root, Dickson, Lamb, Dargan and Puryear 1 each; and that Hons. Thomas S. Ashe and Jesse G. Shepherd, and Messrs. Giles Mebane and Henry Joyner, having received a majority, were duly elected. Which report was concurred in and ordered to be transmitted to the Senate.

Recommendations of magistrates for the Counties of Perquimans and Forsyth were submitted, approved and sent to the Senate for concurrence.

Mr. Russ offered a Resolution (H. P. R. No. 19) "In favor of the Trustees of the Rex Hospital Fund." Referred to the Committee on Finance.

The following Bills were introduced, referred, or otherwise disposed of, as follows:

From the Judiciary Committee: Bill (H. No. 146) "To amend sec. 2, ch. 58, Rev. Code. Filed.

From the Finance Committee: Bill (H. No. 147) "To authorize the Comptroller to employ a Clerk. Filed.

By Mr. Lowe: Bill (H. No. 148) "For the relief of the people." Special Committee on Relief.

By Mr. McRae: Bill (H. No. 149) "To amend an Act, entitled 'An Act to extend the time for perfecting titles to lands,' ratified February 7, 1865." Judiciary.

By Mr. Patton: Bill (H. No. 150) "To change the time of meeting of the General Assembly." Judiciary.

By Mr. Kenan: Bill (H. No. 151) "To change the time of meeting of the General Assembly." Same reference.

Mr. Hutchison, from the majority of the Joint Select Committee, to whom was referred so much of the Governor's message as relates to a Penitentiary, submitted a report in favor thereof, accompanied by a Bill, viz:

Bill (H. No. 152) "To established a Penitentiary;

Which were ordered to be printed.

On motion of Mr. Bryson, Bill (H. No. 49,) prov ding for the construction of a bridge across Not la river in Cherokee county, and for other purposes, was taken up, and, under a suspension of the rules, passed its several readings and was ordered to be engrossed.

Mr. Crawford, of Macon, moved to reconsider the vote by which, on yesterday, Bill (H. No. 6,) to empower the County Courts to levy a tax for repairing roads, failed to pass its 2nd reading; which motion prevailed.

Mr. Holderby moved to amend the Bill by striking out "several counties of the State," and inserting "Counties of New Hanover, Brunswick and Bladen;" which did not prevail.

Mr. Hodnett moved to amend by adding, after "several counties of the State," the words "except Caswell, Rockingham, Hyde, Randolph, Stanly, Perquimans, Henderson and Transylvania."

Mr. Autry moved to lay the Bill on the table; which was decided in the affirmative—Yeas 60, Nays 44.

Mr. Autry demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Bowe, Bradsher, Bright, Brown, Carson, Clark, Clement, Crawford of Rowan, Farrow, Foard, Freeman, Galloway, Garrett, Garris, Godwin, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton of Watauga, Horton

of Wilkes, Jenkins of Granville, Jones, Kelsey, Lowe, Lyon, Lutterloh, May, Martin, Morton, Neal, Perry of Wake, Rogers, Rountree, Russ, Scoggin, Shelton, Smith of Guilford, Stevenson, Stone, Sudderth, Trull, Turnbull, Vestal, Williams of Perquimans, Williams of Martin, Williams of Yancey, Womble and York—60.

Those who voted in the negative were:

Messrs. Allen, Baker, Bryson, Chadwick, Cowan, Crawford of Macon, Dargan, Davidson, Durham, Everett, Gambril, Gorham, Houston, Hutchison, Jordan, Kenan, Kendall, Latham of Washington, Lee, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry of Carteret, Reinhardt, Richardson, Simpson, Smith of Duplin, Teague, Waugh, Westmoreland, Whitfield, Whitley, Wilson of Forsyth, Williams of Harnett, Williams of Pitt, and Woodard—44.

Mr. May moved to take up and consider Bill (H. No. 118,) to prevent litigation and the ruinous sacrifice of the property of honest debtors; which did not prevail.

Mr. Black moved to make the same Bill the Special Order for 12 o'clock, to-morrow; which did not prevail.

Received a message from the Senate, concurring in the House proposition to raise a Joint Committee of Conference on the disagreement between the two Houses in the matter of Adjournment, and announcing Messrs. Covington and Leach as the Senate branch of the Committee.

Whereupon, the Speaker designated Messrs. Moore, of Hertford, and Patton, as the Committee on the part of the House.

The hour having arrived for the consideration of the Special Order, viz:

Bill (H. No. 74,) to enable the Wilmington, Charlotte and Rutherford Rail Road Company to complete its road, pay its debt to the State, and extend the road to the Tennessee line,

The same passed its 2nd reading.

On motion of Mr. Cowan, the rules were suspended and the Bill put upon its 3rd reading.

Mr. Cowan moved to fill the blank in the Bill with the figures "4,000,000;" which motion prevailed.

The Bill then passed its 3rd reading and was ordered to be engrossed,—Yeas 53, Nays 41.

Mr. Lowe demanded the Yeas and Nays.

Those who voted in the affirmative were;

Messrs. Allen, Beasley, Blythe, Bright, Brown, Bryson, Chadwick, Cowan, Crawford, of Macon. Crawford, of Rowan, Dargan, Davidson, Durham, Everett, Foard, Garrett, Garris, Granbery, Harper, Henderson, Hinnant, Holderby, Horton, of Watauga, Houston, Hutchison, Jordan, Kelsey, Kenan, Kendall, Lutterloh, McArthur, McClammy, McGougan, McKay, McNair, McRae, Morehead, Morton, Murrill, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Scoggin, Smith, of Duplin, Trull, Westmoreland, Whitfield, Whitley, Wilson, of Perquimans, Willlams, of Martin and Williams, of Yancey—54.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Barden, Black, Blair, Boyd, Bradsher, Carson, Clark, Clement, Farrow, Gambril, Galloway, Godwin, Gorham, Guess. Harding, Hodnett, Jones, Latham of Washington, Lee, Lowe, May, Martin, Moore, of Hertford, Perry, of Wake, Rountree, Russ, Shelton, Simpson, Smith of Guilford, Stevenson, Teague, Turnbull, Vestal, Waugh, Wilson of Forsyth, Williams of Harnett, Williams, of Pitt, Womble and York—41.

The Calendar of Bills on their third reading was then taken up:

Bill (H. P. No. 2) to incorporate the Newbern Steam Fire Engine Company, No. 1: Passed and ordered to be engrossed,—having been previously amended, on motion of Mr. Perry, of Carteret, by striking out, in section 3, the words "and from payment of poll taxes, whether to the State, County or City."

Bill (H. No. 68) to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes: Mr. Farrow demanded the Yeas and Nays, but the call was not sustained, and the Bill passed and was ordered to be engrossed.

Mr. Cowan moved to re-consider the vote by which this Bill had just passed its final reading, and also moved to lay that motion on the table; which latter motion prevailed.

The Calendar of Bills on their second reading was then taken up and the following dispositions made, viz:

Bill (H. No. 16) for the relief of the people of Chatham: Laid on the table, on motion of Mr. Latham, of Washington.

Bill (H. 17) to amend an Act "To improve the law of evidence:" The substitute reported by the Committee, viz: Bill (H. No. 80) to amend section 2, chapter 43, of an Act, ratified March 12, 1866, "To improve the law of evidence," was adopted and passed its second reading.

On motion of Mr. Latham, of Washington, the rules were suspended, and the Bill passed its third reading and was ordered to be engrossed.

Bill (H. 18) defining property in captured horses and mules: On motion of Mr. Kenan, laid on the table.

Bill (H. 20) to repeal an Act, ratified February 7th, 1866: Passed its second reading, and, on motion of Mr. Williams, of Harnett, the rules being suspended, passed its third reading, and ordered to be engrossed.

Bill (H. No. 21) to charter the South Union Manufacturing Company, of the County of Richmond: Passed second reading, and, on motion of Mr. McRae, the rules being suspended, passed third reading and ordered to be engrossed.

Bill (H. 23) to provide more effectually for the punishment of horse-stealing: On motion of Mr. Waugh, laid on the table.

Bill (H. No. 26) for the benefit of the poor of Bladen County, and for other purposes: Passed second reading, and on motion of Mr. Richardson, the rules being suspended, passed third reading, and ordered to be engrossed.

Bill (H. 57) concerning the Williamston and Tarboro Rail Road: The substitute reported by the Committee, viz: Bill (H. 141) to re-enact and confirm the Charter of the Williamston and Tarboro' Rail Road Company, was adopted and passed its second reading.

On motion of Mr. Williams, of Martin, the rules were suspended, and the bill passed its third reading, and was ordered to be engrossed.

Mr. Bryson moved to re-consider the vote by which H. Bill 74 had passed its third reading, and further to lay that motion on the table; which latter motion prevailed.

Received a message from the Senate, announcing that they had passed Bill (H. 86) to change the time of holding the Courts in the County of Alexander, with an amendment, in which they asked the concurrence of the House. The amendment was concurred in and the Senate informed thereof by message.

Mr. McKay moved to take from the table and consider Bill (H. No. 97,) to give to married women one-third interest in the real estate of their husbands; which motion prevailed.

The amendment of title recommended by the Committee was adopted, and the Bill passed its second reading, when

On motion of Mr. Latham, of Washington, it was ordered to be printed and made the special order for Thursday, 1 o'clock.

On motion of Mr. Perry, of Wake, the House adjourned until to-morrow morning, 10½ o'clock.

WEDNESDAY, December 12th, 1866.

Messrs. Neal and Sudderth asked and obtained permission to record their votes in the affirmative on the final passage of Bill (H. No. 74,) to enable the Wilmington, Charlotte and Rutherford Rail Road Company to complete its Road, &c.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred the Memorial of the Rowan Immigration Society, asked to be discharged from the further consideration of the same; which was so ordered.

Also favorably on

Bill (H. No. 138,) to pay tales Jurors for their services in capital felonies.

Mr. McKay, from the Committee on the Judiciary, reported favorably on

Bill (H. P. No. 16.) for the relief of the estate of L. O'B. Branch;

Bill (H. 126) concerning Surveyors;

Bill (H. 124,) to regulate and change the fees of County Court Solicitors; and

Bill (H. 119.) concerning Dormant Judgments.

And adversely upon

Bill (H. 142,) for the relief of Wards;

Bill (H. 67,) to diminish costs in certain cases;

Bill (H. 24,) to repeal Section 1 of an Ordinance of the late Convention, "to change the time of holding elections in North Carolina;"

Bill (H. 139,) to amend Section 2, Chapter 68, Revised Code;

Bill (H. 123,) to place Physician's services and accounts on an equal dignity with Bonds; and

Bill (H. 37,) for the relief of Executors, Administrators, Guardians, Sheriffs, Constables and Clerks, and other persons.

Mr. McKay, from the same Committee, to whom was referred Bill (H. 28,) to give the Mayor and Commissioners of Williamston the sole authority to issue license to retail spirituous liquors in that town, reported back a substitute for the same, viz:

Bill (H. No. 175,) "To regulate the retailing of spirituous liquors in the town of Williamston;" which was placed on file.

Mr. Patton, from the Committee of Conference upon the subject of Adjournment, reported back a Resolution that the two Houses shall adjourn at 6 o'clock, A. M., on the 24th inst., to re-convene on the 22nd day of January, (Tuesday) at 12 o'clock, M.; which was adopted and sent to the Senate for concurrence.

On motion of Mr. Crawford, of Macon, Bill (H. No. 102,) to abolish Jury trials in the County Court of Macon, was referred to the Committee on Propositions and Grievances.

The following Resolutions were offered and severally disposed of as stated, viz:

By Mr. McNair: Resolution instructing the Committee on the Judiciary to enquire into the expediency of giving the appointment of Inspectors of Flour and Provisions to the Mayor and Aldermen of the city of Wilmington, instead of to the County Court of New Hanover. Adopted.

By Mr. Morton: Resolution instructing the Committee on the Judiciary to investigate the condition of the people of Stanly County, who have suffered greatly by the drought, &c. Adopted.

By Mr. Stone: Resolution instructing the Judiciary Committee to enquire into the expediency of amending section 31, chapter 4, Revised Code, so as to place all criminals, convicted of capital offences and sentenced to die, upon an equal footing as to the right of appeals. Adopted.

By Mr. Houston: Resolution referring so much of the Governor's message, as relates to the Militia, to the Committee on Military Affairs. Adopted.

By Mr. Morton: Resolution (H. P. R. No. 20) "In favor of Jos. Marshall, former Sheriff of Stanly." Referred to the Committee on Private Bills.

By Mr. Woodard: Resolution (H. P. R. No. 21) "In favor of Robert Bynum, of Wilson County." Committee on Deaf, Dumb and Blind.

By Mr. Trull: Resolution (H. R. No. 161) "In favor of the Citizens of Union County." Propositions and Grievances.

The following Bills were introduced, referred, or otherwise disposed of, as stated, viz:

By Mr. Gue s: Bill (H. No. 153) "To incorporate the town of Durham, in the County of Orange." Corporations.

By Mr. Kenan: Bill (H. No. 154) "To amend section 11, chapter 35, Revised Code." Judiciary.

By Mr. Harper: Bill (H. No. 155) "To amend an Act, ratified February 1, 1866, entitled 'An Act to authorize the Secretary of State to employ a Clerk.'" Finance.

By Mr. Henderson: Bill (H. No. 156) entitled "A Homestead Bill." Special Committee on Relief.

From the Senate: Bill (S. 37—H. 158) "To extend the time for the registration of deeds," &c. Indefinitely postponed, on motion of Mr. Latham, of Washington.

From the Senate: Bill (S. 59—H. 159) "To protect the people of Chatham County." On motion of Mr. Horton, of Watauga, the rules were suspended, the bill put upon its several readings, passed and ordered to be enrolled.

By Mr. Baker: Bill (H. 160) "To incorporate the Rocky Mount Manufacturing Company." Corporations.

On motion of Mr. Cowan, Bill (H. 131) to amend section 3, chapter 39, Revised Code, entitled "Religious Societies," was taken up, and, under a suspenoion of the rules, passed its several readings and ordered to be engrossed.

On motion of Mr. Waugh, Bill (H. 139) to amend section 2, chapter 68, Revised Code, was taken up. On motion of Mr. Kenan, the Bill was laid on the table, and

Bill (H. 146) to amend section 2, chapter 58, Revised Code, (reported from the Judiciary Committee,) under a suspension of the rules, passed its several readings and was ordered to be engrossed.

Mr. Whitfield moved to take up the Bill (H. 90) to revise and amend the charter of the Shelby and Broad River Rail Road; which did not prevail.

The Calendar of Bills on their second reading was then taken up, and the following dispositions made, viz:

Bill (H. 24) to repeal section 1. of an Ordinance of the late Convention "to change the time of holding elections in North Carolina:" Laid on the table, on motion of Mr. Patton.

Bill (H. 29) to repeal section 2 of an Ordinance of the Convention "to change the jurisdiction of the Courts and the rules of pleading therein:" On motion of Mr. Whitfield, laid on the table.

Bill (H. 31) to prevent the sacrifice of real estate in certain cases: Laid on the table, on motion of Mr. Kenan.

Bill (H. 32) to amend section 30, chapter 54, Revised Code, entitled "Guardians and Wards:" Passed second reading, and, on motion of Mr. Kenan, the rules being suspended, passed third reading and ordered to be engrossed.

Bill (H. 34) to repeal clauses 1 and 2, Schedule C., Revenue Act. On motion of Mr. Harper, laid on the table.

Bill (H. 35) to declare Roanoke River a sufficient and lawful fence, &c: Passed second reading.

Bill (H. 36) to repeal an Ordinance of the Convention to change the jurisdiction of the Courts and the rules of pleading therein: On motion of Mr. Richardson, laid on the table.

Bill (H. 37) for the relief of Executors, Administrators, Guardians, Sheriffs, Constables, Clerks, and other persons. Rejected.

Bill (H. 38) to authorize the President and Directors of Blount's Creek Manufacturing Company, of Fayetteville, to re-build their Factory: Passed second reading, and, on motion of Mr. McKay, the rules being suspended, passed third reading and ordered to be engrossed.

Bill (H. 39) to amend section 12, chapter 118, Revised Code, entitled Widows: Passed second reading.

Bill (H. 40) to prevent fraud: On motion of Mr. McNair, laid on the table.

Bill (H. 42) to enable Executors and Administrators to pay the debts of insolvent testators and intestates *pro rata*:

Mr. Whitfield moved to lay the Bill upon the table; which was decided in the negative—Yeas 27, Nays 76.

Mr. Granbery demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker, Clark, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Davidson, Foard, Harper, Houston, Jenkins, of Granville, Latham, of Craven, Lutterloh, McGougan, McKay, McNair, Morehead, Murrill, Patton, Perry, of Carteret, Perry, of Wake, Simpson, Sudderth, Whitfield and Williams, of Pitt.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Durham, Farrow, Freeman, Galloway, Gambril, Garret, Garriss, Godwin, Gorham, Granbery, Guess, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Hutchison, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Washington, Lee, Lowe, Lyon, May, Martin, McArthur, McClammy, McRae, Moore, of Hertford, Morton, Neal, Peebles, Reinhardt, Rogers, Rountree, Scoggin, Shelton, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Teague,

Trull, Turnbull, Umsted, Vestal, Walker, Waugh, Westmoreland, Whitley, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Harnett, Williams, of Yancey, Womble, Woodard and York.

Mr. Hutchison offered a subtitute for the Bill; which did not prevail.

Mr. Latham, of Washington, offered an amendment, in the shape of an additional section; pending the consideration of which,

On motion of Mr. Freeman, the Bill was laid on the table.

And then, on motion of Mr. Freeman, the House adjourned.

THURSDAY, DECEMBER 13, 1866.

Mr. Jenkins, of Granville, from the Committee on Education, reported adversely upon

Bill (H. No. 99,) to authorize Administrators to pay for the schooling of minor heirs.

Mr. Harper, from the Committee on Finance, reported favorably on

Bill (H. P. 19,) in favor of the Trustees of the Rex Hospital Fund.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

Bill (H. No. 102,) to abolish Jury trials in the County Court of Macon; and

Bill (H. No. 137,) to regulate assignments and protect creditors.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. No. 153,) to incorporate the town of Durham, in Orange County; and

Bill (H. No. 169) to incorporate the Rocky Mount Manufacturing Company,

And favorably, with amendment of title, on

Bill (H. No. 136,) to incorporate Centre Hill Lodge, No. 260, in Chowan County.

Mr. Harper presented the Report of the Commissioners of the Sinking Fund; which was ordered to be sent to the Senate, with a proposition to print the same.

The following Resolutions were offered, referred, or otherwise disposed of, as follows, viz:

By Mr. Lutterloh: Resolution (H. P. 22,) "In favor of E. P. Tabb & Co." Referred to the Committee on Finance.

By Mr. Boyd: Resolution (H. P. 23,) "Authorizing W. J Murray, Sheriff of Alamance County, to collect arrearages of taxes." Propositions and Grievances.

From the Finance Committee: Resolution (H. No. 162,) "To postpone the valuation of lands in the State." On motion of Mr. Harper, the rules were suspended and the Resolution passed its several readings and was ordered to be engrossed.

By Mr. Beasley: Resolution instructing the Committee on Propositions and Grievances to enquire into the propriety and expediency of passing an Act making it indictable to purchase any article of produce in the night time. Adopted.

By Mr. Durham: Resolution instructing the Committee on Claims to enquire into the necessity of providing for the payment of certain debts and obligations incurred by the State during the late war. Adopted.

The following Bills were introduced, referred, or otherwise disposed of, as stated, viz.

By Mr. Kelsey: Bill (H. 163,) "To amend Section 2 of an "Act to incorporate the town of Marshall." Corporations.

By Mr. Woodard: Bill (H. 164,) "To amend the charter of the town of Wilson." Same reference.

By Mr. Hodnett: Bill (H. 165,) "To prevent and punish unlawful hunting," &c. Judiciary.

By Mr. Blythe: Bill (H. 166,) "To amend 'An Act to incorporate the Greenville and French Broad Company,' passed at the session of 1854–'65." Judiciary.

By Mr. Foard: Bill (H. 167,) "To amend an Act entitled 'The North Carolina Joint Stock Publishing Company.'" Corporations.

Recommendations of magistrates for the Counties of Granville, Robeson, Mecklenburg, Richmond, Transylvania, Madison, Wake, Currituck, Surry, Northampton, Anson and Edgecomb were submitted, approved and sent to the Senate for concurrence.

Received a message from the Senate, proposing to raise a Joint Select Committee to make arrangements for administering the oaths of office to the Governor elect, on Saturday next,—said Committee to consist of two from each House.—Concurred in; and

Messrs. Robins and Moore being subsequently announced as the Senate branch of the Committee, Messrs. Kenan and Morehead were designated as the Committee on the part of the House.

Received a message from the Senate, concurring in the report of the Joint Select Committee of Conference, to adjourn on the 24th inst., and meet again on the 22nd proximo.

On motion of Mr. Waugh, Bill (H. No. 128,) for the relief of disabled soldiers, was taken up, and, the rules being suspended, passed its several readings, and was ordered to be engrossed.

Mr. Waugh moved to take up Bill (S. 21—H. 132,) to amend an act for the relief of such persons as may suffer from the destruction of public records, &c.; which did not prevail.

Mr. Freeman moved to reconsider the vote by which, on yesterday, Bill (H. 42,) to enable Executors and Administrators to pay the debts of insolvent testators and intestates *pro rata*, was laid on the table; which motion did not prevail.

On motion of Mr. Bowe, Bill (H. 77,) to incorporate the Yanceyville and Milton Rail Road Company, was taken up.

The amendments recommended by the Committee were adopted, and, under a suspension of the rules, the Bill passed its several readings and was ordered to be engrossed.

On motion of Mr. Crawford, of Macon, Bill (H. 102,) to abolish Jury trials in the County Court of Macon was taken up; and, the rules being suspended, passed its several readings and was ordered to be engrossed.

On motion of Mr. Baker, Bill (H. 160,) to incorporate the Rocky Mount Manufacturing Company was taken up, and, under a suspension of the rules, passed its reveral readings and was ordered to be engrossed.

Mr. Whitley moved to take up Bill (H. 69,) allowing fees to Justices of the Peace and regulating the same ; which did not prevail.

The Calendar of Bills on their 2nd reading was taken up and the following action taken :

Bill (H. 22,) providing a Homested : On motion of Mr. Scott, laid on the table.

Bill (H. 43,) to change the rule of evidence concerning mortgage-deeds and for other purposes : Laid on the table, on motion of Mr. Crawford, of Macon.

Received a message from the Senate, announcing that that body had adopted the Report of the Joint Select Committee on the Constitutional Amendment, and had passed the Resolution (S. 43—H. 168,) rejecting the proposed amendment to the Constitution of the United States, to be known as the 14th Article thereof,—in which action they asked the concurrence of the House. The same were read and the Resolution placed on file.

The hour having arrived for the consideration of the Special Order, viz : Bill (H. 97,) to give to married women one-third interest in the real estate of their husbands, the same, on motion, was postponed ; and

On motion of Mr. Latham, of Craven, the rule was suspended, and the Resolution, just received from the Senate, rejecting the proposed Constitutional Amendment, put upon its several readings.

The question being, first, under a division, called for by Mr. Russ, on the adoption of the Report of the Committee, the same was adopted—Yeas 88, Nays 15.

Mr. Dargan demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Allen, Autry, Baker, Beasley, Black, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford,of Macon, Crawford, of Rowan, Dargan, Davidson,Durham, Everett, Farrow, Foard,Freeman,

Galloway, Gambril, Garris, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Houston, Hutchison, Jones, Kelsey, Kenan, Kendall, Latham of Craven, Latham, of Washington, Lee, Long, Lowe, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Morehead, Morton, Murrill, Neal, Patton, Perry, of Carteret, Reinhardt, Richardson, Rogers, Russ, Scott, Shelton, Smith of Duplin, Smith of Guilford, Stevenson, Stone, Sudderth, Trull, Turnbull, Umsted, Walker, Waugh, Westmoreland, Whitley, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble, Woodard and York—88.

Those who voted in the negative were:

Messrs. Ashworth, Blair, Blythe, Garrett, Godwin, Hinnant, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Lyon, Rountree, Scoggin, Teague, Vestal and Wilson, of Forsyth.—15.

The Resolution then passed its second reading—Yeas 93, Nays 10.

Mr. Russ demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Baker, Beasley, Black, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Davidson, Durham, Everett, Farrow, Foard, Freeman, Galloway, Gambril, Garris, Godwin, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jenkins, of Granville, Jones, Kelsey, Kenan, Kendall, Latham, of Craven, Latham of Washington, Lee, Long, Lowe, Lyon, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Morehead, Morton, Murrill, Neal, Patton, Perry, of Carteret, Reinhardt, Richardson, Rogers, Rountree, Russ, Scott, Shelton, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Trull, Turnbull, Umsted, Vestal, Walker, Waugh, Westmoreland, Whitley, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble, Woodard and York.

Those who voted in the negative were:

Messrs. Ashworth, Blair, Blythe, Garrett, Hinnant, Jenkins, of Gaston, Jordan, Seoggin, Teague, and Wilson, of Forsyth.

The Resolution then passed its third reading and was ordered to be enrolled.

Received a message from the Senate, proposing to print, for the use of each officer and member of the Legislature, ten copies of the Report of the Committee on the Constitutional Amendment; which was concurred in.

Also, announcing that they had passed the following Resolution,—reported by the Joint Select Comm ttee to make arrangements for administering the oaths to the Governor elect, and asking the concurrenee of the House therein, viz:

Resolved, (The House eoncurring,) That so mueh of the joint order, heretofore adopted by the two Houses, as sets apart Saturday, the 15th inst., to administer the oaths of office to the Governor eleet, be reseinded, and that, instead thereof, said oaths shall be administered on Saturday, the 22d inst., at 12 o'elock, M.

Whieh was eoncurred in.

Received a message from the Governor, transmitting certain eorrespondenee with the military authorities and the President of the United States, relative to a reeent order by Gen. Sickles, eommanding this Department.

On motion of Mr. Cowan, the same was transmitted to the Senate, with a proposition to print, and with a further proposition to send three Commissioners to Washington City to enquire into the alleged neeessity for the order, with a view to remove sueh necessity, if any aetually exists; and, if it be otherwise, to correet the misapprehensions, with regard to the administration of justiee in our State, which led to the supposed neeessity: And that his Excellency, the Governor, be requested to act as the head of this Commission, and to seleet his Associate Commissioners.

Received a message from the Governor, communieating the Annual Report of the Treasurer of the University; which was ordered to be sent to the Senate, with a proposition to print.

And then, on motion, the House adjourned.

FRIDAY, DECEMBER 14TH, 1866.

Prayer by the Rev. Dr. Smedes, of the Episcopal Church.

Messrs. Williams, of Martin, Gorham, Moore, of Hertford, Rosebro and Davis, asked and obtained permission to record their votes in the affirmative on the adoption of the Report of the Committee on the Constitutional Amendment, and the passage of the Joint Resolution rejecting the proposed Amendment to the Constitution of the United States, to be known as Art XIV thereof.

Leave of absence until Monday next was granted to Mr. Barden.

Recommendations of magistrates for the Counties of Martin, Halifax, Orange, Hyde and Craven were submitted, approved and sent to the Senate for concurrence.

Mr. Cowan presented a Memorial from Geo. W. Mordecai, Rufus Barringer and W. A. Caldwell, a Committee on the part of the Stockholders of the North Carolina Rail Road, accompanied by a Bill, viz:

Bill (H. No. 169) "To amend an Act 'To incorporate the North Carolina Rail Road Company.'"

Which was read, and ordered to be referred to the Committee on Internal Improvements and printed.

Mr. Jordan presented a Memorial from citizens of Montgomery County, praying aid to the Cheraw and Coal Fields Rail Road Company, which was referred to the Committee on Propositions and Grievances.

Mr. Kenan, from the Committee on the Judiciary, to whom was referred a Resolution of Enquiry, reported back a Bill, embodying the purpose of the Resolution, viz:

Bill (H. 170) "Concerning appeals in criminal cases."

On motion of Mr. Dargan, the rules were suspended, the bill put upon its several readings, passed and ordered to be engrossed.

Mr. McKay, from the same Committee, reported adversely upon

Bill (H. 150) to change the time of meeting of the General Assembly;

Bill (H. 154) to amend section 11, chapter 35, Revised Code; and

Bill (H. 75) to amend section 52, chapter 60, Revised Code.

And favorably upon

Bill (H. 58) to exempt certain personal property from seizure under execution or attachment, and to provide a Homestead; which was ordered to be printed. And

Bill (H. 149) to amend "An Act to extend the time for perfecting titles to lands."

Mr. McKay, from the same Committee, to whom was referred a Resolution of enquiry relative to the mode of appointment of Flour Inspectors for the port of Wilmington, reported that there was no change necessary, and asked to be discharged from the further consideration of the subject; which was so ordered.

Mr. McClammy, from the Committee on Private Bills, reported favorably on

Bill (H. No. 88) to prohibit citizens of other States from fishing in Currituck Sound; and

Bill (H. P. 20) in favor of Jos. Marshall, former Sheriff of Stanly County.

Mr. Harper, from the Committee on Finance, reported favorably on

Bill (H. 155) to amend an Act, ratified February 1, 1866, entitled "An Act to authorize the Secretary of State to employ a Clerk."

Mr. Hutchison, from the Committee on the Deaf, Dumb and the Blind, reported back

Bill (H. P. 21) in favor of Robt. Bynum, of Wilson—asking to be discharged from its further consideration; which was so ordered.

Mr. Waugh, from the Committee on Propositions and Grievances, reported adversely upon

Bill (H. P. 23) authorizing W. J. Murray, Sheriff of Alamance, to collect arrears of taxes.

Mr. Perry, from the Committee on Claims, to whom was referred the Memorial of Jno. H. Wheeler, praying for compensation for services rendered in procuring the Agricultural Land Scrip, reported back

Resolution (H. P. 25) "In favor of Jno. H. Weeler." Placed on file.

Mr. Perry, from the same Committee, to whom was referred the Memorial of Ro. S. Ledbetter, relative to lost bonds, asked to be discharged from its further consideration; which was so ordered.

Mr. Perry, from the same Committee, to whom was referred a claim of Chas. Kuester, asked to be discharged from its further consideration; which was so ordered.

Mr. Moore, of Hertford, from the Special Committee on Relief, reported to the House

Bill (H. 171) "To alter an Ordinanee to ehange the jurisdietion of the Courts and the rules of pleading therein, adopted by the Convention of North Carolina, June 23, 1866." Placed on file and ordered to be printed.

The following Bills were introdueed, referred, or otherwise disposed of, as stated, viz:

By Mr. Williams, of Martin: Bill (H. 172) "To appoint a Tax Collector for the County of Martin." Referred to the Committee on the Judieiary.

By Mr. Scott: Bill (H. 173) "To abolish imprisonment for debt." Same reference.

By Mr. Allen: Bill (H. 174) "To amend seetion 7, ehapter 40, of the Acts of 1866." Same referenee.

By Mr. Wilson, of Perquimans: Bill (H. P. 24) "To ineorporate Perquimans Male and Female Academy, in Hertford." Corporations.

By Mr. Foard: Bill (H. 175) "To promote the agrieultural interest of the State, and for other purposes." Same referenee.

By Mr. Foard: Bill (H. 176) "To amend the Charter of Plaster Bank and Salt Works Rail Road Company." Internal Improvements.

By Mr. Patton: Bill (H. 177) "To proteet Exeeutors and Administrators." Judiciary.

By Mr. Patton: Bill (H. 178) "To give Buneombe Superior Court exelusive jurisdietion of the Buncombe Turnpike Road." Same referenee.

By Mr. Crawford, of Rowan: Bill (179) "To authorize incorporated towns and cities to establish systems of Public Schools." Referred to the Committee on Education and ordered to be printed.

By Mr. Cowan: Bill (H. 180) "To establish a Criminal Court in the County of New Hanover, to be held in the City of Wilmington." Referred to the Committee on Internal Improvements.

From the Senate: Bill (S. P. 25—H. P. 26) "In favor of K. P. Harriss." Filed.

Received a message from the Senate, announcing that they had passed the following Resolution, and asking the concurrence of House therein, viz:

Resolved, That a certified copy of the Resolution, recommended by the Joint Select Committee on the proposed Amendment to the Constitution of the United States as a 14th Article, which Resolution has been passed by this General Assembly, rejecting and refusing to ratify said Amendment, be transmitted by his Excellency, Gov. Worth, to his Excellency, the President of the United States, and also to the Secretary of State of the United States.

Which was concurred in, and the Senate informed thereof.

Mr. York moved to take up Bill (H. 97) to restore to married women the common law right of Dower,—which motion prevailed. And the Bill being put on its 3d reading,

Mr. Long moved to amend by adding the following to the last section:

"*Provided*, That this Bill shall not affect debts contracted before the passage thereof;"

Which did not prevail.

The Bill then passed and was ordered to be engrossed.

The Calendar of Bills on their 2nd reading was then taken up:

Bill (H. 44,) to authorize Sheriffs and Tax Collectors to grant license to Auctioneers in incorporated towns and cities: Laid on the table, on motion of Mr. Latham, of Washington.

Bill (H. 47,) concerning the county site of Clay county: Passed 2nd reading, and, on motion of Mr. Davidson, the

rules being suspended, passed 3rd reading and ordered to be engrossed.

Mr. Holderby moved to take up and consider Bill (H. 147,) to authorize the Comptroller to employ a Clerk; which motion prevailed.

Mr. Morton moved to lay the Bill on the table; and the question thereon was put and decided in the affirmative,—Yeas 73, Nays 16.

Mr. Blair demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Baker, Beasley, Black, Blair, Blythe, Boyd, Bowe, Bright, Brown, Bryson, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Davis, Durham, Farrow, Galloway, Gambril, Garrett, Garris, Godwin, Gorham, Grankery, Guess, Hinnant, Hodnett, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jenkins of Gaston, Jenkins of Granville, Jordan, Kenan, Latham, of Washington, Lee, Long, Lyon, May, McArthur, McClammy, McGougan, McRae, Morehead, Morton, Murrill, Neal, Richardson, Rogers, Rosebro, Rountree, Scoggin, Scott, Shelton, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Teague, Trull, Vestal, Walker, Waugh, Whitley, Wilson of Forsyth, Williams, of Pitt, Williams, of Yancey, Womble and York—73.

Those who voted in the negative were:

Messrs. Chadwick, Clark, Dargan, Foard, Harper, Henderson, Holderby, Kelsey, Lowe, Lutterloh, Patton, Perry, of Carteret, Russ, Umsted, Westmoreland and Woodard—16.

On motion of Mr. Jordan, the House then adjorned.

SATURDAY, December 15, 1866.

Prayer by the Rev. Mr. Hardie, of the Presbyterian Church.

The use of the Hall, to-morrow, was granted to Eli and Sybil Jones, of the Society of Friends, for the purpose of religious services; and on Monday night to the Young Men's Christian Association for the purpose of a Lecture by Gen. R. E. Colston.

Messrs. Daniel, Peebles and Perry, of Wake, asked and obtained leave to record their votes in the affirmative upon the adoption of the Report of the Committee on Constitutional Amendment and the passage of the Resolution rejecting the proposed Amendment to the Constitution of the United States, to be known as Article XIV thereof.

Recommendations of magistrates for the Counties of Rowan, Mecklenburg, New Hanover, Rutherford, Polk and Nash were submitted, approved and sent to the Senate for concurrence.

On motion of Mr. Peebles, Bill (H. 171,) to alter an Ordinance of the Convention, adopted June 23, 1866, to charge the jurisdiction of the Courts, &c., was made the Special Order for Tuesday next, 18th inst., 12 o'clock.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred a Memorial of the citizens of Union County, praying for relief, reported back a Resolution, and recommended its passage, viz :

Resolution (H. 182) "In favor of the people of Union County."

Mr. Whitley moved to suspend the rules and put the Resolution on its second reading ; which did not prevail, and it was placed on file.

The following Resolutions were offered, and severally disposed of as stated, viz :

By Mr. Latham, of Washington: Directing the Secretary of State to have all the Ordinances of the Convention, passed in 1865,-'66, now in force, printed with the Acts of 1866-'7.— Adopted and sent to the Senate for concurrence.

By Mr. Jenkins, of Gaston : Resolution (H. P. 27,) "In favor of the Sheriff of Gaston." Under a suspension of the rules, the Resolution being placed on its second reading,

Mr. Everett moved so to amend as to include the Sheriff of Wayne in its benefits : which did not prevail.

The resolution then passed its second and third readings and was ordered to be engrossed.

By Mr. Davis : Instructing the Attorney General of the State to enquire into the legality of the tax of three cents per pound, imposed by an act of Congress, upon Cotton, and

that if, in his opinion, the tax be illegal, to take such steps as, in his judgment, may be necessary, to test judicially the legality of said tax. Adopted and sent to the Senate for concurrence.

By Mr. Kenan: Resolution (H. 185,) "In favor of the Adjutant General of the State." Referred to the Committee on Claims.

The following Bills were introduced and referred as stated, viz:

By Mr. Davidson: Bill (H. 181,) "To lay off and establish a new County by the name of Vance." Propositions and Grievances.

By Mr. Baker: Bill (H. P. 28.) "To authorize the Sheriff of Edgecomb County to collect arrearages of taxes due him." Same reference.

By Mr. Waugh: Bill (H. 183,) "To abolish the office of State Geologist." Judiciary.

By Mr. Lyon: Bill (H. 184,) "To repeal Sections 1, 2, 3, 4, 5, 6 and 7 of Chapter 12. Revised Code." Same reference.

From the Senate: Bill (S. P. 27,—H. P. 29,) "To extend the corporate limits of the town of Elizabeth City." Corporations.

The Calendar of Private Bills on their second reading was then taken up, and the following dispositions made:

Bill (H. P. 3,) in favor of R. P. Melvin, late Sheriff of Bladen: On motion of Mr. Waugh, laid on the table.

Bill (H. P. 4,) for the relief of W. H. Perkins, late Tax Collector of Pitt: Laid on the table, on motion of Mr. Kenan.

Bill (H. P. 5,) to authorize the Sheriff of Brunswick to collect arrears of taxes: On motion of Mr. Lowe, laid on the table.

Bill (H. P. 7,) to authorize Jno. A. Long, Sheriff of Richmond County. to collect arrears of taxes: Laid on the table, on motion of Mr. Latham, of Washington.

Bill (H. P. 8,) in favor of Henry B. Norman, late Sheriff of Tyrrell: On motion of Mr. McNair, laid on the table.

Bill (H. P. 10,) in favor of W. S. Mason: Under a suspension of the rules, passed its several readings and ordered to be engrossed.

Bill (H. P. 11) in favor of R. F. Armfield: Rejected.

Bill (H. P. 12) in favor of Neill McNeill: Laid on the table, on motion of Mr. McNair.

Bill (H. P. 13) in favor of A. J. Adkins and others: Passed several readings, under a suspension of the rules, and ordered to be engrossed.

Bill (H. P. 15) for the relief of Henry Williams: Passed several readings, under a suspension of the rules, and ordered to be engrossed.

Bill (S. P. 4—H. P. 17) to incorporate McLean Fire Engine Company, No. 1, in Fayetteville: Under a suspension of the rules, passed its several readings and ordered to be enrolled.

Bill (S. —, —H. P. 18) in favor of W. S. Mason: On motion of Mr. Waugh, laid on the table.

Bill (H. P. 19) in favor of the Trustees of the Rex Hospital Fund: Passed several readings, under a suspension of the rules, and ordered to be engrossed.

Mr. Waugh moved to take up and consider Bill (H. 89) for the relief of Sheriffs and Tax Collectors; which was agreed to.

On motion of Mr. Latham, of Washington, the Bill was laid on the table.

On motion of Mr. Davis,

Bill (H. 94) to incorporate Collins Gold Mining Company;

Bill (H. 95) to incorpate Sturgis Gold Mining Company; and

Bill (H. 96) to incorporate Thomas Gold Mining Company,

Were severally called up, and, under a suspension of the rules, passed their several readings and were ordered to be engrossed.

On motion of Mr. Waugh, Bill (S. 21—H. 132) to amend an Act for the relief of such persons as may suffer from the destruction of public records, &c., was taken up, and, under a suspension of the rules, passed its several readings and was ordered to be enrolled.

On motion of Mr. Hutchison, Bill (H. 155) to amend an Act, ratified February 1, 1861, entitled "An Act to authorize the Secretary of State to employ a Clerk," was taken up; and, the rules being suspended, it passed its several readings and was ordered to be engrossed.

Mr. Richardson moved that the House do now adjourn; which did not prevail.

On motion of Mr. McNa r, the Resolution of enquiry, relative to the appointment of Flour Inspector of the port of Wilmington, was re-committed to the Committee on the Judiciary.

Received a message from the Senate, concurring in the Resolution requesting the Secretary of State to have certain Ordinances of the Convention printed.

Also, concurring in the Resolution requesting the Attorney General to test the legality of the tax on Cotton.

On motion of Mr. Hutchison, Bill (H. 152) to establish a Penitentiary, was made the special order for Monday next, 12 o'clock, M.

On motion of Mr. Horton, of Watauga, the House then adjourned.

MONDAY, DECEMBER 17, 1866.

Prayer by the Rev. Dr. Mason, of the Episcopal Church.

The Speaker announced Messrs. Chadwick, Clark, Clement, Cowan and Carson as the Committee on Enrolled Bills for the week.

Leave of absence for one day was granted to Mr. Turnbull; for the remainder of the session to Mr. Reinhardt; and from and after to-morrow to Messrs. Beasley and Simpson.

Mr. Shelton presented a Memorial from citizens of Davidson county, praying a modification of the Stay Law; which was referred to the Committee on Propositions and Grievances.

Mr. Kenan, from the Committee on the Judiciary, reported favorably, with amendments, on

Bill (H. 180,) to establish a Criminal Court in the county of New Hanover, to be held in the city of Wilmington.

Mr. Allen, from the same Committee, reported favorably on Bill (H. 174,) to amend section 7, chapter 40, Acts of 1866.

Mr. McKay, from the same Committee, reported favorably on Bill (H. 19,) to exempt from taxation the polls and property of disabled soldiers and the property of widows, in certain cases.

Mr. Harper from the Committee on Finance, reported back Bill (H. P. 22,) in favor of E. B. Tabb & Co., asking, for reasons stated, to be discharged from its further consideration; which was so ordered.

Mr. Moore, of Hertford, from the Special Committee on Relief, reported back:

Bill (H. 60,) for the relief of the people;

Bill (H. 125,) in aid of the Literary Fund; and

Bill (H. 156,) entitled "A Homestead Bill,—

Asking to be discharged from their further consideration; which was so ordered.

Unfavorably on:

Bill (H. 117,) to extend the jurisdiction of Justices of the Peace, and for other purposes;

Bill (H. 63,) to raise Revenue;

Bill (H. 148,) for the relief of the People; and

Bill (H. 71,) for the relief of the People.

Mr. Moore, from the same Committee, to whom was referred Bill (H. 91,) to exempt certain articles from execution, reported the same back, recommending the passage of so much as is not already provided for by the Statute law of the State.

Recommendations of magistrates for the county of Lincoln were submitted, approved and sent to the Senate for concurrence.

Received a message from the Senate, announcing Messrs. Brown, Berry and Thornton as their Committee on Enrolled Bills for the week.

Also, communicating a recommendation of magistrates for the county of New Hanover; which was concurred in.

The following Resolutions were offered:

By Mr. Blythe: Instructing the Committee on Education to enquire into the expediency of borrowing a sufficient amount of money to revive the Common Schools of the State. Adopted.

By Mr. Long: Resolution (H. 186,) "In favor of soldiers maimed in the late war." Propositions and Grievances.

The following Bills were introduced, referred, or otherwise disposed of, as stated, viz:

By Mr. Long: Bill (H. 187,) "To provide for the more perfect administration of the criminal law of the State." Judiciary.

By Mr. Daniel: Bill (H. P. 30,) "For the relief of James S. Snow, Sheriff of Halifax county." Propositions and Grievances.

By Mr. Russ: Bill (H. P. 31,) "To change the name of the Carolina Joint Stock Insurance and Trust Company." Under a suspension of the rules, passed its several readings, and ordered to be engrossed.

By Mr. York: Bill (H. 188,) "To amend section 6, chapter 71, Revised Code, entitled "Mills and Millers." Propositions and Grievances.

By Mr. Waugh: Bill (H. 189,) "Concerning a Penitentiary." Select Committee on same subject.

By Mr. Peebles: Bill (190,) "To amend section 4, of an Act of 1858–'9, 'to authorize the Roanoke Navigation Company to discontinue the use of their canal, make sale of their estate,' &c." Filed.

Mr. York moved to re-consider the vote by which Bill (H. P. 11) in favor of R. F. Armfield was lost, on Saturday; which did not prevail.

On motion of Mr. Hutchison, Bill (H. 152) to establish a Penitentiary, which had been made the special order for this day, was postponed and made the special order for the fourth Monday in January, (28th,) at 12 o'clock, M.

Mr. Harper entered a motion to re-consider the action of the House, by which this order had been made.

The Calendar of Bills on their second reading was taken up:

Bill (H. 19) to exempt from taxation the polls and property of disabled soldiers, and the property of widows in certain cases:

Mr. Scoggin moved to amend by inserting in line 5, section 1, line 3, section 2, and line 5, section 3, after word "States," the words "or of the United States;" which did not prevail.

The Bill then passed its second, and, under a suspension of the rules, its third reading, and ordered to be engrossed.

Mr. Hutchison moved to re-consider the vote by which the foregoing Bill had just passed its final reading.

Mr. McNair moved to lay that motion on the table; which did not prevail.

The motion to re-consider was then agreed to; when

Mr. Hutchison moved further to re-consider the vote by which the amendment, offered by Mr. Scoggin, had been rejected; which motion prevailed.

Mr. Morehead moved to amend, by adding, after the words "United States," the words "who do not now draw pensions from the U. S. government."

Mr. Waugh moved to lay the Bill and amendments on the table; which was carried.

Mr. Durham (by leave) offered the following Resolution:

Resolved, That, inasmuch as gentlemen are, or appear to be, deterred from voting on ordinary matters of legislation, through fear of the Federal Government, the Governor be requested to communicate with that Government and ascertain what legislation will please them, and that we proceed to enact such laws, and no other; and that, hereafter, if members shall be at a loss what votes to give, they shall be allowed time to telegraph to Washington City for instruction.

Which, on motion of Mr. Holderby, was laid on the table.

The consideration of the Calendar was resumed:

Bill (H. 54) to amend an "Act to establish work-houses and houses of correction in the several counties of the State," ratified March 2, 1866: On motion of Mr. Kenan, made the special order for 2nd Tuesday of the adjourned session, (29th prox.,) 12 o'clock, M.

Bill (H. 118) to prevent litigation and the ruinous sacrifice of the property of honest debtors:

Mr. Autry moved to amend, by adding, after the word "duty," in line 7, section 4, (printed bill,) the following: "Nor shall the provisions thereof in any manner restrain or modify the existing law of Attachment against the estates or property of those mentioned in section 1, chapter 7, Revised Code."

Mr. Latham, of Washington, moved the reference of the Bill, with the amendment proposed, to the Committee on the Judiciary; which was decided in the affirmative,—Yeas 60, Nays 36.

Mr. Black demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker, Beasley, Blythe, Bradsher, Brown, Bryson, Cowan, Crawford, of Macon, Crawford, of Rowan, Davis, Davidson, Durham, Foard, Galloway, Garrett, Garris, Gorham, Granbery, Guess, Harding, Harper, Hodnett, Hutchison, Jenkins, of Gaston, Jordan, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Lee, Long, Lowe, Martin, McArthur, McClammy, McGougan, McNair, McRae, Moore, of Hertford, Morehead, Patton, Peebles, Perry, of Carteret, Perry, of Wake, Rosebro, Russ, Scoggin, Shelton, Simpson, Smith, of Guilford, Stone, Teague, Umsted, Vestal, Westmoreland, Whitley, Wilson, of Forsyth, and Woodard.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Barden, Black, Blair, Boyd, Bright, Daniel, Everett, Freeman, Gambril, Henderson, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jones, Lyon, May, Morton, Murrill, Neal, Rogers, Rountree, Scott, Smith, of Duplin, Stevenson, Trull, Walker, Waugh, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble, and York.

Bill (H. 50) to revive sections 9, 10 and 11 of an Act to change the jurisdiction of the Courts, &c., ratified September 11, 1861: On motion of Mr. McNair, laid on the table.

Bill (H. 51) allowing fees to Justices of the Peace: The substitute offered by the Committee, viz: Bill (H. 69) allow-

in fees to Justices of the Peace, and regulating the same, was adopted; and, the question being "Shall the same pass its second reading?"

Mr. Holderby moved to lay it on the table; which was decided in the affirmative,—Yeas 57, Nays 44.

Mr. Holderby demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Barden, Beasley, Blair, Boyd, Bowe, Bradsher, Bright, Bryson, Carson, Chadwick, Clark, Clement, Cowan, Crawford of Rowan, Daniel, Davidson, Durham, Farrow, Foard, Freeman, Galloway, Garris, Granbery, Guess, Henderson, Hodnett, Holderby, Jenkins of Granville, Kendall, Latham of Craven, Latham, of Washington, Lee, Long Lowe, Lyon, May, McClammy, Moore of Hertford, Neal, Perry, of Carteret, Rountree, Scott, Shelton, Simpson, Smith, of Guilford, Stone, Teague, Umsted, Walker, Waugh, Westmoreland, Wilson, of Forsyth, Williams of Harnett, Williams, of Yancey, and Womble.

Those who voted in the negative were:

Messrs. Ashworth, Baker, Black, Blythe, Brown, Crawford, of Macon, Gambril, Garrett, Gorham, Harding, Harper, Hinnant, Horton of Wilkes, Houston, Hutchison, Jenkins, of Gaston, Jones, Jordan, Kelsey, Kenan, McArthur, McGougan, McNair, McRae, Morehead, Morton, Murrill, Patton, Peebles, Perry, of Wake, Richardson, Rogers, Rosebro, Russ, Scoggin, Smith, of Duplin, Stevenson, Sudderth, Trull, Vestal, Whitley, Williams, of Pitt, Woodard and York.

Mr. Waugh entered a motion to reconsider the vote by which the foregoing Bill was tabled.

Bill (H. 52) to provide for including the value of stamps in the taxation of costs: Amendment of title, so as to read "Bill taxing all necessary Revenue Stamps in Bills of Costs," recommended by the Committee, adopted; and Bill passed second reading.

Bill (H. 56) for relief of wounded and disabled soldiers: Tabled, on motion of Mr. McNair.

Bill (H. 60) for the relief of the People:

Mr. Latham, of Craven, moved to lay on the table; which did not prevail.

Mr. Lyon moved that the Bill be referred to the Committee on the Judiciary.

Mr. Clark moved that the House adjourn. Not agreed to.

Mr. Scoggin moved that the Bill be indefinitely postponed; which was not carried.

Mr. Lyon's motion was adopted and the reference ordered.

On motion of Mr. Kenan, Bill (H. P. 16) for the relief of the estate of L. O'B. Branch, was taken up, and, under a suspension of the rules, passed its several readings and ordered to be engrossed.

On motion of Mr. Long, Bill (S. P. 25—H. P. 26) in favor of K. P. Harriss, was taken up, and, under a suspension of the rules, passed its several readings and ordered to be enrolled.

Mr. McNair moved to take up and consider Bill (H. 101) to amend section 12, chapter 52, Revised Code; which did not prevail.

On motion of Mr. Latham, of Craven, the House adjourned.

TUESDAY, DECEMBER 18, 1866.

Prayer by the Rev. Mr. Atkinson, of the Presbyterian Church.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred a Memorial from citizens of Stanly County, praying for relief, reported a Bill in furtherance of the prayer of the Petitioners, viz:

Bill (H. 191,) "In favor of the County of Stanly." Placed on file.

Mr. Waugh, from the same Committee, to whom was referred certain Memorials, asking for State aid to the Cheraw and Coal Fields Rail Road Company, reported the same back and asked their reference to the Committee on Internal Improvement; which was so ordered.

Mr. Kenan, from the Committee on the Judiciary, to whom was re-referred a Resolution of enquiry concerning the ap-

pointment of Flour Inspector for Wilmington, reported that no change was necessary and asked to be discharged from the further consideration of the subject; which was ordered accordingly.

Mr. McKay, from the same Committee, reported unfavorably on:

Bill (H. 118,) to prevent litigation and the ruinous sacrifice of the property of honest debtors.

Mr. McClammy, from the Commtttee on Private Bills, to whom was referred a Memorial from citizens of Currituck County, relative to the mode of appointment of Commissioners of Wrecks, reported back a Bill in answer to the prayer of the petitioners, viz:

Bill (H. 192,) "To permit the people of Currituck County to elect Commissioners of Wrecks." Placed on file.

Mr. McNair, from the Committee on Corporations, reported favorably on:

Bill (H. P. 24,) to incorporate Perquimans Male and Female Academy;

Bill (H. 167,) to amend an Act entitled "The North Carolina Joint Stock Publishing Company;" and

Bill (H. 163,) to amend Section 2 of an Act to incorporate the town of Marshall.

Favorably, with an amendment, on

Bill (H. 175,) to promote the agricultural interest of the State, and for other purposes.

Mr. McNair, from the same Committee, reported back Bill (S. P. 27,—H. P. 29,) to extend the corporate limits of the town of Elizabeth city, asking to be discharged from its further consideration; which was so ordered.

Mr. McNair, from the same Committee, to whom was referred Bill (H. 164,) to amend the charter of the town of Wilson, reported back a substitute for the same, viz: Bill (H. 196) with same title, and recommended its passage.

On motion of Mr. Baker, the rules were suspended; and the substitute was adopted, passed its several readings and was ordered to be engrossed.

Mr. Perry, of Carteret, from the Committee on Claims, reported favorably, with an amendment, on

Resolution (H. 185,) in favor of the Adjutant General of the State.

Recommendations of magistrates for the counties of Davidson, Cleveland, Rockingham, Hertford, Wilks, and Northampton were submitted, approved and sent to the Senate for concurrence.

The following resolutions were offered and severally disposed of, as stated, viz :

By Mr. Bradsher: Precluding, for the present week, the presentation of new Bills. Laid over under the rule.

By Mr. Davis : Providing for a Joint Select Committee to examine the books, enquire into alleged abuses and the general management and condition of the North Carolina Rail Road, with power to send for persons and papers. Adopted and transmitted to the Senate for concurrence.

By Mr. Shelton : Instructing the Committee on Finance to enquire into the propriety, justice and necessity of reducing and properly graduating the salaries and fees of public officers. Adopted.

The following Bills were introduced, viz :

By Mr. Black : Bill (H. 193,) "To grant the aid of the State of North Carolina to the Chatham and Coal fields Rail Road Company." Referred to the Committe on Internal Improvements.

By Mr. Lowe : Bill (H. 194,) "To amend an Act, ratified February 27th, 1866, entitled "An Act to regulate Salaries and Fees.' "

On motion of Mr. Lowe, the rules were suspended and the Bill passed its second reading : when

On motion of Mr. Crawford, of Rowan, it was referred to the Committee on Finance.

From the Senate : Bill (S. 44,—H. 197,) "To repeal all Acts heretofore passed in relation to the incorporation of the town of Morganton, and to provide a substitute therefor." Filed.

The hour having arrived for the consideration of the Special order, viz : Bill (H. 171) to alter an Ordinance to change the jurisdiction of the Courts, &c., adopted June 23, 1866,

Mr. McKay offered a substitute therefor, viz :

Bill (H. 195) "To change the jurisdiction of the Courts and the rules of pleading therein;"

Which, on motion of Mr. Houston, was ordered to be printed, and, on further motion of Mr. Richardson, the original Bill and the substitute were referred to the Committee on the Judiciary.

On motion of Mr. Kelsey, Bill (H. 163) to amend section 2 of an Act to incorporate the town of Marshall, was taken up, and, under a suspension of the rules, it passed its several readings and was ordered to be engrossed.

On motion of Mr. Richardson, Bill (H. 58) to exempt certain personal property from seizure under execution or attachment, and to provide a Homestead, was made the Special order for to-morrow morning, 11½ o'clock.

On motion of Mr. Jones, Bill (S. P. 27—H. P. 29) to extend the corporate limits of the town of Elizabeth City, was taken up and considered. Laid on the table, on motion of Mr. Latham, of Washington.

Mr. Trull moved to take up and consider Bill (H. 161) in favor ofthe citizens of Union county; which did not prevail.

Mr. Peebles moved to take up and consider Bill (H. 190) to amend section 4 of an Act of 1858–'9 to authorize the Roanoke Navigation Company to discontinue the use of their Canal, &c., which was not agreed to.

Received a message from the Senate, refusing to concur in the Resolution authorizing a Committee of Investigation into the affairs of the North Carolina Rail Road Company.

The Calendar of Bills on their second reading was taken up:

Bill (H. 55) to amend the charter of the Oceanic Hook and Ladder Company, of the town of Beaufort: Under a suspension of the rules, passed its several readings and ordered to be engrossed.

Bill (H. 63) to raise Revenue: Laid on the table, on motion of Mr. Latham, of Washington.

Mr. Waugh called up his motion, entered on yesterday, to re-consider the vote by which Bill (H. 69) allowing fees to Justices of the Peace, and regulating the same, was tabled.

Mr. Durham moved to lay the motion on the table; which not prevail.

The motion to re-consider prevailed; when

Mr. Durham moved to lay the Bill on the table.

Mr. Baker moved that the House adjourn. Not agreed to.

The motion to lay on the table was negatived,—Yeas 37, Nays 62.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative, were:

Messrs. Allen, Autry, Barden, Boyd, Bowe, Bradsher, Bryson, Clark, Clement, Cowan, Durham, Farrow, Galloway, Granbery, Hodnett, Horton, of Watauga, Horton of Wilkes, Jenkins, of Granville, Latham of Craven, Latham, of Washington, Lee, Long, Lowe, Lyon, May, Martin, McClammy, Neal, Perry, of Carteret, Scott, Shelton, Smith of Guilford, Stone, Walker, Westmoreland, Womble, and Woodard—37.

Those who voted in the negative, were:

Messrs. Ashworth, Baker, Black, Blair, Blythe, Brown, Carson, Chadwick, Crawford, of Macon, Crawford, of Rowan, Davis, Davidson, Everett, Gambril, Garrett, Garris, Godwin, Gorham, Guess, Harper, Henderson, Hinnant, Holderby, Houston, Hutchison, Jenkins, of Gaston, Jones, Jordan, Kenan, Kelsey, Kendall, McArthur, McGougan, McNair, McRae, Moore, of Hertford, Morehead, Morton, Murrill, Patton, Peebles, Perry, of Wake, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Smith, of Duplin, Stevenson, Sudderth, Teague, Trull, Umsted, Vestal, Waugh, Whitley, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Harnett, Williams, of Yancey, and York—62.

Mr. Stone moved that the House do now adjourn. Lost.

Mr. Durham moved to indefinitely postpone the Bill; which did not prevail.

Mr. Durham moved to postpone to Jan'y 1, 1990; which was not agreed to.

Mr. Crawford, of Rowan, moved that the House adjourn; which did not prevail.

Mr. Perry, of Carteret, offered a substitute for the Bill.

Mr. Holderby moved to lay the same on the table; which motion did not prevail.

The substitute was then rejected; whereupon the Bill passed its 2nd reading.

Mr. Richardson moved that the rules be suspended, in order to place the Bill upon the 3rd reading.

Mr. Durham moved that the House adjourn; which was not agreed to.

Mr. Lyon moved to lay on the table the motion to suspend the rules; which did not prevail.

Mr. Lyon moved that the House adjourn; which was not agreed to.

The motion to suspend the rules was then voted down.

And, on motion of Mr. Crawford, of Rowan, the House then adjourned.

WEDNESDAY, DECEMBER 19, 1866.

Prayer by the Rev. Mr. Atkinson, of the Presbyterian Church.

Leave of absence, from and after to-day, was granted to Messrs. Clark, Woodard, Freeman and Kendall, and from and after Friday to Mr. McRae.

The Speaker presented a Communication from the Hon. M. E. Manly, accepting the office of United States Senator from North Carolina, to which he was elected, in Joint Convention of the two Houses, on the Wednesday of the second week of the present session; which was ordered to be transmitted to the Senate.

Mr. Kenan, from the Committee on the Judiciary, reported adversely on

Bill (H. 165,) to prevent and punish unlawful hunting, &c.

And favorably on

Bill (H. 178,) to give Buncombe Superior Court exclusive jurisdiction of the Western Turnpike Company.

Mr. Cowan, from the Committee on Internal Improvements, reported favorably on

Bill (H. 176,) to amend the charter of the Plaster Bank and Salt Works Rail Road Company; and

Bill (S. 18—H. 135,) to authorize certain counties to subscribe to the Capital Stock of the Cheraw and Coalfields Rail Road Company.

Mr. Harper, from the Committee on Finance, reported back, recommending its passage, the Bill drawn up by the Public Treasurer, in obedience to Act of Assembly, viz:

Bill (H. 198,) "To raise Revenue;" which was placed on file and ordered to be printed.

Mr. Harper, from the same Committee, reported back, recommending its passage, a Bill accompanying the foregoing, viz:

Bill (H. 199,) "To regulate taxation by the County Courts;" which was placed on file.

Mr. Harper, from the same Committee, reported favorably on

Bill (H. 48,) to repeal chapter 12, Acts of 1861, and chapter 11, Acts of 1862, relative to the power of County Courts, and for other purposes.

Mr. Waugh, from the Committee on Propositions and Grievances, reported adversely on

Bill (H. P. 30,) for the relief of James S. Snow, Sheriff of Halifax.

And favorably on

Bill (H. 186,) in favor of soldiers maimed in the late war.

Mr. Bowe, from the Committee on Education, reported favorably on

Bill (H. 179,) to authorize incorporated towns and cities to establish systems of Public Schools.

Mr. Morehead, from the Committee on the Judiciary, reported unfavorably on

Bill (H. 177,) to protect Executors and Administrators; and

Bill (H. 187,) for the more perfect administration of the criminal laws of the State.

Mr. McKay, from the Committee on the Judiciary, to whom was referred Bill (H. 171,) to alter the Ordinance of June 23, 1866, "to change the jurisdiction of the Courts," &c., and Bill (H. 195,) to change the jurisdiction of the Courts, &c., reported back a substitute for the same, viz:

Bill (H. 203,) "To change the jurisdiction of the Courts and the rules of pleading therein;" which was adopted, ordered to be printed, and its further consideration postponed until Friday, 21st inst., 12 o'clock, M.

The following Resolutions were offered and severally disposed of as stated, viz:

By Mr. Rosebro: Providing for a Committee of three skilful or medical men to investigate complaints against the Artificial Limb Department. Adopted.

By Mr. Long: Resolution (H. P. 32,) "In favor of Samuel Eagle." Filed.

By Mr. McRae: Resolution (H. P. 33,) "In favor of the Sheriff of Richmond." Under a suspension of the rules, passed its several readings and ordered to be engrossed.

The following Bills were introduced:

By Mr. Hutchison: Bill (H. 201,) "To allow fees to the Justices of the Peace in Mecklenburg county, and to increase the fees of Constables in said county." Filed.

By Mr. Cowan: Bill (H. 202,) "To incorporate the Chamber of Commerce of the city of Wilmington." Referred to the Committee on Corporations.

From the Senate: Bill (S. 84—H. 200,) "To transfer the land scrip donated by the United States for an Agricultural College." Placed on file.

The resolution, introduced on yesterday, precluding the consideration of new Bills for the remainder of the present session, was, on motion of Mr. Kenan, laid on the table.

The consideration of the Special Order, viz: Bill (H. 58,) to exempt certain personal property from seizure under execution or attachment and to provide a Homestead, was taken up.

The Bill passed its 2nd reading, when

Mr. Trull moved that the rules be suspended, in order to place the same on its 3rd reading; which motion prevailed.

Mr. Peebles moved to postpone the Bill and make it the Special Order for the first Thursday (January 24th) of the adjourned session; which was carried.

Mr. Davis moved to reconsider the vote by which the House had just decided to postpone the consideration of the foregoing Bill.

Mr. Waugh moved to lay that motion on the table. Lost.

The motion to reconsider prevailed.

Mr. Durham moved to amend, by striking out, in line 3. section 2, the words "and having a family;" which prevailed.

Mr. Durham moved further to amend by adding the following, as an additional section:

"SEC. 7. *Be it further enacted*, That this act shall not affect the rights of dower of those entitled thereto."

Which prevailed; and the Bill then passed its 3rd reading, as amended,—Yeas 67, Nays 29.

Mr. Martin demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Barden, Blair, Blythe, Bowe, Bradsher, Bryson, Chadwick, Cowan, Crawford of Macon, Crawford of Rowan, Daniel, Davis, Davidson, Durham, Everett, Farrow, Foard, Freeman, Galloway, Garrett, Garriss, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby Houston, Hutchison, Jones, Jordan, Kelsey, Kenan, Kendall, Latham of Craven, Lee, May, Martin, McClammy, McGougan, Moore of Hertford, Morton, Murrill, Neal, Patton, Peebles, Perry of Carteret, Richardson, Rogers, Rountree, Russ, Scott, Smith of Duplin, Stevenson, Sudderth, Trull, Turnbull, Walker, Waugh, Whitley, Williams of Harnett, Williams of Yancey, and Womble—67.

Those who voted in the negative were:

Messrs. Ashworth. Baker, Boyd, Brown, Carson, Clement, Gambril, Hinnant, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Lowe, Lyon, McArthur, McNair, McRae, Morehead, Perry of Wake, Rosebro, Scoggin, Shelton, Smith of Guilford, Stone, Teague, Umsted, Vestal, Westmoreland, Wilson of Forsyth, and York—29.

Mr. Cowan (by leave) offered the following Resolutions, which, on his motion, were made the special order for Monday, January 28, 1867, and ordered to be printed, viz:

"*Resolved*, That the Committee on Finance be instructed to report a Bill, or Bills, providing as follows:

I. For funding the interest of the public debt accruing on the 1st day of January, 1867, and prior thereto.

II. To authorize and instruct the Public Treasurer to borrow money, by issuing bonds, or otherwise, to pay the interest of the public debt, maturing on the 1st days of April, July and October, 1867.

III. To provide, by taxation, for the payment of the interest of the Public debt, maturing on the 1st day of January, 1868, and subsequent thereto."

On motion of Mr. Kenan, the rules were suspended, and Bill (S. 44—H. 197) to repeal all acts heretofore passed in relation to the incorporation of the town of Morganton, and to provide a substitute therefor, was taken up, passed its several readings and ordered to be enrolled.

On motion of Mr. Daniel, Bill (H. P. 30) in favor of Jas. S. Snow, Sheriff of Halifax County, was taken up, passed its several readings and ordered to be engrossed.

Mr. Hutchison moved to take up Bill (H. 201) to allow fees to the Justices of the Peace in Mecklenburg County, &c.; which did not prevail.

Received a message from the Senate, making sundry recommendations of Justices of the Peace for the Counties of Stokes and Randolph.

Mr. Blair moved to lay the recommendation for Randolph on the table; which did not prevail.

The recommendations were concurred in and the Senate informed thereof.

Received a message from the Senate, announcing that that body had taken up and passed the Joint Resolution relative to the appointment of a Committee of Investigation into the affairs of the North Carolina Rail Road, with the following amendments, viz:

Strike out all after the words "send for persons and papers," and insert: "And report to this General Assembly, at its adjourned session, and that the Committee have leave to sit during the recess of the General Assembly."

Also strike out "one" and insert "two," as the number of the Senate branch of the Committee.

Which were concurred in and the Senate informed thereof.

Mr. Stevenson entered a motion to reconsider the Bill (S. 27—H. 29) to extend the corporate limits of the town of Elizabeth City.

Mr. Richardson moved that the House do now adjourn until 10½ o'clock, A. M., to-morrow.

Mr. Latham, of Craven, moved to amend by substituting 7½ o'clock, this P. M.; which did not prevail.

The motion of Mr. Richardson was then carried and the House adjourned.

THURSDAY, December 20th, 1866.

Mr. McKay, from the Committee on the Judiciary, reported adversely on

Bill (H. 173) to abolish imprisonment for debt; and

Bill (H. 184) to repeal sections 1, 2, and 3, 4, 5, 6 and 7, chapter 12, Revised Code.

Mr. McKay, from the same Committee, to whom was referred a Resolution of enquiry as to the policy of passing a law suspending the sale of property, for a limited time, asked to be discharged from the further consideration of the subject; which was so ordered.

Mr. Richardson, from the same Committee, reported favorably on

Bill (H. 151) to change the time of meeting of the General Assembly.

Mr. Morehead, from the Committee on Military Affairs, to whom was referred a Resolution of enquiry as to the practicability of collecting the remains of North Carolina soldiers, who fell in the late civil war, reported that the same was impracticable and asked to be discharged; which was ordered accordingly.

Mr. Patton, from the Committee on Internal Improvements, reported favorably on

Bill (H. 143) to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into Capital Stock.

Mr. Cowan, from the same Committee, to whom was referred Bill (H. 122) to incorporate the Henderson and Western Rail Road Company, reported back a substitute for the same, viz:

Bill (H. 204) "To charter the Oxford branch of the Raleigh & Gaston Rail Road Company." Placed on file.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred a resolution of enquiry as to the propriety of enacting a law to prevent the purchase of any kind of produce in the night time, asked to be discharged from the further consideration of the matter; which was so ordered.

Mr. Waugh, from the same Committee, reported back the memorial from citizens of Davidson County, praying a modification of the Stay Law, recommending its reference to the Committee on Relief; which was so ordered.

Also unfavorably on

Bill (H. P. 28) to authorize the Sheriff of Edgecombe to collect arrears of taxes.

And favorably on

Bill (H. 188) to amend chapter 71, section 6, Revised Code, entitled "Mills and Millers."

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. 202) to incorporate the Chamber of Commerce of the city of Wilmington.

Mr. Harper, from the Committee on Finance, to whom was referred the Report of the Commissioners of the Sinking Fund, submitted the following Report:

"The Committee on Finance, to which was referred the Report made by the Commissioners of the Sinking Fund, has had said report under consideration, and begs leave to report

That an Ordinance of the late Convention authorized the Public Treasurer, under certain restrictions, to exchange the Stocks of the State for bonds issued prior to May 21st, 1861.

And, under that authority, the Public Treasurer has exchanged the whole Stock held by the State in the Raleigh & Gaston Rail Road, amounting to the sum of $682,500, as appears from his report made to this General Assembly.

The Ordinance of the Convention directs that all bonds received by the Public Treasurer, as aforesaid, shall be cancelled, which will be done at an early day, as almost the entire amount negotiated has been received, unless this General Assembly, in compliance with the wish of the Commissioners, shall otherwise direct. The Commissioners of the Sinking Fund claim that as the Stock held by the State in said Rail Road formed part of the assets of which they were the custodians, and the proceeds of which they applied to the objects contemplated in the creation of that Board, that therefore, said bonds ought of right to be transferred to said Fund, in order that the interest thereon, when realized, may be applied in the liquidation of the debt of the State.

Your Committee, however unwilling it may be to differ in opinion with men of such distinguished financial ability, begs leave to say that there appears no good reason why the Ordinance of the Convention should not be complied with in cancelling said bonds, and therefore recommends that no action be taken on the subject.

Respectfully submitted,

J. C. HARPER,
Chairman."

Mr. Harper, from the Committee on Finance, to whom was referred a resolution of enquiry as to the expediency of reducing the salaries and fees of public officers, asked to be discharged from the further consideration of the subject; which was so ordered.

Mr. Harper, from the same Committee, reported favorably on

Bill (H. 194) to amend an Act, ratified February 27th, 1866, "to regulate Salaries and Fees."

The following Resolutions were introduced and disposed of as stated, viz :

By Mr. Granbery: Instructing the Judiciary Committee to enquire into the expediency of an Act to enable Executors, Administrators and Guardians to compromise the debts, contracted prior to May 1, 1865, owing to and from the estates they represent, &c. Adopted.

By Mr. Patton: Requesting the Public Treasurer to communicate certain information to the House relative to taxes and taxable property. Adopted.

The following Bills were introduced:

By Mr. Waugh: Bill (H. 205) "For the relief of owners of land and houses." Judiciary.

From the Senate: Bill (S. 79—H. 206) "To amend the charter of the Wilmington and Weldon Rail Road Company." Placed on file.

From the Senate: Bill (S. 36—H. 207) "To amend an Act, passed in 1833, to incorporate the Wilmington and Raleigh Rail Road Company." Placed on file.

On motion of Mr. Crawford, of Rowan, Bill (H. 179) to authorize incorporated towns and cities to establish systems of Public Schools, was taken up, and, under a suspension of the rules, passed its several readings and was ordered to be engrossed.

Mr. Crawford, of Macon, moved to take up and consider Bill (S. 84—H. 200) to transfer the land scrip donated by the United States for an Agricultural College; which did not prevail.

On motion of Mr. Morehead, Bill (H. 137) to regulate assignments and protect creditors, was taken from the Calendar.

Mr. Morehead moved to amend by striking out section 8 of the Bill; which prevailed.

Mr. Lutterloh moved further to amend by striking out section 5.

Mr. Scoggin moved to lay the Bill on the table; which was decided in the negative,—Yeas 39, Nays 50.

Mr. Scoggin demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Black, Blair, Bowe, Bryson, Clement, Crawford, of Macon, Everett, Galloway, Godwin, Henderson,

Hodnett, Jenkins, of Granville, Kelsey, Kendall, Long, Lutterloh, Lyon, McArthur, McGougan, McKay, McNair, McRae, Morton, Murrill, Neal, Rogers, Rountree, Russ, Scoggin, Scott, Smith, of Guilford, Teague, Vestal, Waugh, Whitley, Wilson, of Forsyth and Williams, of Yancey—39.

Those who voted in the negative were :

Messrs. Ashworth, Baker, Blythe, Boyd, Bradsher, Brown, Carson, Chadwick, Cowan. Crawford of Rowan, Daniel. Davis, Davidson, Durham. Foard, Gambril, Garrett, Garris, Gorham, Granbery, Guess. Harper, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jenkins, of Gaston, Jones, Jordan, Kenan, Latham, of Craven, Lowe, May, Martin, McClammy, Morehead, Perry, of Carteret, Perry, of Wake, Shelton, Smith, of Duplin, Stevenson, Stone Sudderth, Trull, Umsted, Williams, of Harnett, Womble and York—50.

Pending the question on the amendment offered by Mr. Lutterloh,

On motion of Mr. McNair, the further consideration of the Bill was postponed until to-morrow morning, 11 o'clock.

Received a message from the Senate, announcing the passage, with certain amendments, of the following engrossed Bills, viz :

Bill (H. 2,) to enable the Western Railroad Company to complete its road from the Coal Fields to some point on the North Carolina Rail Road ; and

Bill (H. 74,) to enable the Wilmington, Charlotte and Rutherford Rail Road Company to complete its road, pay its debt to the State, &c.

The amendments were concurred in and the Senate informed thereof by message.

Mr. Davis announced, in some appropriate remarks, the death, in this city, last evening, of Thomas I. Judkins, one of the members of this House from the County of Warren, and offered the following Resolutions :

WHEREAS, Thos. I. Judkins, a member of this House from the County of Warren, died at his lodgings in this city last night ; and, *whereas* it is due to the memory of a public servant, who, for many years, was honored by his countrymen

with official positions, and who possessed the confidence and kind regard of his constituents and of his associates in this House, that we shall give some expression to the sentiments produced by this sad event :

Therefore, Resolved, That we have heard with pain the announcement of the death of Thos. I. Judkins, and that, bowing with humble reverence to this dispensation of Divine Wisdom, we deplore a loss that has cast gloom over the deliberations of this body.

Resolved, That this House tenders its warmest sympathies to the bereaved widow and family of the deceased ; that a Committee of three be appointed to accompany his remains to his late home in the County of Warren ; and that as a mark of respect to his memory and long public services, we do now adjourn.

The Resolutions, after having been seconded, in a feeling manner, by Messrs. Waugh, Holderby and Horton, of Watauga, were unanimously adopted and ordered to be transmitted to the Senate.

The House then adjourned.

FRIDAY, DECEMBER, 21, 1866.

Mr. Hutchison, who voted in the affirmative upon the passage of Bill (H. 58,) to exempt certain personal property from seizure under execution or attachment, and to provide a Homestead, asked and obtained permission to change his vote thereon.

Mr. Waugh, from the Committee on Propositions and Grievances. reported back Bill (H. 181,) to lay off and establish a new county by the name of Vance, asking to be discharged from its further consideration ; which was so ordered.

Mr. Patton, from the Committee on Internal Improvements reported back Bill (H. 193,) to grant the aid of the State to the Cheraw and Coalfields Rail Road, asking to be discharg ed from its further consideration ; which was so ordered.

Mr. Davis, from the Judiciary Committee, who was instructed to investigate certain allegations that Union men were persecuted in North Carolina, submitted the following Report, which was unanimously adopted, viz:

"The Judiciary Committee, to which was referred a Resolution instructing them to request "the member from Henderson to appear before them and furnish the facts on which he based allegations" of the partial administration of justice and of the persecution of Union men, "to the end that the persons or authorities guilty of such persecutions may be punished," have discharged the duty devolved on them by the Resolution, and submit the following Report:

Mr. Blythe, the gentleman referred to in the Resolution, authorizes the Committee to say that he meant no reflection upon the Judiciary or the Courts of the State, and that he was misunderstood, if any gentleman supposed that he intended to charge or allege that there was a partial administration of justice in North Carolina, or that Union men were persecuted by the Courts. There was a great deal of crimination and recrimination, and in saying "that Union men had been persecuted," he merely meant to say that those in favor of the Howard Amendment had been slandered and abused and stigmatized as being in favor of negro suffrage and negro equality.

The Committee are well satisfied, from their own knowledge and from their investigations, that justice is fairly and impartially administered in the Courts of North Carolina, and that no legislation, such as is contemplated in the Resolution, is necessary.

It is due to Mr. Harris, the Senator from Rutherford, to state, that at his request and with the consent of the Committee, his testimony was withdrawn, and that he disclaimed "any connection with the charges and insinuations in one of the papers of this city" against the Judiciary Committee.

Respectfully submitted,

JOS. J. DAVIS,
For the Committee."

The following Resolutions were offered, and severally disposed of as stated, viz :

By Mr. Harper: Authorizing the Committee on Finance to burn Treasuary notes and coupons in the Comptroller's office. Adopted and sent to the Senate for concurrence.

By Mr. Davis : Authorizing the Governor to extend the provisions of the Act of General Amnesty and Pardon. Adopted and sent to the Senate for concurrence.

By Mr. Brown : Resolution (H. 208,) "In favor of the people of Lincoln county." Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. McKay : Resolution (H. 209,) "In favor of the Sheriff of Cumberland."

Under a suspension of the rules, the Resolution was put upon its second reading;

When, on the respective motions of Messrs. Martin, Everett, Murrill, Black and Bowe, the Resolution was so amended as to include the Sheriffs of the counties of Northampton, Wayne, Onslow, Moore and Caswell.

And then it passed its several readings and was ordered to be engrossed.

The hour having arrived for the consideration of one of the Special Orders, viz: Bill (H. 137,) to regulate assignments and protect creditors,

On motion of Mr. McKay, its further consideration was postponed until the adjourned session.

On motion of Mr. Morton, Bill (H. 191,) in favor of the county of Stanly, was taken up.

Mr. Boyd moved to include the County of Alamance in the provisions of the Bill. Lost.

Mr. Kenan moved to add the County of Duplin ; Mr. Scoggin, those of Rutherford and Polk ; Mr. Latham, that of Craven ; Mr. Crawford, that of Rowan ; Mr. Everett, that of Wayne ; Mr. McNair, that of Robeson, and Mr. Durham, that of Cleveland,—all of which motions failed of adoption.

Mr. Latham, of Craven, moved to lay the Bill on the table; which did not prevail.

Mr. McNair moved that the Bill be referred to the Committee on Finance. Lost.

The Bill then passed its second reading,—Yeas 59, Nays 25.

Mr. Scoggin demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Blair, Blythe, Bowe, Brown, Bradsher, Chadwick, Davis, Davidson, Durham, Farrow, Foard, Galloway, Garrett, Godwin, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Hutchison, Jenkins, of Gaston, Jones, Jordan, Kendall, Lee, Long, Lowe, Lyon, Lutterloh, May, Martin, McArthur, McGougan, McKay, McRae, Morehead, Morton, Neal, Peebles, Perry, of Wake, Richardson, Rogers, Rosebro, Russ, Stone, Sudderth, Trull, Umsted, Waugh, Whitfield, Whitley, Williams, of Harnett, Williams, of Yancy and Womble.

Those who voted in the negative were:

Messrs. Allen, Black, Boyd, Bryson, Clement, Crawford, of Macon, Everett, Garris, Houston, Jenkins, of Granville, Kenan, Latham, of Craven, McClammy, McNair, Murrill, Patton, Perry, of Carteret, Scoggin, Scott, Shelton, Smith, of Guilford, Teague, Vestal, Westmoreland and Wilson, of Forsythe.

The Bill then passed its third reading and was ordered to be engrossed.

On motion of Mr. Trull, Bill, (H. 182,) in favor of the people of Union County, was taken up, and, under a suspension of the rules, passed its several readings and was ordered to be engrossed.

Recommendations of magistrates for the Counties of Jones and Rockingham were submitted, approved and sent to the Senate for concurrence.

Mr. Whitfield asked and obtained leave to record his vote in the affirmative upon the Resolution rejecting the proposed Constitutional Amendment as Article XIV of the Constitution of the United States.

Received a Message from the Senate, announcing that they had passed, with amendments, Bill (H. P. 33,) in favor of the Sheriff of Richmond County, and asking concurrence therein

Amendments concurred in and Senate informed thereof by message.

The following Engrossed Bills, &c., were received from the Senate, and severally disposed of, as stated, viz:

Bill (S. 92,—H. 210,) "Providing for the support of the Insane Asylum." Under a suspension of the rules, passed its several readings and ordered to be enrolled.

Resolution, (S. 73,—H. 211,) "In regard to the United States Tax, and for other purposes." Passed several readings under a suspension of the rules, and ordered to be enrolled.

Resolution (S. 95—H. 212) "For the benefit of the Institution for the Deaf, Dumb and the Blind." Placed on file.

Bill (S. 98,—H. 213) "Concerning Bastard Children." Filed.

Resolution (S. P. 48,—H. P. 34) "In favor of David Outlaw." Passed several readings and ordered to be enrolled.

Resolution (S. P. 34,—H. 215) "Providing for the payment of Sheriffs holding elections." Passed several readings and ordered to be enrolled.

Resolution (S. P. 49,—H. P. 35) "For the relief of the Sheriffs of Randolph, Yadkin and Bertie Counties." Passed several readings and ordered to be enrolled.

On motion of Mr. McKay, Bill (H. 200) to transfer the land scrip donated by the United States for an Agricultural College was taken up and considered.

Mr. Foard offered the following amendment, which did not prevail, viz:

"*Provided, however*, That the University shall, after receiving said donation, annually board and educate one beneficiary from each county of this State, to be recommended by the several County Courts."

On motion of Mr. Durham, the further consideration of the Bill was postponed until the adjourned session.

Received a message from his Excellency, the Governor, communicating the results of the visit to Washington of the Commissioners requested to be appointed by this Legislature, for the purpose of consulting the authorities with reference to a recent military order on the subject of corporal punishment; which was read and transmitted to the Senate.

The following Resolutions were offered, (by leave,) and disposed of, as stated, viz :

By Mr. Kenan : Resolution (H. 214) returning the thanks of the Legislature to the Governor and Commissioners, who visited Washington, and authorizing the Governor to draw a warrant on the Treasurer for the expenses of said Commission. Passed several readings and ordered to be engrossed.

By Mr. Holderby : Resolution (H. P. 36) "In favor of Mrs. T. J. Judkins." Passed several readings and ordered to be engrossed.

The hour having arrived for the consideration of the remaining Special order, viz : Bill (H. 203) to change the jurisdiction of the Courts and the rules of pleading therein, the same was taken up.

Mr. Crawford, of Macon, moved to amend by striking out the words "20th day of May, 1861," wherever they occur, and inserting "1st day of May, 1865;" which prevailed.

Mr. McNair moved to postpone the further consideration of the Bill until the adjourned session ; which was not agreed to.

The Bill then passed its second reading, and, under a suspension of the rules, being placed on its third,

Mr. Black moved a substitute therefor, viz : A Bill (S. 97) "to prevent litigation and prevent the ruinous sacrifice of the property of honest debtors;" which did not prevail.

Mr. Brown moved to lay the Bill upon the table ; which was not agreed to.

The Bill passed its final reading and was ordered to be engrossed,—Yeas 64, Nays 21.

Those who voted in the affirmative were :

Messrs. Allen, Ashworth, Blair, Blythe, Boyd, Bradsher, Bryson, Chadwick, Clement, Crawford, of Macon, Davidson, Durham, Foard, Galloway, Garrett, Garris, Godwin, Granbery, Guess, Harper, Hinnant, Holderby, Horton, of Watauga, Horton of Wilkes, Houston, Jenkins, of Gaston, Jenkins, of Granville, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Craven, Lowe, Lyon, Lutterloh, Martin, McGougan, McKay, McRae, Morehead, Morton, Murrill, Neal, Peebles, Richardson, Rogers, Rountree, Russ, Scoggin, Scott, Shelton, Smith, of Guilford, Stone, Sudderth, Trull, Umsted, Vestal, Waugh,

Whitfield, Wilson, of Perquimans, Williams of Harnett, Williams, of Yancey, and Womble.

Those who voted in the negative were:

Messrs. Baker, Black, Bowe, Brown, Davis, Farrow, Henderson, Hodnett, Hutchison, Long, May, McArthur, McNair, Patton, Perry, of Carteret, Perry, of Wake, Rosebro, Teague, Westmoreland, Whitley, and Wilson, of Forsyth.

Received a message from the Senate, transmitting recommendations of magistrates for the Counties of Haywood and Stokes; which were concurred in and the Senate informed thereof.

Also, announcing that they had passed, with amendments, the Resolutions declaring the loyalty of North Carolina; in which the House concurred by a vote of Yeas 65, Nays 6.

Mr. Russ demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Boyd, Bowe, Brown, Bryson, Chadwick, Clement, Crawford, of Macon, Crawford of Rowan, Davis, Davidson, Durham, Foard, Galloway, Garris, Godwin, Granbery, Guess, Harper, Henderson, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jones, Kelsey, Kenan, Latham, of Craven, Long, Lowe, Lyon, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McNair, Morehead, Murrill, Neal, Patton, Peebles, Perry, of Carteret, Perry, of Wake, Richardson, Rogers, Rosebro, Russ, Scott, Shelton, Smith, of Guilford, Stone, Sudderth, Trull, Umsted, Waugh, Whitfield, Whitley, Williams, of Harnett, Williams, of Yancey, and Womble.

Those who voted in the negative were:

Messrs. Ashworth, Blair, Jenkins, of Gaston, Jenkins, of Granville, Scoggin and Teague.

Received a message from the Senate, announcing that they had passed, with amendments, the following Bill and Resolutions, in which they asked the concurrence of the House, viz:

Resolution (H. P. 6,) in favor of Rufus Jones;

Resolution (H. P. 9,) in favor of Seth Jones' estate; and

Bill (H. 131,) to amend section 3, chapter 97, Revised Code, entitled "Religious Societies."

The amendments were respectfively concurred in and the Senate informed thereof.

Mr. Durham entered a motion to reconsider the vote by which Bill, (H. 200,) to transfer the land scrip donated by the United States, &c., had been postponed until the adjourned session.

Mr. Davis (by leave) offered the following Resolution; which was adopted, viz:

Resolved, That the Speaker of this House issue to the Sheriff of the county of Warren a writ of election, to be held on Tuesday, the 15th day of January, 1867, to fill the vacancy in the representation from that county, caused by the death of Thos. J. Judkins.

Received a message from the Senate, announcing Messrs. Robins and Adams as the Committee, on the part of that body, to investigate the affairs of the North Carolina Rail Road Company.

Also, announcing that they had passed the following Resolution, in which they asked the concurrence of the House, viz:

Resolved, (the House of Commons concurring,) That the unfinished business depending in the two Houses, at the adjournment ordered by their joint action on Monday next, shall be continued over the recess, and resumed at the next meeting of the General Assembly, in like manner as in adjournments from day to day."

Which was concurred in.

On motion of Mr. Kenan, Bill (H. 201,) to allow fees to Justices of the Peace in Mecklenburg county, and to increase the pay of Constables in said county, was taken up and passed its second reading.

Under a suspension of the rules, being placed on its third reading,

Mr. Blythe moved to add, after "Mecklenburg," the words "Henderson and Transylvania."

Mr. Lyon moved to lay the amendment on the table; which did not prevail.

Pending the further consideration of the Bill,

On motion of Mr. Patton, the House adjourned.

SATURDAY, DECEMBER 22, 1866.

Received a message from the Senate, announcing that they had passed an Engrossed Bill (S. 2—H. 216,) "To repeal an Ordinance of the Convention, authorizing the exchange of stocks in the Railroad Companies for State Bonds," and asking the concurrence of the House therein. Filed.

Also, announcing that they had passed the Resolution (H. P. 13,) in favor of A. J. Adkins and others, with an amendment, in which they asked the concurrence of the Senate. Concurred in and the Senate informed thereof.

Bill, (H. 201,) to allow fees to Justices of the Peace in Mecklenburg and to increase the pay of Constables in said county, was taken up on its third reading, as unfinished business, passed and ordered to be engrossed.

Mr. Davis introduced Bill (H. P. 31,) "For the relief of W. A. Ph lpot, Sheriff of Granville;" which, under a suspension of the rules, passed its several readings and was ordered to be engrossed.

On motions, respectively made in each case, the following Bills were called up, passed their several readings and were ordered to be engrossed, viz:

Bill (H. 167,) to amend an Act entitled "The North Carolina Joint Stock Publishing Company;"

Bill (H. 175,) to promote the agricultural interest of the State, and for other purposes;

Bill (H. 176,) to amend the charter of the Plaster Bank and Salt Works Rail Road Company;

Bill (H. 88) to prohibit citizens of other States from fishing in Currituck Sound;

Bill (H. 90) to revive and amend the charter of the Shelby and Broad River Rail Road;

Bill (H. 76) to prevent felling and cutting of timber in Pigeon River;

Bill (H. 110) to incorporate Franklin Lodge, 109 F. & A. Masons, in Beaufort;

Bill (H. 192) to permit the people of Currituck County to elect Commissioners of Wrecks;

Bill (H. 153) to incorporate the town of Durham, in Orange County; and

Bill (H. 92) to incorporate the Hoover Hill Mining Company.

Bill (S. 95—H. 212) for the benefit of the Institution for the Deaf, Dumb and the Blind, was taken up, on motion of Mr. McGougan, passed its several readings and was ordered to be enrolled.

Received a message from the Senate, communicating the report of the Committee appointed to make arrangements for the administration of the oaths of office to the Governor elect, this day at 12 o'clock M.; which was concurred in.

Also transmitting a recommendation of magistrates for the county of Bertie; which was concurred in.

Recommendations of magistrates for the counties of Johnston, Davidson, Randolph and Alamance were submitted, approved and sent to the Senate for concurrence.

The Speaker announced Messrs. Lowe and Waugh, as the House branch of the Committee to investigate the affairs of the North Carolina Rail Road Company.

Also, Messrs. Morehead, Murrill and Carson as the Committee to investigate the management of the Artificial Limb Department.

On motion of Mr. Kenan, a message was sent to the Senate, announcing the readiness of the House to receive that body, for the purpose of witnessing the administration of the oaths of office to the Governor elect.

The Senate thereupon appeared in the Commons Hall and was received by the House standing.

The Speaker of the Senate took his seat on the right of the Speaker of the House; the Senators took their seats on the right of the Speaker's Chair, according to the arrangements made.

And then the Hon. Jonathan Worth, re-elected Governor of the State, attended by the Hon. D. G. Fowle, one of the Judges of the Superior Court of Law and Equity, and the Committee of Arrangements, waited upon the Convention of the two Houses and took and subscribed the oaths of office prescribed by law for the qualification of the Governor of the

State; the oaths having been administered by Hon. D. G. Fowle, Judge as aforesaid; after which the Governor delivered an appropriate address to the Convention.

And, thereafter, he, attended as aforesaid, having retired, the Speaker of the Senate announced that the Senators would reapair to their Chamber; which was accordingly done.

Received a message from the Senate, announcing that they had passed Bill (H. 170) concerning appeals in criminal cases, with an amendment, in which they asked the concurrence of the House. Concurred in and the Senate informed thereof.

Mr. Waugh (by leave) introduced a Bill, viz: Bill (H. 219) "For the relief of the people."

On his motion the rules were suspended, and the Bill read a second time, when

Mr. Holderby moved to amend by adding the following:

"*Provided*, That nothing herein contained shall interfere in any wise with the provisions of the Attachment laws now in force."

Which was adopted.

Pending the further consideration of the Bill,

On motion of Mr. Perry, of Carteret, it was postponed and made the special order for Wednesday, January 23rd, twelve o'clock, M.

On motion of Mr. Holderby, it was

Ordered, That a message be sent to the Senate, proposing to print ten copies of the Governor's Inaugural Address for each member of the General Assembly.

On motion of Mr. Durham, the House adjourned until Monday morning, 5 o'clock.

MONDAY, DECEMBER 24, 1866.

The Speaker ratified sundry Bills and Resolutions.

Received a message from the Senate, concurring in the proposition to print ten copies of the Governor's Inaugural Address for each member of the General Assembly.

On motion of Mr. Davis, it was

Ordered, That a message be sent to the Senate, announcing its readiness to execute the joint order for adjournment.

The Senate concurring, the Speaker, at 6 o'clock, A. M., announced the House of Commons adjourned until Tuesday, January 22nd, 12 o'clock, M.

R. R. McADEN,
Speaker.

SEATON GALES,
Clerk.

JOURNAL

OF THE

HOUSE OF COMMONS.

ADJOURNED SESSION.

TUESDAY, JANUARY 22, 1867.

The House of Commons was called to order, at 12 o'clock, M. pursuant to adjournment,—Mr. Waugh, of Surry, in the Chair.

After prayer by the Rev. J. M. Atkinson, of the Presbyterian Church,

The roll of the House was called, when the following members answered to their names, to-wit:

Messrs. Allen, Ashworth, Autry, Blair, Blythe, Boyd, Bowe, Clement, Crawford. of Rowan, Everett, Foard, Freeman, Godwin, Guess, Henderson, Hinnant, Hodnett, Holderby, Houston, Jenkins, of Granville, Latham of Craven, Lowe, Lyon, May, Martin, McArthur, Moore, of Chatham, Morehead, Morton, Murrill, Peebles, Perry, of Carteret, Perry, of Wake, Rogers, Rountree, Russ, Scoggin, Shelton, Smith, of Guilford, Stone, Teague, Turnbull, Umsted, Waugh, Whitfield. Whitley, Williams, of Martin and Womble.—48.

It appearing that there was no quorum present,

On motion of Mr. Williams, of Martin, the House adjourned until to-morrow morning, 10½ o'clock.

WEDNESDAY, JANUARY 23, 1867.

The House was called to order at 10½ o'clock, A. M., the Speaker in the Chair.

A quorum being present,

On motion of Mr. Waugh, it was

Ordered, That a message be sent to the Senate, informing that body that the House is in session, and ready to co-operate with the Senate in the dispatch of business.

Mr. B. M. Collins, member elect from the County of Warren, appeared, produced his credentials, was qualified and took his seat.

A message was received from the Senate, announcing the presence of a quorum in that body, and its readiness to dispatch the public business.

On motion of Mr. Waugh, it was

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee, of two on the part of each House, to wait upon his Excellency, the Governor, and inform him of the readiness of the Legislature to receive any communication he may have to make.

The Senate concurring, and naming Messrs. Love and Lloyd as their branch of the Committee, the Speaker designated Messrs. Waugh and Hutchison as the Committee on the part of the House.

The Committee subsequently reported, through Mr. Waugh, that his Excellency had no present communication to submit.

On motion of Mr. Hutchison, it was

Ordered, That Bill (H. 198,) to raise Revenue, be made the special order for Tuesday next, 29th inst., 12 o'clock, M.

The following Memorials were submitted, read and disposed of as stated, viz :

By Mr. Murrill : From citizens of Onslow, praying for legislation to prevent citizens of other counties from fishing in the waters of New River, in Onslow. Referred to the Committee on Propositions and Grievances.

By Mr. Foard : From the President and Trustees of Olin College, relative to the Land Scrip donated by the Congress

of the United States to the State of North Carolina. Committee on the Agricultural and Mechanical College.

By Mr. Baker: From certain citizens praying the incorporation of the town of Rocky Mount. Corporations.

By Mr. Blythe: From citizens of Henderson County, asking an increase of the fees of Constables. Finance.

By Mr. Lowe: From W. F. Henderson, and other citizens of Davidson, praying for a modification of the Stay Law.—Propositions and Grievances.

Recommendations of Magistrates for the Counties of Madison, Wake, Granville, Chatham, Iredell, Carteret and Bladen, were submitted, approved and sent to the Senate for concurrence.

On motion of Mr. Patton, it was

Ordered, That Saturday week (February 2nd) be set apart by this House for the appointment of magistrates, and that no recommendations be entertained until that time.

The following Resolutions and Bills were introduced, read and referred, or otherwise disposed of, as stated, viz:

By Mr. Boyd: Resolution authorizing the Joint Select Committee, appointed to investigate the affairs of the North Carolina Rail Road Company, to administer oaths, if necessary. Adopted and transmitted to the Senate for concurrence.

By Mr. Russ: Resolution instructing the Judiciary Committee to report a bill making it larceny to steal the bonds, coupons, certificates of deposit, revenue stamps, fractional currency, &c., issued by the proper officers of the United States Government and in the possession and the property of persons within the States, &c. Adopted.

By Mr. Baker: Resolution instructing the Committee on Agriculture to enquire into the propriety of authorizing the County Courts to tax dogs for county purposes, and to report by bill or otherwise; which did not prevail.

Mr. Latham, of Craven, moved to reconsider the vote by which the foregoing Resolution had been lost; which motion prevailed.

Mr. Autry moved to lay the Resolution on the table. Lost.

The Resolution was then adopted.

By Mr. Hinnant: Resolution (H. P. 38,) in favor of J. L. Banks, Tax Collector of Johnston county.

Under a suspension of the rules, the Resolution was placed on its second reading, when

Mr. Guess moved to amend by adding, after the words "Johnston county," the words "and the Sheriff of Orange." Adopted.

Mr. Everett moved further to amend by adding the words "and the Sheriff of Wayne." Carried.

Mr. Allen moved further to amend by adding the words "and the Tax Collector of Brunswick." Carried.

Mr. Trull moved further to amend by adding the words "and the Sheriff of Union." Carried.

The Resolution, as amended, then passed its second and third readings, and was ordered to be engrossed.

By Mr. Latham, of Craven: Bill (H. P. 39,) to incorporate the Ladies' Memorial Association of Newbern. Corporations.

By the same: Bill (H. P. 40,) to incorporate the St. Philip's Episcopal Singing Society of Newbern. Same reference.

By Mr. Williams, of Martin: Resolution (H. 218,) concerning mileage to members of the General Assembly for the adjourned session. On motion of Mr. Patton, laid on the table, for the present.

By Mr. Perry, of Carteret: Bill (H. 219,) to consolidate the Atlantic and North Carolina Rail Road Company, the North Carolina Rail Road Company, and the Western North Carolina Railroad Company. Committee on Internal Improvements.

Received a communication from the Public Treasurer in reply to a resolution of the Legislature, enquiring

1. The value of the taxable property in the State; and

2. What increase in the taxes will raise an amount sufficient to pay the interest on the public debt.

On motion of Mr. Patton, the communication was transmitted to the Senate, with a proposition to print the same.

Mr. Holderby announced, in an appropriate manner, the death, during the recess, of Ulysses Hand, Senator from the county of Rockingham; and then,

On motion of Mr. Holderby, the House, as a mark of respect to the memory of the deceased, adjourned until to-morrow morning, 10½ o'clock.

THURSDAY, JANUARY 24, 1867.

Prayer by the Rev. Mr. Hudson, of the Methodist Church.

Mr. Ashworth presented a Memorial from certain citizens of Randolph, praying an amendment to the Stay Law; which was referred to the Committee on Propositions and Grievances.

Ths following Resolutions were offered, and referred, or otherwise disposed of, viz :

By Mr. Waugh : Resolution (H. 220) appropriating the sum of one thousand dollars for marking and preserving the graves of soldiers from North Carolina, who were buried in Virginia. Finance.

By Mr. Gorham : Instructing the Judiciary Committee to enquire into the expediency of empowering Executors, &c., to compromise debts, &c. Adopted.

By Mr. Rosebro : Resolution (H. P. 41) in favor of Mrs. Theresa Bell. Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. McArthur : Proposing to raise a Joint Select Committee, to consist of three from each House, to take into consideration the expediency of a *sine die* adjournment at an early day. On motion of Mr. Dargan, laid on the table.

Bills of the titles following were introduced and severally disposed of as stated, viz :

By Mr. McKay : Bill (H. 221) to incorporate the "Flat Swamp, Lock's Creek and Evans' Creek Canal Company," in the County of Cumberland. Referred to the Committee on Corporations.

By Mr. Dargan : Bill (H. 222) to abolish imprisonment for debt. Ordered to be printed.

By Mr. Patton : Bill (H. 223) to amend chapter 39 of the Acts of 1860–'61. Judiciary.

By Mr. Wilson, of Forsyth: Bill (H. 224) to establish the dividing line between the towns of Salem and Winston. Corporations.

By Mr. Patton: Bill (H. 225) to change the time of holding the summer and winter terms of the County Courts of Buncombe and Mitchell Counties. Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. Davidson: Bill (H. 226) to incorporate the Olivia Quicksilver Mining Company of Macon County. Corporations.

By Mr. Rosebro: Bill (H. 227) for the relief of Executors and Administrators. Ordered to be printed and referred to the Committee on the Judiciary.

By Mr. Latham, of Craven: Bill (H. 228) to pay the special Magistrates of the City of Newbern. Filed.

On motion of Mr. Allen, Bill (H. 174) to amend section 7, chapter 40, Acts of 1866, was taken up, and, under a suspension of the rules, it passed its several readings and was ordered to be engrossed.

On motion of Mr. Davis, Bill (H. 104) to amend an Act "For the relief of Landholders," ratified January 26, 1863, and an Act amendatory of the same, ratified May 28, 1864, was taken up; when

Mr. Durham offered an additional section, by way of amendment, to come in between sections 1 and 2; which was adopted.

The Bill, as amended, passed its second reading; and, under a suspension of the rules, being put on its third reading,

Mr. Waugh moved to amend by inserting, as an additional section, between sections 2 and 3, the following:

"*Be it further enacted*, That the said Act shall also be so amended as to require the Sheriff to summon nine instead of twenty, and five instead of twelve, freeholders, as now provided in said Act,—five of whom shall examine and enquire into the fact of tenancy and holding over."

Mr. Lowe moved to amend the amendment by striking out "nine" and inserting "five," and striking out "five" and inserting "three," where the words occur; which was adopted.

The amendment, as amended, was then adopted; and

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

The Calendar of Bills, &c., on their second reading, was then taken up, and the following dispositions made:

Bill (H. 28) to give the Mayor and Commissioners of Williamston the sole authority to issue license to retail spirituous liquors in that town:

The substitute reported from the Committee on the Judiciary, viz: Bill (H. 157) to regulate the retailing of spirituous liquors in Williamston, was adopted, and passed its second, and, under a suspension of the rules, its third reading, and was ordered to be engrossed.

Bill (H. 66) to allow fees to Clerks of County Courts in certain cases: Rejected.

Mr. Durham moved to reconsider the vote by which the foregoing Bill had failed to pass its second reading; which did not prevail.

Resolution (H. 70) in favor of certain maimed soldiers:

The substitute reported from the Committee on Propositions and Grievances, viz: Resolution (H. 127) to supply artificial limbs to disabled soldiers, and for other purposes, was adopted, and passed its second reading.

Under a suspension of the rule, being placed on its final reading,

Mr. McKay moved to strike out section 3, as follows:

"That in certain cases in which artificial arms cannot be applied, and in cases in which the sufferer prefers commutation instead of the artificial arm, it shall be the duty of the Governor to cause to be paid to him such sum of money as shall be equal to the cost of such arms when furnished by the State."

The motion did not prevail.

Mr. Hutchison moved to strike from section 3 the words "and in cases in which the sufferer prefers commutation instead of the artificial arm;" which did not prevail.

Mr. McClammy offered the following additional section, by way of amendment, viz:

"*Be it further enacted*, That the provisions of this Act shall extend to all persons who have lost both eyes in the service."

Mr. Williams, of Pitt, moved to amend the amendment, by striking out all after the word "*enacted*," and inserting:

"That all soldiers in the service of the State, or Confederate service from this State, who have lost their eyes by the casualties of the late war, shall draw an annual pension from the Public Treasury of this State, not exceeding four dollars per month."

Which did not prevail.

The original amendment was then lost; when

Mr. Morehead moved that the resolution be re-committed; which motion was not carried.

The Bill then passed and was ordered to be engrossed.

Bill (H. 67) to diminish costs in certain cases: Rejected.

Bill (H. 71) for the relief of the People: Rejected.

Bill (H. 72) in favor of Widows: Passed second reading.

Bill (H. 79) to facilitate the adjudication and settlement of disputed boundaries: On motion of Mr. Latham, of Craven, laid on the table.

Received a communication from his Excellency, the Governor, covering a Memorial from the Trustees of the University of North Carolina; which

On motion of Mr. Waugh, was ordered to be transmitted to the Senate, with a proposition to print; and

On further motion of Mr. McKay, a message was sent to the Senate, proposing to refer the Memorial aforesaid to a Joint Select Committee, to consist of five on the part of the House, and three on the part of the Senate.

On motion Mr. Latham, of Craven, the House adjourned until to-morrow morning, 10½ o'clock.

FRIDAY, JANUARY 25, 1867.

The Speaker announced Messrs. Houston, Perry, of Wake, Whitfield, Whitley and Scoggin, as the Committee on Enrolled Bills for the week.

The following Memorials were presented, viz:

By Mr. Blythe: From citizens of Hendersonville, praying an amendment of the Charter of that town. Referred to the Committee on Corporations.

By Mr. Morton: From citizens of Stanly County, praying a change in the time of holding the Courts of said County. Propositions and Grievances.

Resolutions and Bills of the following titles were introduced, referred, or otherwise disposed of, as stated, viz:

By Mr. Peebles: Resolution (H. 220) authorizing the State Librarian to purchase fifty copies of Battle's Digest for certain purposes. Referred to the Committee on the Library.

By Mr. Latham, of Craven: Bill (H. 239) to incorporate the North Carolina Agricultural and Manufacturing Company. Corporations.

By Mr. Waugh: Bill (H. 231) to enable the Western Rail Road Company to extend its road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in Surry County. Internal Improvements.

By Mr. Morehead: Bill (H. 232) to incorporate the Greensboro' and Dan River Rail Road Company. Same reference.

By Mr. Patten: Bill (H. 233) to enable the Buncombe Turnpike Company to subscribe the stock in their Road to the Western North Carolina Rail Road Company. Same reference.

By Mr. Brown: Bill (H. 234) for compensating Justices of the Peace in Lincoln County. Filed.

By Mr. Rountree: Bill (H. 235) to incorporate the town of Hookerton, in the County of Greene. Corporations.

By the same: Bill (H. P. 42) to incorporate Jerusalem Lodge, No. 95, F. and A. Masons. Corporations.

By Mr. Blair: Bill (H. P. 43) to incorporate the New Market Foundry and Manufacturing Company. Same reference.

By Mr. Bowe: Bill (H. 236) to amend section 2, chapter 46, Revised Code. Judiciary.

By Mr. Waugh: Bill (H. P. 44) accompanied by a Memorial, to incorporate the Rockford Male and Female Seminary in the County of Surry. Corporations.

By Mr. Ashworth: Bill (H. 237) to give the County Court of Randolph jurisdiction over the sale of real estate for division among joint tenants and tenants in common. Filed.

By Mr. Bryson: Bill (H. P. 45] to incorporate Tuckasegee Gold and Copper Mining Company. Corporations.

By Mr. Durham: (Bill H. 238) to amend an Act, ratified Feb. 7, 1866, "To extend the time for the registration of deeds and other conveyances." Judiciary.

By Mr. Crawford, of Macon: Resolution (H. P. 46) in favor of Jacob Siler, Agent of the State for the collection of Cherokee Bonds. Committee on Cherokee Lands and Western Turnpike.

By Mr. Latham, of Craven: Bill (H. P. 47) to incorporate Newbern Lodge, No 245, A. Y. Masons. Corporations.

By Mr. Henderson: Bill (H. P. 48) in favor of Walter Smith, Sheriff of Rockingham. Finance.

By Mr. Moore, from the Joint Select Committee on the African race and Apprentices: Bill [H. 239] relating to Apprentices.

Under a suspension of the rule, the Bill passed its second reading, and, being placed on the third reading,

Mr. Waugh moved to amend, by adding the following as an additional section, viz:

"*Be it further enacted*, That it shall hereafter be the duty of the County Attorney, in each County in this State, to be present and advise in every case of binding an apprentice; and no indenture shall be valid unless attested by him. And the Court, in making allowance for the extra services of the County Attorney, shall take the same into consideration."

Which did not prevail.

The Bill then passed its third reading and was ordered to be engrossed.

By Mr. Moore, from the same Committee: (Bill H. 240) to amend chapter 5 of the Revised Code, entitled "Apprentices."

Which, under a suspension of the rule, being placed on its second reading,

Mr. Hutchison offered the following as additional section, viz:

SEC. —. *Be it further enacted*, That the words "and elementary rules of arithmetic," in section 3, chapter 5, Revised Code, be stricken out.

Which was adopted.

Mr. Hinnant moved to postpone the further consideration of the Bill until Thursday next, 31st inst. Not agreed to.

Mr. Boyd moved to amend, by striking out all after the enacting clause, and inserting:

"That the whole matter of Apprenticeships, without distinction of color, shall be left to the several County Courts of the State."

Which did not prevail.

Mr. Peebles offered the following, as an additional section, and it was adopted, viz:

"SEC. —. *Be it further enacted*, That all indentures for the apprenticing of infants, heretofore made and entered into, without a bond from the person to whom the infants were bound, be and the same are hereby declared as valid and binding as though a bond had been given."

The Bill, as amended, then passed its second and third readings, and was ordered to be engrossed.

From the Senate: Bill (S. 15—H. 241) to amend the Act regulating Salaries and Fees. Filed.

From the Senate: Bill (S. 11—H. 242) to amend chapter 58, Acts of 1866. Filed.

From the Senate: Bill (S. 17—H. 243) for the better suppression of horse-stealing. Judiciary.

From the Senate: Bill (S. 56—H. 244) relative to Weights and Measures. Filed.

From the Senate: Bill (S. 33,—H. 245) allowing compensation to Judges, &c. Filed.

By Mr. McKay: Bill (H. 246) to amend the charter of the Fayetteville and Florence Rail Road Company. Internal Improvements.

Received a message from the Senate, concurring in the proposition to print the Memorial of the Trustees of the Uniuersity and to refer the same to a Joint Select Committee. And

Messrs. Hall, Gash and Moore having been announced as the Senate branch of the Committee, the Speaker designated Messrs. McKay, Harper, Patton, Kenan and Morehead, as the Committee on the part of the House.

Received a message from the Senate, announcing Messrs. Bullock, Covington and Thompson, as the Senate branch of the Committee on Enrolled Bills for the week.

Also, a message transmitting recommendations of magistrates for the counties of Henderson and Transylvania.

The list for Transylvania was agreed to, but the House refused to concur in the nominations for the County of Henderson.

Bill (H. 82) to prevent the destruction of ginseng in the mountains of North Carolina, coming up on its second reading, passed the same.

Under a suspension of the rule, the Bill being put on its third reading,

Mr. Lowe moved to amend by adding, at the end of section 1, the words: "*Provided*, That no man shall be prevented from destroying ginseng on his own premises;" which prevailed.

Mr. Peebles moved to lay the Bill on the table. Not agreed to.

The Bill, as amended, passed its third reading and was ordered to be engrossed.

Mr. Williams, of Martin, (by leave) introduced Resolutions of sympathy with the Hon. Jefferson Davis, now confined as a Prisoner of State in Fortress Monroe, and providing for a commission to Washington to intercede with the President of the United States in his behalf;

Which, on motion of Mr. Waugh, was laid on the table for the present.

On motion of Mr. McNair, it was

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee, to consist of three from each House, to be entitled the "Committee on Federal Relations."

On motion of Mr. Crawford, of Rowan, the House adjourned until to-morrow morning, 10½ o'clock.

SATURDAY, JANUARY 26, 1867.

Mr. Whitfield offered the following Resolutions, which, under the rule, lie over one day:

"*Resolved*, That all public or private bills of a local nature be made the special order for Friday and Saturday next, in order to clear the Calendar of all bills over which there can be no controversy.

Resolved, further, That from and after said days, no bill of a local or private nature be introduced without special leave of the House."

Resolutions and Bills of the titles named were introduced, read, referred, or otherwise disposed of, as follows:

By Mr. Whitfield: Bill (H. 247,) to amend an "An act to prevent enticing servants from fulfilling their contracts or harboring them." Referred to the Committee on the Judiciary.

By Mr. Murrill: Bill (H. 248,) amendatory of several acts heretofore passed for the better regulation of the town of Jacksonville, in Onslow. Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. Davidson: Bill (H. 249,) to amend the charter of the Cheoih Turnpike Company. Committee on Cherokee Lands, &c.

By Mr. Bowe: Bill (H. 250,) to amend Section 6, Chapter 90, Revised Code. Judiciary.

By Mr. Patton: Bill (H. 251) to incorporate "Holston Annual Conference of the Methodist Episcopal Church, South." Corporations.

By Mr. McKay: Bill (H. 252,) giving to the County and Superior Courts authority to sentence criminals to work the public roads. Judiciary.

By the same: Bill (H. 253,) to authorize the Public Treasurer to negotiate a loan for the relief of the Treasury, and to establish a North Carolina Savings Bank. Ordered to be printed and referred to the Committee on Finance.

By Mr. Simpson: (H. 254,) to tax fire-arms kept for any other purpose than for military use. Judiciary.

By Mr. Jones : Bill (H. P. 49,) to enable the representative of W. E. Mann, deceased, late Sheriff of Pasquotank, to collect arrears of taxes. Judiciary.

By Mr. Bryson : Bill (H. 255,) to amend the charter of the Western North Carolina Rail Road. Internal Improvements.

By Mr. Jordan : Resolution (H. P. 50,) in favor of A. H. Sanders, former Sheriff of Montgomery County. Judiciary.

On motion of Mr. Davidson, Bill (H. 181,) to lay off and establish a new County by the name of Vance, was taken from the Calendar and re-referred to the Committee on Propositions and Grievances.

The Speaker announced Mr. Daniel as a member of the Committee on the Penitentiary, in the place of Mr. Judkins, deceased.

The Calendar of Private Bills, &c., on their second reading was then taken up and the following action taken:

Resolution (H. P. 20.) in favor of Jas. Marshall, former Sheriff of Stanly. Rejected.

Resolution (H. P. 21,) in favor of Robert Bynum, of Wilson. Rejected; whereupon,

On motion of Mr. Williams, of Pitt, the same was re-considered; and

On motion of Mr. Moore, of Hertford, the Resolution was re-referred to the Committee on the Deaf, Dumb and Blind Asylum.

Resolution (H. P. 22,) in favor of E. B. Tobb & Company. Tabled, on motion of Mr. Richardson.

Resolution (H. P. 23,) authorizing W. J. Murray, Sheriff of Alamance, to collect arrears of taxes. Rejected.

Bill (H. P. 24,) to incorporate Perquimans Male and Female Academy in Hertford. Passed second, and, under a suspension of the rule, third reading, and ordered to be engrossed.

Resolution (H. P. 25,) in favor of Jno. H. Wheeler. Indefinitely postpon ed, on motion of Mr. Davis.

Bill (H. P. 28,) to authorize the Sheriff of Edgecombe to collect arrears of taxes. Rejected.

Resolution (H. P. 32,) in favor of Samuel Eagle. Tabled, on motion of Mr. Harper.

The House then took up the Calendar of Public Bills on their third reading, when the following dispositions were made, viz :

Bill (H. 39,) to amend Section 12, Chapter 118, Revised Code, entitled "Widows." Passed and ordered to be engrossed.

Bill (H. 52,) to provide for including the value of stamps in the taxation of costs. Passed and ordered to be engrossed.

Bill (H. 69,) allowing fees to Justices of the Peace and regulating the same :

Mr. Durham moved that the Bill be referred to the Committee on the Insane Asylum. Not agreed to.

Mr. Boyd moved that it be laid on the table. Not carried.

Mr. Perry, of Carteret, moved that it be indefinitely postponed ; which did not prevail.

Mr. Perry, of Carteret, moved to amend by inserting the following, at the end of section 1 :

"*Provided*, That the fees prescribed in this Act shall be paid only in those counties in which the several County Courts may direct."

Which was not adopted.

Mr. Richardson offered the following amendment, to come in at the close of section 1, which was adopted, viz :

"*Provided, nevertheless*, That when the party convicted shall be unable to pay the Magistrate's costs, the same shall not be taxed as costs of the State."

Mr. Jordan moved to amend by adding the following as an additional section, viz :

"*Be it further enacted*, That the oath required to be administered to magistrates on their qualification, or so much of the same as comes in conflict with this act, be and the same is hereby repealed."

Which did not prevail.

Mr. Durham offered the following as an additional section, and moved to lay the amendment on the table :

"*Be it further enacted*, That magistrates shall be allowed the same fees in all civil process as is herein provided in all criminal cases."

The motion to lay on the table did not prevail, and the amendment was rejected.

Mr. Latham, of Craven, moved to lay the Bill on the table; which was decided in the negative,—Yeas 44, Nays 60.

Mr. Crawford, of Macon, demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Barden, Black, Blair, Boyd, Bradsher, Bright, Bryson, Clement, Collins, Dargan, Daniel, Durham, Farrow, Garrett, Garris, Hodnett, Horton of Wilkes, Jenkins of Granville, Latham of Craven, Lee, Lowe, Lyon, Lutterloh, May, McGougan, Moore of Hertford, Morton, Perry of Carteret, Rountree, Scott, Shelton, Simpson, Stone, Sudderth, Teague, Trull, Turnbull, Vestal, Westmoreland, Wilson of Forsyth, Williams of Harnett, and York—44.

Those who voted in the negative were:

Messrs. Ashworth, Baker, Blythe, Bowe, Brown, Carson, Chadwick, Crawford of Macon, Crawford of Rowan, Davis, Davidson, Everett, Foard, Gambril, Godwin, Gorham, Granbery, Guess, Harper, Henderson, Hinnant, Holderby, Horton of Watauga, Houston, Hutchison, Jen ins of Gaston, Jones, Jordan, Kelsey, Kenan, Kendall, Logan, Long, Martin, McArthur, McClammy, McKay, McNair, McRae, Morehead, Murrill, Patton, Peebles, Perry of Wake, Reinhardt, Richardson, Rosebro, Russ, Scoggin, Smith of Duplin, Smith of Guilford, Stevenson, Umsted, Waugh, Whitfield, Whitley, Wilson of Perquimans, Williams of Pitt, Williams of Yancey, and Womble—60.

Mr. Everett moved that the Bill be referred to the Committee on the Judiciary; which was not ageed to.

Mr. Hutchison offered the following as an additional section, viz:

"*Be it further enacted*, That nothing in this Act shall be construed to repeal any local laws in relation to the fees of magistrates;"

Which did not prevail.

Mr. York moved to amend by adding as follows at the end section 1:

"And the fees of magistrates shall be taxed one hundred per cent."

Mr. Durham moved to lay the amendment on the table; which motion was lost,—Yeas 42, Nays 55.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Barden, Black, Blair, Bradsher, Bright, Bryson, Carson, Clement, Collins, Dargan, Daniel, Durham, Garrett, Garris, Hodnett, Horton, of Wilkes, Latham, of Craven, Lowe, Lyon, Lutterloh, May, McGougan, Moore, of Hertford, Morton, Perry, of Carteret, Reinhardt, Rountree, Scott, Shelton, Simpson, Stone, Teague, Trull, Turnbull, Umsted, Vestal, Westmoreland, Wilson, of Forsyth, Williams, of Harnett, and York—42.

Those who voted in the negative were:

Messrs. Ashworth, Baker, Blythe, Boyd, Brown, Chadwick, Crawford, of Macon, Crawford, of Rowan, Davis, Davidson, Everett, Foard, Gambril, Godwin, Gorham, Granbery, Guess, Harper, Henderson, Hinnant, Holderby, Houston, Hutchison, Jenkins, of Gaston, Jones, Jordan, Kelsey, Kenan, Kendall, Logan, Martin, McArthur, McClammy, McKay, McNair, McRae, Morehead, Murrill, Patton, Peebles, Perry, of Wake, Richardson, Rosebro, Russ, Scoggin, Smith, of Duplin, Smith, of Guilford, Stevenson, Sudderth, Waugh, Whitley, Wilson, of Perquimans, Williams, of Pitt, Williams, of Yancey, Womble and York—55.

The amendment was then rejected.

Mr. Dargan moved that the House do now adjourn. Lost.

Mr. Durham moved that the Bill be indefinitely postponed; which was not agreed to.

Mr. Durham moved that the House do now adjourn. Lost.

Mr. Perry, of Carteret, moved to amend by inserting the following proviso at the end of section 1:

"*Provided*, That the provisions of this Act shall not apply to the Counties of Carteret and Craven, unless the County Court, a majority of Justices being present, shall so direct."

Which did not prevail.

Mr. Durham offered, as an additional section, the following, which was not adopted, viz :

"*Be it further enacted*, That the fees allowed to magistrates by this Bill shall be paid out of any funds in the United States Treasury, not otherwise appropriated."

Mr. Dargan moved that the Bill be referred to the Committee on Propositions and Grievances. Lost.

Mr. Durham moved that the House do now adjourn. Lost.

Mr. Boyd moved to amend by adding the following proviso at the end of section 1, viz :

"*Provided*, That this Act shall not take effect until the 25th day of December, 1869."

Which did not prevail.

Mr. York moved to amend by inserting, at the close of the first section :

"*Provided*, That the provisions of this Bill shall not apply to the counties of Wilkes and Granville."

Which was not agreed to.

Mr. Durham offered the following, as an additional section, and it was not adopted, viz :

"*Be it further enacted*, That magistrates in the county of Cleveland shall be paid such fees in civil business as the County Court may allow."

Mr. Durham moved that the House do now adjourn. Lost.

The Bill then passed its third reading,—Yeas 62, Nays 39.

Mr. Latham, of Craven, demanded the Yeas and Nays.

Those who voted in the affirmative, were :

Messrs. Ashworth, Baker, Blythe, Brown, Carson, Chadwick, Crawford, of Macon, Crawford, of Rowan, Daniel, Davis, Davidson, Everett, Foard, Gambril, Godwin, Gorham, Granbery, Guess, Harper, Henderson, Hinnant, Holderby, Houston, Hutchison, Jenkins, of Gaston, Jones, Jordan, Kelsey, Kenan, Kendall, Logan, Long, Lutterloh, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Morehead, Murrill, Patton, Peebles, Perry, of Wake, Reinhardt, Richardson, Rosebro, Russ, Scoggin, Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Waugh, Whitfield, Whitley, Wilson, of Perquimans, Williams, of Pitt, Williams, of Yancey, and Womble—62.

Those who voted in the negative, were :

Messrs. Allen, Autry, Barden, Black, Blair, Boyd, Bradsher, Bright, Bryson, Clement, Collins, Dargan, Durham, Garrett, Garris, Hodnett, Horton, of Watauga, Horton of Wilkes, Jenkins, of Granville, Latham of Craven, Lowe, Lyon, May, Moore, of Hertford, Morton, Perry, of Carteret, Rountree, Scott, Shelton, Simpson, Teague, Trull, Turnbull, Umsted, Vestal, Westmoreland, Wilson, of Forsyth, Williams, of Harnett, and York—39.

Ordered to be engrossed.

Received a message from the Senate, transmitting recommendations of magistrates for the counties of Catawba and Onslow ; which were concurred in and the Senate informed thereof by message.

Received a message from the Senate, announcing that they had passed

Engrossed Bill (S. 72—H. 25) to enable the Commissioners of Jones County to sell a certain lot. Under a suspension of the rule, passed its several readings and ordered to be enrolled :

Received a message from the Senate, announcing that they had passed, with an amendment, Resolution (H. 191) in favor of the County of Stanly, and asking the concurrence of the House.

Concurred in and the Senate informed thereof by message.

Mr. Williams, of Pitt, offered (by leave) a resolution, instructing the Committee on Propositions and Grievances to enquire into the expediency of reporting a Bill giving to the County Courts the jurisdiction of regulating the fees of lawyers and attorneys.

Which, on motion of Mr. McNair, was laid on the table.

On motion of Mr. Richardson, the House adjourned until Monday morning, 10½ o'clock.

MONDAY, JANUARY 28th, 1867.

The Speaker announced Messrs. Crawford, of Macon, Daniel, Davis, Davidson and Durham, as the Committee on Enrolled Bills for the week.

P. T. Henry, member elect from the county of Bertie, appeared, produced his credentials, was qualified and took his seat.

Mr. Latham, of Washington, presented a Memorial from citizens of Tyrrell county, asking legislation allowing Henry B. Norman, late Sheriff of said county, to collect arrears of taxes. Referred to the Committee on Propositions and Grievances.

On motion of Mr. Cowan, the Resolutions, introduced by himself, with regard to the interest on the public debt, which had been made the Special Order for this day, were postponed and made the Special Order for Wednesday next, 12 o'clock, M.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. P. 39,) to incorporate the Newbern Memorial Association; and

Bill (H. P. 47,) to incorporate Newbern Lodge, No. 245, A. Y. M., in the city of Newbern.

The following Resolutions were offered, and referred, or otherwise disposed of, as stated, viz:

By Mr. Whitfield: Resolution (H. 257,) in regard to testing the legality of the tax on Cotton. Judiciary.

By Mr. Latham, of Washington: Resolutions (H. P. 51, 52, 53 and 54,) in favor of Amos Pettiford, Jordan Simpson, Eugene Burras and Wilson Cherry, respectively. Referred to the Committee on Propositions and Grievances.

By Mr. Crawford, of Macon: Resolution (H. P. 55,) in favor of Thos. S. Siler, former Agent of the Western Turnpike Road. Committee on Cherokee Lands, &c.

By Mr. Stevenson: Resolutions (H. 258,) proposing a Constitutional Convention of all the States of the Union. Referred to the Committee on Federal Relations.

By Mr. Peebles: Joint Resolution of enquiry, asking the opinion of the Supreme Court upon the question: "Is the restriction contained in the Ordinance of the Convention, ratified June 23rd, 1866, entitled "An Ordinance to change the jurisdiction of the Courts and the rules of Pleading therein," binding upon this General Assembly? or has it the power to repeal, alter or modify, said Ordinance, prior to the 3rd Monday in November, 1866?"

Pending discussion on which, the hour having arrived for the consideration of the Special Order, viz: Bill (H. 152,) to establish a Penitentiary, the same was,

On motion of Mr. Dargan, postponed and made the Special Order for Tuesday, Feb. 5th, 12 o'clock, M.

After further debate, the Resolution, on motion of Mr. Dargan was laid on the table,—Yeas 65, Nays 46.

Mr. Dargan demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Barden, Black, Blair, Blythe, Boyd, Bright, Carson, Crawford of Macon, Dargan, Daniel, Durham, Everett, Farrow, Foard, Freeman, Garris, Godwin, Gorham, Guess, Harding, Henderson, Hinnant, Hodnett, Holderby, Horton of Wilkes, Houston, Jenkins of Granville, Jones, Jordan, Kendall, Latham of Craven, Lee, Lyon, Lutterloh, May, Martin, McGougan, McKay, McRae, Moore of Chatham, Moore of Hertford, Morton, Murrill, Neal, Richardson, Rogers, Rountree, Simpson, Smith of Duplin, Smith of Guilford, Sudderth, Trull, Turnbull, Umsted, Vestal, Waugh, Whitfield, Wilson of Perquimans, Williams of Harnett, Williams of Pitt, Williams of Yancey, Womble and York—65.

Those who voted in the negative were:

Messrs. Ashworth, Baker, Beasley, Bowe, Bradsher, Brown, Bryson, Chadwick, Clement, Collins, Cowan, Crawford of Rowan, Davis, Davidson, Gambril, Garrett, Granbery, Harper, Henry, Hutchison, Jenkins of Gaston, Kelsey, Kenan, Latham of Washington, Logan, Long, Lowe, McArthur, McClammy, McNair, Morehead, Patton, Peebles, Perry of Carteret, Reinhardt, Rosebro, Russ, Scoggin, Scott, Shelton, Stevenson, Stone, Teague, Westmoreland, Whitley and Wilson of Forsyth—46.

Bills of the titles following were introduced, and referred, or otherwise disposed of, as stated, viz:

By Mr. Richardson: Bill (H. P. 56) for the benefit of David Jackson, Sr., of Bladen County. Propositions and Grievances.

By Mr. Latham, of Washington: Bill (H. P. 57) to incorporate Lowell Colored School Society in Washington County. Corporations.

By Mr. Garriss: Bill (H. 259) to incorporate the town of Nahunta, in Wayne County. Same reference.

By Mr. Latham, of Craven: Bill (H. 260) for the relief of the people of North Carolina. Ordered to be printed.

By Mr. Cowan: Bill (H. 261) to incorporate the Wilmington Manufacturing Company. Corporations.

By Mr. Dargan: Bill (H. 262) to exchange a certain amount of the Stock in the North Carolina Rail Road Company with the Cheraw & Coalfields Rail Road Company, and for other purposes. Ordered to be printed and referred to the Committee on Internal Improvements.

By Mr. Whitfield: Bill (H. 263) to declare Tar River, through the County of Edgecombe, a water-course sufficient for a fence. Judiciary.

By Mr. Gorham: Bill (H. 264) to amend section 9, chapter 101, Revised Code. Same reference.

By Mr. Bryson: Bill (H. 265) to amend the Act of December 21, 1866, in relation to the bridge across Notla River. Cherokee Lands, &c.

By Mr. Durham: Bill (H. P. 58) for the relief of the late Provisional Sheriff of Cleveland County, and the late Constable of the town of Shelby. Propositions and Grievances.

By Mr. Perry, of Carteret: Bill (H. 266) to authorize the appointment of special magistrates for incorporated towns in Carteret County. Judiciary.

By Mr. Foard: Bill (H. 267) to repeal an Act, entitled "An Act to establish the rates of Interest," ratified March 12th, 1866. Propositions and Grievances.

By Mr. McGougan: Bill (H. 268) allowing debtors the privilege of paying their old debts in State bank currency, or its equivalent in current funds. Judiciary.

By Mr. Foard: Bill (H. P. 59) to incorporate Wilson Lodge, No. 26, F. and A. M. Filed.

From the Senate: Bill (S. P. 59—H. P. 60) authorizing the Justices of Wayne County to sell certain property, &c. Under a suspension of the rules, passed its several readings and ordered to be enrolled.

From the Senate: Bill (S. P. 69—H. P. 61) in favor of W. B. March, Jno. Wilson and others. Filed.

From the Senate: Bill (S. P. 55—H. P. 62) concerning the town of Warrenton. Under a suspension of the rules, passed its several readings and ordered to be enrolled.

From the Senate: Bill (S. 75—H. 269) to amend the charter of the town of Hendersonville. Filed.

By Mr. Patton: Bill (H. 270) to authorize the formation of the English and American Wool and Vine growing, Manufacturing, Mining and Agricultural Association in the United States of America. Corporations.

On motion of Mr. Latham, of Craven, Bill (H. P. 47) to incorporate Newbern Lodge, 245, A. Y. Masons, was taken up; when it passed its several readings and was ordered to be engrossed.

On motion of Mr. Cowan, Bill (H. 180) to establish a Criminal Court in New Hanover County, &c., was taken from the Calendar and re-referred to the Judiciary Committee.

On motion of Mr. Peebles, Bill (H. 190) to amend section 4 of an Act to authorize the Roanoke Navigation Company to discontinue the use of their canal, &c., was taken up and referred to the same Committee.

The Resolutions introduced, on Saturday, by Mr. Whitfield, relative to Bills of a private or local nature, coming up as unfinished business, were, on motion of Mr. Williams, of Pitt, laid on the table.

Received a message from the Senate, concurring in the proposition to raise a Joint Select Committee on Federal Relations, and announcing Messrs. Hall, Willey and Cowles as their branch of the Committee.

Whereupon, the Speaker designated Messrs. McNair, Davis and Logan as the Committee on the part of the House.

Also, a message announcing Messrs. Cunningham, Speed and Coward as the Senate branch of the Committee on Enrolled Bills for the week.

Also, announcing the passage, by that body, with an amendment, of Bill (H. P. 1) to incorporate Union Camp Ground in Cleaveland County.

The amendment was concurred in and the Senate informed thereof.

Received a message from the Senate, proposing to raise a Joint Select Committee, to consist of five members from each House, to consider the policy of re-modeling the Judicial system of the State; which was not concurred in.

On motion of Mr. Waugh, the Resolution concern ng the Hon. Jefferson Davis was taken from the table and referred to the Committee on Federal Relations.

On motion of Mr. McGougan, the Resolution proposing a Joint Select Committee on the subject of adjournment was taken from the table; when it was adopted and transmitted to the Senate.

On motion of Mr. Richardson, the House reconsidered the vote by which it had refused to concur in the proposition of the Senate to raise a Joint Select Committee on the subject of the Judicial system of the State; when

The proposition was concurred in and the Senate informed thereof by message.

On motion of Mr. Waugh, the House adjourned until to-morrow morning, 10½ o'clock.

Tuesday

~~THURSDAY~~, JANUARY 29th, 1867.

Prayer by the Rev. Mr. Atkinson, of the Presbyterian Church.

The Speaker announced Messrs. Dargan, Kenan, Durham, Perry and Davis, as the House branch of the Committee to consider the propriety of remodeling the Judicial system of the State.

Messrs. Russ, Rogers and Perry rose to questions of personal privilege,—pending which,

The hour having arrived for the consideration of the Special Order, viz: Bill (H. 54,) to amend the "Act to establish work-houses and houses of correction," the same was,

On motion of Mr. McClammy, postponed and made the Special Order for Wednesday, February 6th, at 11 o'clock, A. M.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. P. 57,) to incorporate Lowell Colored School Society;

Bill (H. 235,) to incorporate the town of Hookerton;

Bill (H. P. 44,) to incorporate Rockford Male and Female Seminary;

Bill (H. P. 42,) to incorporate Jerusalem Lodge, No. 95, A. Y. M.;

Bill (H. P. 40,) to incorporate the St. Philip's Episcopal Singing Society of Newbern;

Bill (H. P. 43,) to incorporate the New Market Foundry and Manufacturing Company;

Bill (H. 224,) to establish the dividing line between Salem and Winston; and

Bill (H. 251,) to incorporate Holston Annual Conference of M. E. Church, South.

And favorably, with amendments, on

Bill (H. 226,) to incorporate the Olivia Quicksilver Mining Company, in Macon county;

Bill (H. P. 45,) to incorporate Tuckasegee Gold and Copper Mining Company;

Bill (H. 221,) to incorporate Flat Swamp, Lock's Creek and Evans' Creek Canal Company;

Bill (H. 230,) to incorporate the North Carolina Agricultural and Manufacturing Company.

Mr. McNair, from the same Committee, to whom was referred a Memorial of citizens of Hendersonville, praying an amendment of the Charter of that town, asked to be discharged from the further consideration of the matter; which was so ordered.

Mr. Kenan, from the Committee on the Judiciary, to whom was referred Bill [H. 180,] to establish a Criminal Court in New Hanover county, reported back a substitute for the same, recommending its passage, viz:

Bill [H. 271,] to establish a Criminal Court in New Hanover county; which was placed on file.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

Bill (H. P. 56,) for the benefit of Daniel Johnson, Sr.

Mr. Waugh, from the same Committee, to whom was referred a Memorial from citizens of Tyrrell, praying that H. B. Norman, former Sheriff, may have the power to collect arrears of taxes, reported the same back and asked to be discharged from its further consideration; which was ordered accordingly.

Mr. McKay, from the Committee on the Judiciary, reported favorably, with amendments, on

Bill (H. P. 49,) to allow the representative of W. E. Mann, deceased, late Sheriff of Pasquotank County, to collect arrears of taxes.

And favorably on

Bill (H. 223,) to amend Chapter 39, Acts of 1860-'61; and

Resolution (H. 257,) relative to testing the legality of the Cotton tax.

Resolutions were offered and disposed of, as follows:

By Mr. Waugh: Resolutions (H. 272,) in favor of a Constitutional Convention. Ordered to be printed and referred to the Committee on Federal Relations.

By Mr. Horton, of Watauga: Instructing the Judiciary Committee to enquire what further legislation is necessary with reference to the political and social status of Freedmen, &c. Adopted.

Bills of the titles named were introduced, read, referred, or otherwise disposed of, as follows:

By Mr. Russ: Bill (H. 273,) relating to hunting on the Sabbath. Judiciary.

By Mr. Holderby : Bill (H. 274,) to incorporate the Rockingham and Henry Rail Road Company. Internal Improvements.

By Mr. Horton, of Watauga : Bill (H. P. 63,) to authorize A. J. McBride, former Sheriff of Watauga, to collect arrears of taxes. Propositions and Grievances.

By Mr. Crawford, of Macon : Bill (H. 275,) to incorporate the American Industrial Association of North Carolina. Corporations.

By Mr. Chadwick : Bill (H. 276,) to subject the lands covered by Long Lake, in Craven County, to entry. Filed.

By Mr. Crawford, of Macon : Bill (H. 277,) for the relief of purchasers of vacant land in Macon County. Propositions and Grievances.

By Mr. Davis : Bill (H. 278,) relating to Deeds of Trust and Mortgages. Judiciary.

Mr. Richardson moved to take from the Calendar and consider Bill (H. P. 56,) for the benefit of Daniel Johnson, Sr. ; which did not prevail

The hour for the remaining special order, viz : Bill (H. 198,) to raise Revenue, having arrived, the same was read, when

Mr. Harper moved that it be made the special order for Thursday next, 12 o'clock, M., and that it betaken up for consideration at the same hour, on each successive day, until finally disposed of; which order was made accordingly.

The Calender of Bills, &c., on their second reading, was then taken up, and the following action had :

Bill (H. 48,) to repeal Chapter 12, Acts of 1861, and chapter 18, Acts of 1862 : On motion of Mr. Latham, laid on the table.

Bill (H. 64) to incorporate the Albemarle Swamp Land Company. Passed second, and, under a suspension of the rule, third reading, and ordered to be engrossed.

Bill (H. 73,) to amend Section 71, Chapter 31, Revised Code :

Mr. Crawford, of Macon, moved to amend by striking out the words "and fifty cents," in the last line of Section 1.—Carried.

The Bill, as amended, passed to a third reading.

Bill (H. 87,) to protect honest debtors. Tabled, on motion of Mr. Hodnett.

Bill (H. 91) to exempt certain articles from execution.—Laid on the table, on motion of Mr. Richardson.

On motion of Mr. Foard, the rule was suspended, and Bill (H. 222,) to abolish imprisonment for debt, was taken from the Calendar.

Mr. Lowe moved that the Bill be referred to the Committee on the Judiciary; which did not prevail.

Mr. Wilson, of Perquimans, moved that it be laid on the table; which was not agreed to.

Mr. Logan moved to amend by striking out, in line 10, Section 2, all after the word "have," and insert, in lieu thereof, "the right to require bail as heretofore." Adopted.

Mr. McKay moved to amend by inserting, at the end of Section 2, the following:

"*Provided*, That if the defendant may make a counter affidavit, that he or they are not about to remove beyond the limits of the State, bail shall not be required; and either party, guilty of false swearing, shall be deemed guilty of perjury and punished accordingly."

Which was adopted.

Mr. Dargan then moved that the Bill, as amended, be laid on the table; which did not prevail.

Mr. Davis moved further to amend by inserting, after the words "shall make oath in writing," in the 6th line, the words "at the time of issuing the summons, or at any time thereafter, before judgment and execution;" which prevailed.

And then, on motion of Mr. Moore, of Hertford, the Bill was referred to a Select Committee of three members, to be designated by the Speaker.

Received a communication from his Excellency, the Governor, covering a Memorial of citizens of Granville County, praying the establishment of a Warehouse in the town of Henderson and the appointment of an Inspector of Tobacco.

Which was read, and, on motion of Mr. Waugh, transmitted to the Senate.

On motion of Mr. Morton, the House adjourned until to-morrow morning, 10½ o'clock.

WEDNESDAY, JANUARY 30, 1867.

The Speaker announced Messrs. Moore, of Hertford, Dargan and McKay as the Special Committee to whom is referred Bill (H. 222) to abolish imprisonment for debt.

Mr. Cowan, from the Committee on Internal Improvements, reported favorably, with amendments, on

Bill (H. 169) to amend an Act to incorporate the North Carolina Rail Road Company.

Unfavorably on

Bill (H. 219) to consolidate the Atlantic & North Carolina, the North Carolina, and the Western North Carolina Rail Roads.

And favorably on

Bill (H. 246) to amend the charter of the Fayetteville and Florence Rail Road Company;

Bill (H. 231) to enable the Western North Carolina Rail Road Company to extend its road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in Surry County; and

Bill (H. 233) to enable the Buncombe Turnpike Company to subscribe its stock to the Western North Carolina Rail Road Company.

Mr. Harper, from the Committee on Finance, reported unfavorably on

Bill (H. P. 48) in favor of Walter Smith, Sheriff of Rockingham.

Mr. Kenan, from the Committee on the Judiciary, reported favorably on

Bill (H. 252) giving to the County and Superior Courts authority to sentence criminals to work on the public roads;

Bill (H. 266) to authorize the appointment of special magistrates in incorporated towns in Carteret County; and

Bill (H. 190) to amend section 4 of an Act to authorize the Roanoke Navigation Company to discontinue the use of their canal, &c.

And unfavorably on

Bill (H. 205) for the relief of owners of land and houses;

Bill (H. P. 50) in favor of A. H. Sanders, late Sheriff of Montgomery; and

Bill (H. 268) allowing debtors the privilege of paying their old debts in State bank money, or its equivalent in current funds.

Mr. Richardson, from the same Committee, reported adversely on

Bill (H. 247) to amend the Act "to prevent enticing servants from fulfilling their contracts and harboring them;" and

Bill (H. 3) to punish persons who knowingly entice or persuade minors to leave the service of their parents, guardians or masters.

Mr. Richardson, from the same Committee, to whom was referred Bill (H. 264) to amend section 9, chapter 104, Revised Code, reported back a substitute for the same and recommended its passage, viz:

Bill (H. 279) amendatory of an Act, passed in 1866, "To amend section 9, chapter 104, Revised Code, entitled Roads, Ferries, and Bridges;" which was placed on file.

Mr. Davis, from the same Committee, to whom was referred Bill (H. 236) to amend section 2, chapter 46, Revised Code, reported back a substitute for the same and recommended its passage, viz:

Bill, (H. 280,) with same title; which was placed on file.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. 261) to incorporate the Wilmington Manufacturing Company:

Bill (H. 259) to incorporate the town of Nahunta;

Bill (H. 270) to authorize the formation of the English and American Wool and Vine growing, manufacturing, mining and agricultural Association in the United States of America; and

Bill (H. 275) to incorporate the American Industrial Association of North Carolina.

The following Resolutions, Bills, &c., were introduced, read, referred, or otherwise disposed of, as stated, viz :

By Mr. Russ : Resolution (H. P. 64) in favor of the messenger to the Governor :

The rule being suspended and the Resolution put on its second reading,

Mr. Blair moved to amend by striking out "fifty dollars" and inserting "forty dollars;" which did not prevail.

The Resolution then passed its second reading,—Yeas 57, Nays 50.

Mr. Scoggin demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Allen, Bowe, Bright, Carson, Chadwick, Clark, Collins, Cowan, Crawford, of Rowan, Dargan, Daniel, Davis, Everett, Foard, Granbery, Harper, Henderson, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jones, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Lee, Lowe, Lyon, Lutterloh, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Murrill, Neal, Patton, Perry, of Carteret, Perry, of Wake, Richardson, Rogers, Russ, Scott, Simpson, Smith, of Guilford, Stone, Sudderth, Wilson, of Perquimans, Williams, of Martin, Williams, of Pitt and York—57.

Those who voted in the negative were :

Messrs. Ashworth, Barden, Beasly, Black, Blair, Blythe, Boyd, Bradsher, Brown, Bryson, Clement, Crawford, of Macon, Davidson, Durham, Farrow, Freeman, Gambril, Garrett, Godwin, Gorham, Guess, Harding, Hinnant, Hodnett, Jenkins, of Gaston, Kelsey, Logan, Long, May, Moore, of Chatham, Morton, Reinhardt, Rosebro, Rountree, Scoggin, Shelton, Smith, of Duplin, Stevenson, Teague, Trull, Umsted, Vestal, Waugh, Westmoreland, Whitfield, Whitley, Wilson, of Forsyth, Williams, of Harnett, Williams, of Yancey, and Womble—50.

The Resolution being put on its third reading,

Mr. Blair moved to amend by striking out "fifty dollars" and inserting "thirty-three and a third dollars;" which did not prevail.

Mr. Boyd moved to amend by striking out "fifty dollars per month" and inserting "five hundred dollars per annum;" which was adopted.

Mr. Crawford, of Maeon, moved to amend by adding the following:

"*Resolved, further*, that the Sheriffs' fees of this State shall hereafter be fifty per eent. in addition to fees allowed in Chapter 102, Revised Code."

Whieh was not adopted.

The Resolution, as amended, then passed its third reading and was ordered to be engrossed.

By Mr. MeKay: Resolution instrueting the Judieiary Committee to aseertain and report what is the indebtedness of the State not ineurred for war purposes. Adopted.

By Mr. Logan: Resolution requesting the Governor to inform this House what number of Clerks or Messengers are absolutely neeessary to assist him in the duties of his offiee. Rejected, on motion of Mr. MeNair.

By Mr. Gambril: Resolution (H. P. 65) in favor of Horton S. Reeves, of Alleghany County. Claims.

By Mr. Latham, of Craven: Instrueting the Judieiary Committee to enquire and report what ehanges, if any, are neeessary in the law regulating the appointments of Auetioneers. Adopted.

By Mr. Cowan: Bill (H. 281) to require the Prineipal Clerks to index the Journals and Laws. Under a suspension of the rules, passed its several readings and ordered to be engrossed.

By Mr. Dargan: Bill (H. 282) authorizing the Chairman of the County Court of Anson to sell certain lots in the town of Wadesboro'. Filed.

By the same: Bill (H. 283) extending the several terms of the County Courts of Anson. Filed.

By the same: Bill (H. P. 66) to ineorporate the Carolina Lodge, No. 141, in Anson County. Corporations.

By Mr. Scoggin: Bill (H. P. 67) for the relief Robert McFarland, former Sheriff of Polk. Finance.

By Mr. Horton, of Watauga: Bill (H. 284) to re-enact section 9, chapter 42, Revised Code, entitled, "Entries and Grants." Propositions and Grievances.

By Mr. Durham: Bill (H. 285) to authorize a public road from Shelby to the South Carolina line, and the construction of a toll-bridge and dam across Broad River. Same reference.

By Mr. Harper: Bill (H. 286) to secure a better drainage of the low-lands on Lower Creek in Caldwell County. Same reference.

By Mr. Patton: Bill (H. 287) to amend the charter of the Western North Carolina Rail Road. Internal Improvements.

By Mr. Waugh: Bill (H. 288) to revise and consolidate the various Acts relating to the collection and return of taxes for the support of the indigent insane. Finance.

By Mr. Houston: Bill (H. 289) in regard to standard Weights and Measures. Judiciary.

From the Senate: Bill (S. 129—H. 290) to amend the charter of the Western Rail Road Company. Under a suspension of the rules, passed its several readings and ordered to be enrolled.

From the Senate: Bill (S. P. 81—H. P. 68) in favor of R. H. S. Bond, Sheriff of Gates. Under a suspension of the rule, passed its several readings and ordered to be enrolled.

From the Senate: Bill (S. 2—H. 291) to establish freehold Homesteads. Judiciary.

From the Senate: Bill (S. 31—H. 292) to protect property sold under execution from sacrifice. Same reference.

On motion of Mr. Chadwick, Bill (H. 276) to subject the lands covered by Long Lake, in Craven, to entry, was taken up; and

On further motion of Mr. Latham, of Washington, the same was referred to the Committee on Swamp Lands.

Mr. Moore, of Hertford, from the Special Committee to whom was referred Bill (H. 222) to abolish imprisonment for debt, as amended by the House on yesterday, reported back the original Bill, recommending its passage.

The substitute was adopted, and, under a suspension of the rule, was put on its second reading;

Pending discussion on which, the hour for the special order, viz: the Resolutions with regard to the interest on the public debt, having arrived,

Mr. Cowan moved that they be referred, in the shape of Resolutions of enquiry, to the Committee on Finance; which was so ordered.

The consideration of the Bill (H. 222) being resumed,

Mr. Davis moved to amend, by adding, at the close of section 2, the following:

Provided, further, That if, at any time, after the issuing of the writ and before execution levied, the plaintiff, his agent, or attorney, shall make oath before the Clerk of the County Court, from which the writ is issued, that the defendant is about to leave State, then the Clerk shall issue an *alias* writ of *capias ad respondendum* or *ad satisfaciendum*, as the case may be, and the defendant shall be required to give bail."

Which was adopted.

Mr. Morehead moved to amend by adding the following at the end of section 2:

"*Provided*, That after service of process any and all alienation of property, both personal and real, by the defendant, be void, until the final settlement of the suit."

Which did not prevail.

Mr. McNair moved to amend, by striking out all after the word "shall," in line 5, section 2, to the word "then," in line 10, same section, and inserting instead "require bail, and the same shall be endorsed in writing on the process by the plaintiff, his attorney or agent;" which was not agreed to.

Mr. Westmoreland moved to amend by adding the following, at the end of section 2:

"*Provided*, That the provisions of this Bill shall not apply to the County of Stokes."

Which was not adopted.

The Bill then passed its second reading; and, being placed on its third,

Mr. Morehead moved to amend by adding the following at the end of section 2, viz:

"*Provided*, that the service of process shall create a lien on the property of the defendant, in favor of the plaintiff."

And the question being thereon was put and decided in the negative,—Yeas 50, Nays 57.

Mr. Russ demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs, Allen, Ashworth, Baker, Blair, Blythe, Bradsher, Bright, Brown, Bryson, Carson, Clark, Clement, Cowan, Crawford, of Macon, Davidson, Gambril, Garrett, Godwin, Granbery, Guess, Harper, Hodnett, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jenkins, of Gaston, Lowe, Martin, McArthur, McClammy, McGougan, McNair, Morehead, Patton, Peebles, Perry, of Wake, Reinhardt, Rosebro, Russ, Shelton, Smith, of Guilford, Stevenson, Sudderth, Teague, Umsted, Vestal, Waugh, Westmoreland, and Wilson, of Forsyth—50.

Those who voted in the negative were:

Messrs. Barden, Boyd, Bowe, Chadwick, Collins, Crawford, of Rowan, Dargan, Daniel, Davis, Durham, Everett, Foard, Freeman, Garris, Gorham, Harding, Henderson, Henry, Hinnant, Holderby, Jenkins, of Granville, Jones, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Lee, Logan, Long, Lyon, Lutterloh, May, McKay, McRae, Moore, of Chatham, Moore, of Hertford, Morton, Murrill, Perry, of Carteret, Richardson, Rogers, Rountree, Scoggin, Scott, Simpson, Smith, of Duplin, Stone, Trull, Whitfield, Whitley, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble, and York—57.

The Bill then passed its third reading—Yeas 87, Nays 19.

Mr. Martin demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Barden, Black, Blythe, Bowe, Bradsher, Bright, Bryson, Carson, Chadwick, Clark, Collins, Crawford of Macon, Crawford of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Everett, Farrow, Foard, Freeman, Gambril, Garrett, Garris, Godwin, Gorham, Granbery, Guess, Harding, Harper, Henderson, Henry, Hinnant, Holderby, Horton of Watauga, Horton of Wilkes, Jenkins of Granville, Jones, Kelsey, Kenan, Kendall, Latham of Craven, Latham

of Washington, Lee, Logan, Long, Lutterloh, May, McClammy, McGougan, McKay, McRae, Moore of Chatham, Moore of Hertford, Morton, Murrill, Peebles, Perry of Carteret, Perry of Wake, Reinhardt, Richardson, Rogers, Rosebro, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Stevenson, Stone, Sudderth, Trull, Umsted, Vestal, Waugh, Whitfield, Whitley, Wilson of Perquimans, Williams of Pitt, Williams of Yancey, Womble and York—87.

Those who voted in the negative were :

Messrs. Baker, Boyd, Clement, Cowan, Hodnett, Houston, Hutchison, Jenkins of Gaston, Lowe, Martin, McArthur, McNair, Morehead, Patton, Russ, Smith of Guilford, Teague, Westmoreland and Wilson of Forsyth—19.

Ordered to be engrossed.

On motion of Mr. Richardson, Bill (H. P. 56,) for the benefit of Daniel Johnson, Sr., was taken up, and, under a suspension of the rules, passed its several readings and was ordered to be engrossed.

On motion of Mr. Perry, of Carteret, Bill (H. 266,) to authorize the appointment of special magistrates in the incorporated towns of Carteret county, was taken up, and, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Latham, of Washington, moved to take up and consider Bill (H. P. 57,) to incorporate Lowell Colored School Society; which prevailed, and the Bill, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Latham, of Craven, moved to take up and consider Bill (H. P. 40,) to incorporate the St. Philip's Episcopal Singing Society of Newbern; which was not agreed to.

Leave of absence until Monday next was granted to Mr. Autry.

On motion of Mr. Hodnett, the House adjourned until to-morrow morrow, 10½ o'clok.

THURSDAY, JANUARY 31, 1867.

Prayer by Rev. Mr. Hudson, of the Methodist Church.

Messrs. Jordan and Williams, of Martin, asked and obtained leave to record their votes in the affirmative on the Bill (H. 222,) to abolish imprisonment for debt.

Received a message from his Excellency, the Governor, covering a report from the Cape Fear and Deep River Navigation Company; which, on motion of Mr. Waugh, was ordered to be transmitted to the Senate, with a proposition to refer the same to a Joint Select Committee of three from each House.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

Bills (H. P. 51, 52, 53 and 54,) for the relief of Amos Pettiford, Jordan Simpson, Eugene Burras and Wilson Cherry, respectively.

And favorably, with amendments, on

Bill (H. 277,) for the relief of purchasers of vacant lands in Macon county.

Mr. McKay, from the Committee on the Judiciary, reported favorably on

Bill (S. 17—H. 243,) for the better suppression of horse-stealing; and

Bill (H. 250,) to amend section 6, chapter 90, Revised Code.

And unfavorably on

Bill (H. 60,) for the relief of the people;

Bill (H. 93) giving debtors, whose lands have been sold under execution, a right of redemption;

Bill (H. 30) to change the present jurisdiction of Justices of the Peace, and for the relief of poor debtors; and

Bill (H. 129) to amend section 7, chapter 63, Revised Code, entitled "Justices of the Peace."

Mr. McKay, from the same Committee, to whom was referred a Resolution of enquiry in relation to empowering Guardians to compromise debts, reported the same back and asked to be discharged from its further consideration; which was so ordered.

Mr. Long, from the Committee on the Library, reported favorably on

Resolution (H. 229) authorizing the State Librarian to purchase fifty copies of Battle's Digest.

Mr. Patton, from the Committee on Internal Improvements, reported favorably, with an amendment, on

Bill (H. 232) to incorporate the Greensboro' and Dan River Rail Road Company;

And favorably on

Bill (H. 262) to exchange a certain amount of the stock in the North Carolina Rail Road Company, with the Cheraw and Coal Fields Rail Road, and for other purposes; and

Bill (H. 274) to incorporate the Rockingham and Henry Rail Road Company.

Mr. Harper, from the Committee on Finance, to whom was referred a memorial of citizens of Henderson, praying an increase in the fees of Constables, reported the same back and asked to be discharged from its further consideration; which was so ordered.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred a Resolution directing them to report a Bill making it larceny to steal bonds, coupons, revenue stamps, &c., reported back

Bill (H. 293) to amend section 20, chapter 34, Revised Code; which was placed on file.

Mr. Richardson, from the Committee on the Judiciary, reported favorably on

Bill (S. 2—H. 291) to establish freehold Homesteads.

Mr. Latham, of Washington, from the Committee on Swamp Lands, reported unfavorably on

Bill (H. 276) to subject the lands covered by Long Lake, in Craven County, to entry.

The following Resolutions and Bills were introduced, referred, or otherwise disposed of, as follows:

By Mr. Wilson, of Perquimans: Resolution requesting the Judiciary Committee to consider the propriety and necessity of providing by law for allowing Executors, Guardians, &c., to compromise with their debtors, &c. Adopted.

By Mr. Richardson ; B ll (H. 224) to incorporate the North Carolina Land Agency, for the encouragement of immigration. Referred to the Committee on Corporations.

From the Senate : Bill (S. 24—H. 295) to authorize the Justices of Cumberland County to fund the interest due on its bonds, issued in payment of its stock in the Western Rail Road. Filed.

From the Senate : Bill (S. 25—H. 296) to authorize the Mayor and Commissioners of Fayetteville to fund the interest due on their bonds, issued in payment of stock in the Western Rail Road Company. Filed.

From the Senate : Resolution (S. P. 84—H. P. 69) in favor of W. H. Perkins, late Tax Collector of Pitt County. Filed.

The Calendar of Bills on their second reading was taken up and the following dispositions made, viz :

Bill (H. 3) to punish persons who knowingly entice or persuade minors to leave the service of their parents, guardians and masters : Laid on the table.

Bill (H. 30) to change the jurisdiction of Justices of the Peace and for the relief of poor debtors : Laid on the table, on motion of Mr. Martin.

Bill (H. 60) for the relief of the people : On motion of Mr. Russ, laid on the table.

On motion of Mr. Rogers, Bill (H. 260) for the relief of the people of North Carolina, was taken from the Calendar and considered, on its second reading.

Mr. Williams, of Pitt, offered an amendment, in the way of an additional section, providing that the provisions of the Bill shall not apply to debts contracted since May 1, 1865.

Pending discussion on which, Mr. McKay moved that the Bill be referred to the Committee on the Judiciary.

Mr. Martin moved to lay the motion to refer on the table ; which was decided in the negative,—Yeas 32, Nays 78.

Mr. Martin demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Baker, Boyd, Brown, Bryson, Clement, Collins, Crawford, of Macon, Crawford, of Rowan, Davis, Davidson, Harper, Hodnett, Hutchison, Jenkins, of Gaston, Kenan, Kendall, Lowe, Martin, McArthur, McGougan McNair, Mc-

Rae, Perry, of Carteret, Rosebro, Smith, of Guilford, Stevenson, Teague, Westmoreland, Whitley, Wilson, of Forsythe, Williams, of Martin and Woodard.

Those who voted in the negative, were:

Messrs. Ashworth, Barden, Beasley, Black, Blair, Blythe, Bowe, Bradsher, Bright, Carson, Chadwick, Clark, Dargan, Daniel, Durham, Everett, Foard, Freeman, Gambril, Garrett, Garris, Godwin, Gorham, Granbery, Guess, Harding, Henderson, Henry, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Granville, Jones, Jordan, Kelsey, Latham, of Craven, Latham, of Washington, Lee, Logan, Lyon, Lutterloh, May, McClammy, McKay, Moore, of Chatham, Moore, of Hertford, Morehead, Morton, Murrill, Neal, Patton, Peebles, Perry, of Wake, Reinhardt, Richardson, Rogers, Rountree, Russ, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Stone, Sudderth, Trull, Umsted, Vestal, Waugh, Whitfield, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt, Williams, of Yancy, Womble and York.

The question recurring on the motion to refer, it was decided in the affirmative,—Yeas 95, Nays, 14.

Mr. Henry demanded the Yeas and Neas.

Those who voted in the affirmative, were:

Messrs. Allen, Ashworth, Baker, Beasley, Blair, Blythe, Boyd, Bowe, Bradsher Brown, Bryson, Chadwick, Clark, Clement, Collins, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davis, Davidson, Durham, Everett, Foard, Freeman, Gambril, Garrett, Garris, Godwin, Gorham, Granbery, Guess, Harding, Harper, Henderson, Henry, Hodnett, Holderby, Horton, of Watauga, Houston, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Lee, Logan, Long, Lowe, Lutterloh, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Horehead, Morton, Murrill, Patton, Peebles, Perry, of Wake, Reinhardt, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Scott, Shelton, Simpson, Smith, of Guilford, Stevenson, Stone, Sudderth, Teague, Trull, Umsted, Vestal, Waugh, Westmoreland, Whitfield, Wilson, of Forsythe, Wilson, of

Perquimans, Williams, of Pitt, Williams, of Yancey, and Woodard.

Those who voted in the negative, were :

Messrs. Barden, Black, Bright, Carson, Hinnant, Lyon, May, Moore, of Chatham, Neal, Perry, of Carteret, Smith, of Duplin, Williams, of Harnett, Womble and York.

On motion of Mr. Dargan, Bill (H. 262,) to exchange a certain amount of stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, was made the Special Order for Monday next, February 4th, at 12 o'clock, M.

Received a message from the Governor, transmitting the report of the State Geologist ; which,

On motion of Mr. Patton, was sent to the Senate, with a proposition to print twenty copies thereof for each member of the General Assembly, two hundred copies for the use of the Governor, and the same number for the use of the Geologist.

On motion of Mr. Harper, Bill (H. P. 22,) in favor of E. P. Tabb & Co., was taken from the table, and re-referred to the Committee on Finance.

The hour having arrived for the consideration of the Special Order, viz : Bill (H. 198,) to raise Revenue, on its second reading,

The same was taken up, and, on motion of Mr. Latham, of Washington, the Clerk proceeded to read the same by sections.

Mr. Harper offered the following as an amendment, to come in at the end of Rule 1, viz :

"*Provided*, That purchases, sales, receipts, earnings or profits, on which taxes were paid for the three months preceding the 1st day of July, 1866, under the Revenue Act, ratified March 12, 1866, shall be exempt."

Which was adopted.

Mr. Hodnett moved further to amend by striking out, in line 9, Schedule A., the figures "1860," and in line 14 the figures "1868," and inserting, in lieu of each, the figures "1867;" which did not prevail.

Mr. Baker moved to amend by striking out "fifty cents," in line 5, Schedule A., caption "Poll Tax," and inserting, in lieu thereof, the words "one dollar;" which was not adopted.

Mr. Baker moved further to amend by striking out, in line 10, same Schedule and caption, the words: "Such employees shall be listed in the district where they are employed."

Mr. Whitley moved, as an amendment to the amendment, to strike out the whole of paragraph 2, immediately following that ending "fifty cents."

Which was not adopted; and then

The further consideration of the Bill was postponed until to-morrow, 12 o'clock, M.

Received a message from the Senate, concurring in the proposition to print the Report of the State Geologist.

Also, a message concurring in the proposition to refer the report of the Cape Fear and Deep River Navigation Company to a Joint Select Committee of three from each House, and announcing Messrs. McLean, Williams and Paschal as the Senate branch of the Committee.

Whereupon, the Speaker designated Messrs. Lutterloh, May, and McClammy, as the Committee on the part of the House.

On motion of Mr. Everett, the House adjourned until to-morrow morning, 10½ o'clock.

FRIDAY, FEBRUARY 1, 1867.

Prayer by the Rev. Dr. Smedes, of the Episcopal Church.

Leave of absence for two days was granted to the Assistant Doorkeeper.

Mr. Waugh, from the Committee on Propositions and Grievances, reported back

Bill (H. P. 58,) for the relief of the late Provisional Sheriff of Cleveland and Constable of Shelby; and

A Memorial from citizens of Davidson, praying for relief,—

Asking to be discharged from their further consideration; which was so ordered.

Also unfavorably on

Bill (H. P. 63,) to authorize A. J. McBride, Sheriff of Watauga, to collect arrears of taxes.

Mr. Davis, from the Committee on the Judiciary, reported unfavorably on

Bill (H. 183,) to abolish the office of State Geologist.

Mr. Patton, from the Committee on Internal Improvements, reported favorably on

Bill (H. 286,) to amend the charter of the Western North Carolina Rail Road.

Mr. Patton, from the same Committee, to whom was referred (H. 255,) to amend the charter of the Western North Carolina Railroad, reported back a substitute for the same, and recommended its passage, viz:

Bill (H. 297) to authorize the President and Directors of the Western North Carolina Rail Road Company to put said road under contract. Placed on file.

Mr. Bryson, from the Committee on Cherokee Lands, reported favorably on

Bill (H. 265) to amend the act of December 21, 1866, in relation to the bridge across Notla River.

Unfavorably on

Bill (H. P. 55) in favor of Thos. S. Siler, former Agent of Cherokee Lands

And favorably, with amendment, on

Bill (H. P. 46) in favor of Jacob Siler, Agent, &c.

Mr. Harper, from the Committee on Finance, reported unfavorably on

Bill (H. P. 67) in favor of Robt. McFarland, former Sheriff of Polk.

And favorably on

Bill (H. 288) to revise and consolidate the various Acts relating to the collection and return of taxes for the support of the indigent insane;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Harper, from the same Committee, reported back

Bill (H. P. 22) in favor of E. P. Tabb & Co.

Asking to be discharged from its further consideration, for reasons stated; which was so ordered.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. P. 66) to incorporate Carolina Lodge, No. 141, A. Y. M., in Anson County.

Mr. Richardson, from the Committee on the Judiciary, to whom was referred a resolution of enquiry concerning Auctions and Acutioneers, reported back a Bill, in accordance with the object of said Resolution, and recommended its passage, viz:

Bill (H. 298) to amend sections 1 and 3, chapter 10, Revised Code; which was placed on file.

Mr. McKay, from the same Committee, to whom was referred a Resolution of enquiry relative to empowering Executors, &c., to compromise debts, reported back, recommending its passage, the following Bills, viz:

Bill (H. 299) to enable Guardians, and others, to adjust their accounts.

Received a message from the Senate, announcing the election of Chas. M. Busbee, of Wake, as Assistant Clerk of that body, *vice* Quentin Busbee, resigned.

The following Resolutions and Bills were introduced, read, referred, or otherwise disposed of, as stated, viz:

By Mr. Ashworth: Resolution requesting the Judiciary Committee to declare the meaning of section 51, chapter 46, and section 18, chapter 118, Revised Code. Adopted.

By Mr. Granbery: Resolution providing for evening sessions of this House. Laid over, under the rule.

By Mr. Bradsher: Joint Resolution providing for a *sine die* adjournment on the 11th instant. Laid on the table, on motion of Mr. Waugh.

By Mr. McRae: Resolution (H. P. 70) in favor of Walter L. Steele; accompanied by a Memorial. Claims.

By Mr. Baker: Resolution (H. P. 71) in favor of S. W. Chamberlain. Propositions and Grievances.

By Mr. McKay: Resolution instructing the Judiciary Committee to enquire into the expediency of so amending the

existing laws as to afford relief, short of a Court of Equity, against the losses of notes, &c. Adopted.

By Mr. Boyd: Bill (H. 300) to repeal an Ordinance of the Convention entitled "An Ordinance to prohibit the sale of spirituous liquors within one and half miles of Company Shops." Propositions and Grievances.

From the Senate: Resolution (S. 126—H. 301) providing for the marking and protecting the graves of North Carolina Soldiers in Oakwood Cemetery, Virginia. Under suspension of the rule, unanimously passed its several readings and ordered to be enrolled.

From the Senate: Bill (S. 114—H. 302) to extend the time for the return to the County Courts of the lands to be sold for taxes. Filed.

From the Senate: Bill (S. 101—H. 303) to provide for the building a fence in Perquimans County. Referred to the Committee on Propositions and Grievances.

The consideration of the unfinished business of yesterday, viz: Bill (H. 198) to raise Revenue, was taken up, and the reading by sections proceeded with.

Mr. Lowe moved to amend section 2, class 1, Schedule A, by striking out all after the word "sheep," and inserting "made and raised for sale." Adopted.

Mr. Holderby moved to strike out section 3; which prevailed.

Mr. Clement moved to amend, by adding, at the end of section 8, the words: "*Provided*, that no note or bond shall be taxed, when the collection is barred by a Stay Law." Lost.

Mr. Latham, of Craven, moved to amend section 9, by striking out "$100" and inserting "$300." Lost.

Mr. Granbery moved to amend the same sectien by striking out "$100" and inserting "200;" which prevailed.

Mr. Durham moved to strike out section 11; which motion prevailed.

Mr. McNair moved so to amend section 12 as to compel non-residents to pay "one-fifth of one per cent. tax;" which was not adopted.

Mr. Blair moved to amend section 1, class 2, Schedule A., by striking out "$25" and inserting "$10;" which was not adopted.

Mr. Durham moved to amend section 2, by striking out the words "if exceeding $25 in value." Lost.

Mr. Richardson moved to amend section 3, by striking out the words "worn by males." Lost.

Mr. Peebles moved to strike out section 5; which did not prevail.

Mr. Holderby moved to amend section 4, class 3, Schedule A., by striking out "$2 " as the tax on gates across high-ways, and inserting "$10;" which was not adopted.

Mr. Harper moved to amend, by inserting, after the words "pay," in line 4, section 9, in lieu of what follows, the words: "if employing a capital of $20,000, or more, a license tax of $100; if a capital of less than $20,000 and not less than $10,000, $50; and if a capital of $10,000, or less, a tax of $25; and also $10 additional for each county in which they have an agency." Which was adopted.

Mr. Holderby moved to amend section 12, by striking out "one-half per cent." and inserting "one per cent." Lost.

Mr. Henry moved to amend section 14, by striking out "50 cents," as the tax on dirks, &c., and inserting "one dollar."

Mr. McClammy moved to amend the amendment by inserting, after the word "dirk," the words "or knife worn a such;" which did not prevail. And then

The amendment was adopted.

Mr. Perry, of Carteret, moved to amend the same section, by inserting, after the word "one," in line 4, the words "and every fire-arm in the possession of persons not subject to military duty." Lost.

Mr. Stone moved to amend section 14, Schedule B., by striking out, in line 2, the words "for his own use." Lost.

Mr. Perry, of Wake, moved to strike out the whole of section 14.

And the question being "Shall the 14th section stand as a part of the Bill?" it was decided in the affirmative.

Mr. Henry offered an amendment to the section, which the Speaker ruled not to be in order, on the ground that, the

House having just decided that the section should stand as a part of the Bill, it was not open to further amendment on the present reading.

Mr. Henry appealed from the decision of the Chair; and

The question being "Shall the decision stand as the judgment of the House?" it was decided in the affirmative.

Mr. Harper moved to amend section 18, by adding, after the words "County Court," the words "or three Justices out of term time;" which was adopted.

Mr. Boyd moved to strike out section 20; which did not prevail.

Mr. McArthur moved to amend section 6, Schedule C., by striking out the words "marriage licenses," in line 25. Lost.

Mr. Hutchison moved to amend section 5, by inserting after the word "Court," the word, in parenthesis, "said seal to be taxed by the Clerk as a part of the cost." Adopted.

Mr. McNair moved to amend section 2, "Exemptions," by inserting after the words "education of youth," the words "*Provided*, such School or Academy is incorporated, and the proceeds therefrom do not accrue to private individuals." Which was not adopted.

Mr. Harper moved to amend section 6, by adding, at its close, the words "except such property as is specifically taxed;" which motion prevailed.

The Bill, as amended, then passed its second reading.

Mr. Harper moved for a suspension of the rule, in order to put the Bill upon its final reading; but the motion did not prevail.

On motion of Mr. Dargan, Bill (S. 84—H. 200) to transfer the land scrip donated by the United States for an Agricultural College, was made the special order for Monday next, February 4th, at 11 o'clock, A. M.

Received a message from the Governor, communicating a proposition from certain parties in New York to furnish supplies for the relief of the suffering and necessitous, on certain conditions; and also suggesting an appropriation for the compensation of co-Commissioners, whom he may, from time to time, be compelled to appoint, to co-operate with similar agents of the Federal Government.

On motion of Mr. Waugh, the message was sent to the Senate, with a proposition to refer the matters involved to a Select Committee of three from each House.

On motion of Mr. Williams, of Pitt, Bill (S. P. 84—H. P. 69,) in favor of W. H. Perkins, Tax Collector of Pitt County, was taken from the Calendar; and, under a suspension of the rule, it passed its several readings and was ordered to be enrolled.

On motion of Mr. Dargan, the House adjourned until to-morrow morning, 10½ o'clock.

SATURDAY, FEBRUARY 2, 1867.

Received a communication from his Excellency, the Governor, covering the Report of the President and Directors of the Wilmington and Weldon Rail Road Company;

Which, on motion of Mr. Latham, of Washington, was ordered to be transmitted to the Senate, with a proposition to refer the same to the Committee on Finance.

The following Memorials were presented:

By Mr. Jones: From Griffin Pritchard, of Pasquotank, praying for an extension of the corporate limits of the town of Elizabeth city.

By Mr. Wilson, of Perquimans: From citizens of Perquimans, remonstrating against the passage of the proposed fence law for said county.

Mr. Kenan, from the Committee on the Judiciary, reported favorably on

Bill (H. 263,) to declare Tar River, through Edgecomb County, a water course sufficient for a fence; and

Bill (H. 278,) relating to deeds of Trust and Mortgages.

Also,

Bill (H. 113,) to allow persons convicted of crimes and misdemeanors, who are unable to pay the costs, to work them out on the public roads:

Bill (H. 53,) to abolish imprisonment for debt;

Bill (H. 173,) same title ; and

Bill (H. 105) same title,—

Asking, for reasons stated, to be discharged from their further consideration ; which was so ordered.

Also,

Bill (H. 166,) to amend an Act "To incorporate the Greenville and French Road Company," with a recommendation that it be referred to the Committee on Internal Improvements ; which was so ordered.

Mr. Kenan, from the same Committee, to whom was referred a resolution of enquiry as to what further legislation, if any, is necessary, with respect to the political and social status of Freedmen, asked to be discharged from its further consideration ; which was so ordered.

Mr. Harper, from the Committee on Finance, to whom was referred a Resolution of enquiry as to the expediency, &c., of issuing Treasury notes for the payment of the non-funded interest on the debt of the State, asked to be discharged from the further consideration of the same,—a Bill providing for such issue having been favorably reported to the Senate by the Committee.

Also, Bill (H. 220,) in favor of the Oakwood Memorial Association, asking to be discharged from its further consideration,—a similar Bill having already passed both houses of the General Assembly.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred a memorial of citizens of Randolph, praying for relief. asked, for reasons stated, to be discharged from its further consideration ; which was so ordered.

Bills, &c., of the titles named, were introduced, read, referred, or otherwise disposed of, as follows, viz :

By Mr. Patton : Bill (H. 304,) for a Mechanic's Lien Law. Judiciary.

By Mr. Sudderth : Bill (H. P. 72) to incorporate the Trustees of Table Rock Seminary, in Burke County. Corporations.

By Mr. McNair : Bill (H. 305) to extend the limits of the town of Lumberton, Robeson County. Referred, together

with an accompanying memorial, to the Committee on Corporations.

By Mr. Garrett: Bill (H. 306) to change the location of the county-site of Haywood County. Referred, with an accompanying memorial, to the Committee on Propositions and Grievances.

From the Senate: Resolution (S. P. 85—H. P. 73) for the relief of Culpeper Austin, Sheriff of Union County. Under a suspension of the rule, passed its several readings and ordered to be enrolled.

From the Senate: Bill (S. 91—H. 307) to enable the City of Wilmington to provide for the payment of the debt of said City. Filed.

The resolution, introduced on yesterday, providing for evening sessions of the House, coming up, was

On motion of Mr. Waugh, laid on the table.

Bill (H. 198) to raise Revenue, on its third reading, came up as unfinished business.

Mr. Latham, of Washington, moved to amend the preface to Schedule A, by inserting, in line 10, the word "County," in lieu of the word "District;" which was adopted.

Mr. Harper moved to re-insert section 3, Class 1, Schedule A, which was stricken out of the Bill on its second reading. Not agreed to.

Mr. McKay moved to amend section 6, by striking out the words "during the twelve months preceding the first day of April of the year of listing."

And the question being, "Shall the words stand as a part of the Bill?" it was decided in the affirmative.

Mr. Hodnett offered the following as an additional section, to come in as section 3, viz:

"Household and Kitchen furniture, if exceding $300. This paragraph includes, besides other furniture, clocks, pictures, other than family portraits, and books over the value of $100."

Which was adopted.

Mr. McNair moved further to amend section 6, by inserting, after the word "State," in line 7, the words "upon the

amount that he can collect during the year in which the tax is due;" which did not prevail.

Pending the further consideration of the Bill, and before final action,

The hour arrived for the execution of the special order, viz: the appointment of Justices of the Peace.

Whereupon the list of Counties in the State was called alphabetically, and various recommendations were submitted, approved, and sent to the Senate for concurrence.

Received a message from the Senate, transmitting sundry recommendations of magistrates for the Counties of Jackson, Iredell and Perquimans; which were concurred in and the Senate informed thereof by message.

Received a message from the Senate, concurring in the proposition to refer the message of the Governor in regard to the payment of freight on donations, &c., to a Joint Select Committee, and announcing Messrs. Harris, of Franklin, Cardwell and Willey, as the Senate branch of the Committee.

Whereupon, the Speaker designated Messrs. Waugh, Woodard and Crawford, of Rowan, as the Committee, on the part of the House.

On motion of Mr. McNair, the House then adjourned until Monday morning, 10½ o'clock.

MONDAY, FEBRUARY 4, 1867.

The Speaker announced Messrs. Horton of Watauga, Everett, Foard, Gambril and Garrett as the Committee on Enrolled Bills for the week.

Recommendations of magistrates for the counties of Martin and Randolph were submitted, approved and sent to the Senate for concurrence.

Mr. McKay presented a Memorial from the Fayetteville and Florence Railroad Company, praying for relief to the holders of the bonds of said Corporation; which was referred to the Committee on Finance.

Mr. Kenan, from the Committee on the Judiciary, reported favorably on

Bill (H. 78,) in relation to set-off.

And unfavorably on

Bill (H. 238,) to amend an Act, ratified February 7, 1866, "to extend the time for the registration of deeds and other conveyances."

Mr. Kenan, from the same Committee, to whom was referred a resolution of enquiry, as to the expediency of changing the law, so as to compel parties convicted of misdemeanors to work on the public roads, asked to be discharged from its further consideration,—a Bill, embracing the contemplated changes, having already been reported. The order was made accordingly.

Mr. Perry, of Carteret, from the same Committee, reported adversely, at length, on

Bill (H. 260,) for the relief of the people of North Carolina.

On motion of Mr. McNair, the report was ordered to be printed.

Bills of the titles named were introduced, read, referred, or otherwise disposed of, as follows, viz:

By Mr. Cowan: Bill (H. 308,) to change the mode of appointing Auctioneers for the city of Wilmington. Referred, with accompanying Memorial from the Chamber of Commerce, to the Committee on Finance.

By Mr. Chadwick: Bill (H. 309,) to establish a Criminal Court for Craven county, to be held in the city of Newbern. Judiciary.

By Mr. Hutchison: Bill (H. 310) supplemental to "An Act to empower the County Court of Mecklenburg to hold extra terms." Filed.

By Mr. Baker: Bill (H. 311,) to incorporate the town of Rocky Mount, in the county of Edgecombe. Corporations.

From the Senate: Bill (S. P. 10—H. P. 74,) to incorporate the Merchants' and Planters' Mutual Benefit Company. Filed.

From the Senate: Bill (S. P. 13—H. P. 75,) to incorporate the Bingham Coal Mining Company. Filed.

From the Senate: Bill (S. P. 1—H. P. 76,) to incorporate the Lexington Mining Company. Filed.

From the Senate: Bill (S. P. 6—H. P. 77,) to incorporate the Fayetteville Street Railway Company. Filed.

The hour having arrived for the consideration of the first Special Order, viz:

Bill (S. 84—H. 200,) to transfer the land scrip donated by the United States for an Agricultural College,

The same was taken up;

When Mr. McKay, by leave, submitted the Report of the Special Committee, to whom was referred the Memorial of the Trustees of the University,—favoring the transfer of said scrip to said Institution.

Mr. Davis offered the following amendment to the Bill, as an additional section, viz:

"*Be it further enacted*, That it shall be the privilege of the County Courts, in each county of the State, forever, to select annually one native of the State, resident in said county, of good moral character and capacity for usefulness, without the requisite means to defray the necessary expenses of education, who shall be admitted to any classes in the University, for which he may be prepared, free of all charges for tuition and room rent; so that each county may always have one representative at the Institution."

Mr. Foard offered a substitute for the Bill, entitled a Bill "to authorize the Governor, Secretary of State, and Treasurer, to dispose of the land-scrip donated by Congress."

And, after debate, the question being thereon was put and decided in the negative—Yeas 37, Nays 66.

Mr. Foard demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Beasley, Blair, Blythe, Bowe, Carson, Clement, Durham, Everett, Farrow, Foard, Freeman, Gambril, Garrett, Godwin, Henry, Hodnett, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jordan, Logan, Latham of Washington, Lutterloh, Moore, of Chatham, Morton, Neal, Rosebro, Scoggin, Stevenson, Sudderth, Trull, Vestal, Williams, of Yancey, Womble and York.—37.

Those who voted in the negative were:

Messrs. Allen, Baker, Boyd, Bradsher, Brown, Bryson, Chadwick, Clark, Collins, Cowan, Crawford, of Macon, Dargan, Daniel, Davis, Davidson, Garris, Gorham, Granbery, Guess, Harding, Harper, Henderson, Hinnant, Holderby, Houston, Hutchison, Jones, Kelsey, Kenan, Kendall, Latham of Craven, Lee, Long, Lowe, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Rogers, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Turnbull, Umsted, Walker, Waugh, Westmoreland, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt and Woodard—66.

Mr. Davis' amendment was then adopted.

Mr. Moore, of Hertford, moved to amend, by adding the following as a new section, viz:

"*Be it further enacted*, That all real estate, which may escheat to the State in the future, shall be and is hereby vested in manner and form as follows, viz: If the estate was the property of a member of the Presbyterian Church, it shall vest in the Trustees of Davidson College; if a member of the Methodist Episcopal Church, then it shall vest in the Trustees of Trinity College; and if a member of the Baptist Church, it shall vest in the Trustees of Wake Forest College. And all laws of the State, in conflict with the provisions of this section, are hereby repealed."

Which was not adopted.

Mr. Harper offered the following amendment, to come in as an additional section, viz:

"*Be it further enacted*, That in order to promote the liberal and practical education of the industrial classes of the State, pupils may be admitted to the branches of Agriculture and the Mechanic Arts, who possess the requisite qualifications for those studies, without requiring the previous literary training requsite for admission into the regular College courses."

And it was adopted.

Mr. Logan offered the following amendment, to come in as a proviso to section 1; and it was adopted, viz:

"*Provided*, That the University shall comply with the Act of Congress and make its 'leading object to teach such branches of learning as are related to Agriculture and Mechanic Arts, without excluding other scientific studies and including military tactics.'"

The Bill, as amended, then passed its second reading,—Yeas 65, Nays 37.

Mr. Henry demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker, Bowe, Bradsher, Brown, Bryson, Chadwick, Clark, Collins, Cowan, Crawford, of Macon, Dargan, Daniel, Davis, Davidson, Garris, Gorham, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Houston, Hutchison, Jones, Kelsey, Kenan, Kendall, Lee, Long, Lowe, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore of Hertford, Morehead, Murrill, Patton, Peebles, Perry of Carteret, Reinhardt, Richardson, Rogers, Scott, Shelton, Simpson, Smith of Duplin, Smith of Guilford, Stevenson, Stone, Turnbull, Umsted, Walker, Waugh, Westmoreland, Wilson of Forsyth, Wilson of Perquimans, Williams of Harnett, Williams of Pitt, and Woodard—67.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Beasley, Blair, Blythe, Boyd, Carson, Clement, Durham, Everett, Farrow, Foard, Gambril, Garrett, Harding, Henry, Holderby, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Jordan, Latham of Washington, Logan, Lutterloh, Moore of Chatham, Morton, Neal, Perry of Wake, Russ, Scoggin, Sudderth, Teague, Trull, Vestal, Williams of Yancey, Womble and York—37.

The hour having arrived for the consideration of the remaining Special Order, viz: House Bill 262, to exchange a certain amount of the stock in the North Carolina Rail Road with the Cheraw and Coalfields Rail Road Company, and for other purposes, the same was taken up; and, after debate, passed its second reading.

Received a message from his Excellency, the Governor, covering a Report from the President and Directors of the Literary Fund, suggesting legislation necessary for the protection of its interests, &c.; which, with an accompanying

Bill, recommended by the President and Directors aforesaid, was sent to the Senate, with a proposition to print the same and refer to the Committee on Education.

Received a message from the Governor, communicating the report of the Attorney General, instructed by an act of the Legislature of 1865-'66, to investigate certain matters connected with the Cape Fear Navigation Company; which was ordered to be transmitted to the Senate, with a proposition to refer the same to a Joint Select Committee of three on the part of each House.

Received a message from the Senate, announcing the concurrence of that body in the recommendations of magistrates transmitted from the House, except those from the counties of Randolph, Yadkin and Warren, which had been laid on the table.

Also, making certain recommendations of magistrates for the county of Warren; which were concurred in by the House.

Also, announcing Messrs. Clark, Cowles and Snead as their Committee on Enrolled Bills for the week.

Also, announcing that they had passed Bill (H. P. 10,) for the relief of W. S. Mason, with an amendment, in which the concurrence of the House was asked.

The House concurred, and the Senate was informed thereof.

Received a message from the Senate, announcing the adoption of the following Resolution, and asking the concurrence of the House therein, viz:

"*Resolved*, (the House of Commons concurring,) That no Bills, or other matter, s. all be introduced and considered by this General Assembly, from and after Monday, 11th inst."

On motion of Mr. Waugh, the House refused to concur.

On motion of Mr. Waugh, House Bill 231, to enable the Western Rail Road Company to extend its road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, was made the Special Order for Wednesday, February 6th, at 12 o'clock, M.

On motion of Mr. Bryson, House Bill 255, to amend the charter of the Western North Carolina Rail Road, was made the Special Order for the same day, at 1 o'clock, P. M.

On motion of Mr. Williams, of Martin, the House adjourned until to-morrow morning, 10½ o'clock, A. M.

TUESDAY, FEBRUARY 5, 1867.

Prayer by the Rev. Mr. Atkinson, of the Presbyterian Church.

Mr. Russ presented a Memorial from the Mayor and Commissioners of the City of Raleigh, praying protection against a certain specified nuisance; which was referred to the Committee on Propositions and Grievances.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably, with an amendment, on

House Bill 267, to repeal an Act "to establ sh the rate of interest," ratified March 21, 1866.

Mr. Kenan, from the Committee on the Judiciary, reported favorably on

House Bill 309, to establish a criminal Court for Craven county, in the City of Newbern.

Mr. McKay, from the same Committee, reported adversely on

House Bill 59, for revising and digesting the public Statute Laws of the State.

Mr. Russ, from the Committee on Agriculture, to whom were referred

A Memorial from citizens of Caswell, praying the enactment of a Fence Law; and

A Resolution of enquiry as to the propriety of authorizing the County Courts to tax dogs for county purposes,—

Reported the same back and asked to be discharged from their further consideration; which was so ordered.

Bills, &c., of the titles named were introduced, read, referred, or otherwise disposed of, as follows:

By Mr. Waugh: House Resolution 312, authorizing the Governor to pay freight on supplies furnished by benevolent Societies, &c.; which was referred to the Special Committee on that subject.

By Mr. Wilson, of Perquimans: Resolution instructing the Judiciary Committee to enquire into the expediency of passing a law authorizing Executors, &c., where they have old or doubtful notes, &c., to sell the same at public sale for money or new notes, as will best promote the interests of the estates. Adopted.

By Mr. Boyd: Resolution (H. P. 78) in favor of William Patterson, late Sheriff of Alamance county. Claims.

By Mr. Cowan: Bill (H. P. 79) to incorporate the Wilmington Institute. Corporations.

By the same: Bill (H. P. 80) to incorporate the National Loan and Trust Company. Same reference.

By Mr. Autry: House Bill 313, allowing debtors the privilege of paying their old debts in State Bank money, or its equivalent in current funds. Filed, and made the special order for Thursday, February 7, at 12 o'clock, M.

By Mr. Gorham: House Bill 314, to repeal an Act entitled an Act "to amend the charter of the Washington Toll Bridge." Propositions and Grievances.

By Mr. Holderby: House Bill 315, extending the jurisdiction of Justices of the Peace. Judiciary.

By Mr. McKay: House Bill 316, to amend section 6, chapter 40, of an Act of 1866, entitled "An Act concerning negroes and persons of color or of mixed blood." Same reference.

By Mr. McKay: House Bill 317, to amend chapter 62, section 16, Revised Code, so as to compel the return of executions issued by Justices of the Peace. Same reference.

By Mr. Peebles: House Bill 318, to abolish Usury. Same reference.

By the same: House Bill 319, to change the tenure of the office of Sheriff. Same reference.

From the Senate: Resolution (S. P. 93—H. P. 81) in favor of William Gordon. Filed.

The consideration of House Bill 198, to raise Revenue, was resumed.

Mr. Morehead moved to amend section 9, Schedule A, by adding the following proviso to the section, viz :

"*Provided*, That this section shall not apply to vessels of more than five tons burthen."

Which was adopted.

Mr. Logan moved to amend section 1, class 3, Schedule A, by striking out all after the word "income," in line 29, and inserting, in lieu thereof, "the gross amount of expenses to be deducted therefrom;" which prevailed.

Mr. Dargan moved to amend section 3, by striking out $20, as the tax on gates across the public highways, and inserting $10; which was adopted.

Mr. McRae moved further to amend the section by adding thereto the following :

"*Provided, however*, that a man, owning and keeping a public ferry, shall be allowed to keep one gate free of tax."

Which was not adopted.

Mr. Logan moved to amend section 10, by striking out "twenty-five cents" and inserting "fifty cents." Lost.

Mr. Boyd moved to strike out section 11; which did not prevail.

Mr. Whitfield moved to amend section 12, by striking out "one-half per cent." and inserting "one per cent;" which was adopted.

Mr. Long moved to amend section 14, by striking out "one dollar" and insetiing "fifty cents." Lost.

Mr. Harding moved to amend the same section, by inserting, after the word "misdemeanor," the words "and shall forfeit the weapon worn, the same to be sold by the Sheriff and the proceeds of said sale to be appropriated to the County fund;" which was adopted.

Mr. Hutchison moved to amend section 10, Schedule B., by adding the words "and the payment of the tax shall entitle the owner to use the same for one year;" which did not prevail.

Mr. Granbery moved to amend the same section, by adding after the word "dollars," the words "except when used at

watering places for part of a year, and then to pay a tax in proportion to time in use;" which did not prevail.

Mr. Waugh moved to amend section 13, by striking out "$50," as the tax on licensed retailers of spirituous liquors, and inserting "$25." Lost.

Mr. Guess moued to amend section 14, by striking out all after the word "gallon," in line 3, and inserting the following in lieu thereof, viz:

"No person shall distill any spirituous liquors from grain or other substance (except fruit,) for his own use, or for sale, or for others, without license from the County Court of his County, or from the Special Court out of term time convened for that purpose, who shall meet at the Court House and report their proceedings, in writing, to the Clerk of said Court, for which license the person so obtaining shall pay five dollars for every ten gallons of the capacity of his still or stills per month that he may use during his licensed term,—which term shall not be less than one month nor more than six months at any one time. And for every day, or part of a day, that said distiller may run his still or stills, without a license, he shall pay a tax of ten dollars; and for the aforesaid taxes and penalty the Sheriff, if need be, shall distrain and sell the still and fixtures, as well as any other property of the party liable. And it shall be made the duty of the Judges of the Superior Courts and County Attorneys of this State, to give this Act in charge to the Grand Jurors of the several Counties of the State; and they shall be authorized to send for persons and papers to facilitate their investigations on this and other Revenue laws now in force."

Mr. Williams, of Martin, offered the following as an amendment to the amendment, viz:

"Liquor is an evil. We ought not to tolerate an evil. Therefore, it is the duty of the Legislature to put down an evil, and not only frown upon it with a tax."

Which was adopted; but

Mr. Russ moved to re-consider the vote by which it had prevailed; and the motion was carried, and the amendment was then rejected.

Mr. Brown moved to amend the amendment, by striking out "ten gallons" and inserting "fifteen gallons;" which did not prevail.

Mr. Guess' amendment was then lost.

Mr. Durham moved to amend the section by striking out the words "seven Justices of the Peace out of term time," and inserting "Special Court out of term time;" which prevailed.

Mr. Durham moved further to amend by striking out those portions of the section which impose a tax on liquors distilled from fruit; and

The question being "Shall the words stand as a part of the Bill?" it was decided in the negative.

So the amendment prevailed.

Mr. Morehead moved further to amend by striking out "25 cents," as the tax on whiskey, per gallon, and inserting "10 cents."

And the question being thereon was put and decided in the negative,—Yeas 45, Nays 57.

Mr. Crawford, of Macon, demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Autry, Barden, Beasley, Black, Blair, Boyd, Brown Bryson, Carson, Chadwick, Clement, Gambril, Godwin, Henderson, Henry, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Latham, of Craven, Long, Lyon, Lutterloh, Moore, of Chatham, Morehead, Perry, of Carteret, Perry, of Wake, Richardson, Rogers. Russ, Scott, Smith, of Duplin, Stone, Sudderth, Teague, Trull, Vestal, Walker, Waugh, Westmoreland, Wilson, of Forsythe, Williams, of Yancey, and Womble.

Those who voted in the negative were:

Messrs. Baker, Blythe, Bowe, Bradsher, Clark, Crawford, of Macon, Crawford, of Rowan, Dargan, Davis, Davidson, Durham. Everett, Foard, Garrett, Garris, Gorham, Granbery, Guess, Harding, Harper. Hodnett, Holderby, Houston, Hutchison, Jones, Jordan, Kelsey, Kenan, Kendall, Lee, Logan, Lowe, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Morton, Murrill, Neal, Patton, Peebles, Reinhardt, Rosebro, Scoggin, Shelton, Simpson, Smith, of Guilford,

Stevenson, Turnbull, Umsted, Whitfield, Williams, of Harnett, Williams, of Pitt and Woodard.

Mr. Blythe moved to amend the same section by adding the following proviso:

Provided, That no license shall be granted, without first taking bond, with approved securities, for the payment of the taxes thus imposed.

Mr. Waugh moved to amend the amendment, by adding, at its close, the words "and for general goed behavior;" which did not prevail.

The amendment was then rejected.

Mr. Russ moved to strike out "25 cents," as the tax on whiskey, and insert "15 cents" in lieu thereof; which did not prevail.

Mr. Perry, of Wake, moved to strike out the fourtenth section entire; and

The question being "shall the section stand as part of the Bill?" it was decided in the affirmative.

The further consideration of the Bill was postponed.

On motion of Mr. Patton, House Bill 152, to establish a Penitentiary, which had been made the special order for this day, but which had been superseded by the unfinished business, was made the special order for Friday next, 12 o'clock, M.

On motion of Mr. Davis, House Bill 200, to transfer the land scrip donated by the Congress of the United States, was made the special order for Thursday next, 11½ o'clock, A. M.

Received a message from the Senate, concurring in the proposition to refer the report of the Attorney General in regard to the affairs of the Cape Fear Navigatton Company to a Joint Select Committee, and naming Messrs. Hall, Williams and Lloyd, as the Committee on the part of the Senate.

Whereupon, the Speaker designated Messrs. Cowan, Richardson and Kenan as the House branch of the Committee.

Received a message from the Senate, transmitting a recommendation of Justices of the Peace for Granville County; which was concurred in and the Senate informed thereof.

On motion of Mr. Perry, of Wake, the House then adjourned until to-morrow morning, 10½ o'clock.

WEDNESDAY, February 6, 1867.

On motion of Mr. McClammy, House Bill 54, to amend an Act entitled "An Act to establish Work-houses or houses of correction," &c., made the special order for this day at 11 o'clock, was postponed and made the special order for Monday next, 11th inst., at 12 o'clock, M.

On motion of Mr. Kenan, the use of the Hall to-morrow evening was granted to Col. Farrar, of Virginia, for the delivery of a Public Lecture.

Mr. Dargan, from the Committee on the Judiciary, to whom was referred a resolution of enquiry, asking a construction of section 51, chapter 46, and section 18, chapter 118, Revised Code, reported back a Bill in pursuance thereof, viz:

House Bill 320, to amend chapter 46, section 51, Revised Code, making real estate liable to the payment of the year's allowance to widows;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Richardson, from the same Committee, reported favorably on

House Bill 319, to change the tenure of the office of Sheriff.

And favorably on

House Bill 318, to abolish Usury;

House Bill 317, to amend chapter 62, section 16, Revised Code; and

House Bill 316, to amend section 6, chapter 40, Act of 1866, concerning negroes, and persons of color or of mixed blood.

Mr. McKay, from the same Committee, reported favorably, with an amendment, on

Bill (S. 31—H. 292) to protect property sold under execution from sacrifice.

Mr. McNair, from the Committee on Corporations, reported favorably, with an amendment, on

House Bill 294, to incorporate the North Carolina Land Agency for the encouragement of immigration.

And favorably on

Bill (H. P. 79) to incorporate the Wilmington Institute;

Bill (H. P. 72) to incorporate the Trustees of Table Rock Seminary, in Burke; and

House Bill 311 to incorporate the town of Rocky Mount;

Which latter Bill, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

House Bill 285, to authorize a public road from Shelby to the South Carolina line, and the construction of a toll-bridge and dam across Broad River; and

House Bill 360, to change the location of the County site of Haywood.

Mr. Waugh, from the same Committee, to whom was referred a Memorial from citizens of Stanly County, reported back a Bill in furtherance of their prayer, viz:

House Bill 321, to repeal an Ordinance of the Convention changing the time of holding the Courts of Pleas and Quarter Sessions in Stanly County;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Waugh, from the special Committee, to whom was referred House Bill 312, to provide for the payment of freight on donations, &c., reported back the same, recommending its passage.

Under a suspension of the rule, the Bill passed its second reading, and, being placed upon its third,

Mr. Henry moved to amend by striking out "five thousand" and inserting "twenty-five hundred;" which did not prevail.

Mr. Logan moved to amend, by adding the following proviso, viz:

"*Provided*, That, in the distribution of the articles received, each county in the State shall be entitled to, and receive, its due proportion of the same, according to population."

Which was not adopted.

Mr. Blair moved to amend by striking out "five thousand" and inserting "three thousand;" which did not prevail.

Mr. Logan moved to amend, by adding the following:

"*Provided*, That it shall be the duty of the County Court of each County to furnish the Governor with the number of suffering poor in each County, and that he be required to distribute the receipts accordingly."

Which was not adopted.

The Bill then passed its third reading and was ordered to be engrossed.

Recommendations of magistrates for the Counties of Rowan and Mecklenburg were submitted, approved and sent to the Senate for concurrence.

The following Resolutions and Bills were introduced, read, referred, or otherwise disposed of, as stated, viz:

By Mr. Crawford, of Macon: Resolution providing for a *sine die* adjournment, on Monday, 18th inst. Adopted and sent to the Senate for concurrence.

By Mr. Lowe: Resolution providing for evening sessions of the House. Lies over one day under the rule.

By Mr. Guess: House Resolution 322, to tax writs, warrants and executions in civil cases on debts contracted prior to May 1, 1865. Filed and ordered to be printed.

By Mr. Richardson: House Resolution 323, concerning mileage for the adjourned session. Filed.

By Mr. Kenan: Bill (H. P. 82,) to incorporate the Duplin Manufacturing Company. Corporatio s.

By Mr. Russ: Bill (H. P. 83,) to amend the charter of the North Carolina Mutual Life Insurance Company. Judiciary.

By the same: Bill (H. P. 84,) to amend the charter of North Carolina Mutual Fire Insurance Company. Same reference.

By Mr. Horton, of Watauga: Bill (H. P. 85,) to authorize Sidney Deal to collect arrears of taxes in Watauga county for the years 1858-'9. Same reference.

By Mr. Kendall: Bill (H. P. 86,) to incorporate the Wadesboro' Savings Institution. Corporations.

On motion of Mr. Waugh, House Bill 231, to enable the Western North Carolina Rail Road Company to extend its

road across the North Carolina Rail Road to Mt. Airy, which had been made the Special Order for this day, at 12 o'clock, was postponed and made the Special Order for Friday, 8th inst., at the same hour.

The consideration of House Bill 198, to raise Revenue, was resumed:

Mr. Harper moved to amend section 18, Schedule B., by striking out the words "citizen of the United States;" which prevailed.

Mr. Blythe moved to amend the same section, by adding, in line 19, after the words "live-stock," the words "salt, spun-yarn and cotton;" which did not prevail.

Mr. Granbery moved to amend section 22, by inserting, in line 13, after "$500," the words "to the Sheriff," and adding, at the end of line 16, the words "or to the use of the informer;" which was adopted.

Mr. Williams, of Harnett, moved to amend Schedule B., by appending the following, as an additional section, viz:

"SEC. 25. On all executions which shall hereafter issue on any judgment, rendered by any Court of Law or Magistrate's Court in this State, on any action for debt, assumpsit or account. there shall be a tax of 75 per cent. on the whole amount of the judgment on which such execution issues, to be paid over to the clerk of the Court, in which such judgment was rendered, by the Plaintiff in the case, before the issuing of said execution; and the same to be paid over by the Sheriff of said county as other State taxes to the Public Treasurer."

Which was not adopted.

Mr. Logan moved to amend section 5, Schedule C, by striking out "twenty-five cents" and inserting "ten cents;" which did not prevail.

Mr. Blythe moved to amend the same section by striking out the tax imposed on the seal of the County and Superior Courts; which prevailed.

Mr. Granbery moved to amend section 6, by adding the words "a tax of $2" after the words "marriage licenses."

Mr. Lyon moved to amend the amendment by striking out "one dollar" and inserting "fifty cents" in lieu thereof; which did not prevail.

Mr. Granbery's amendment was then rejected—Yeas 6, Nays 92.

Mr. Lyon demanded thv Yeas and Nays.

Those who voted in the affirmative, were:

Messrs. Allen, Clements, Granbery, Martin, Moore, of Chatham, and Shelton.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Baker, Barden, Beasley, Black, Blair, Blythe, Boyd, Bowe, Bradsher, Brown, Bryson, Chadwick, Clark, Collins, Crawford, of Macon, Crawford, of Rowan, Davis, Davidson, Durham, Evorett, Farrow, Foard, Freeman, Gambril, Garrett, Garriss, Godwin, Gorham, Guess, Harding, Harper, Henderson, Henry, Hinnant, Hodnett, Holderby, Horton, of Watauga, Houston, Hutchison, Jenkins, of Gaston, Jones, Jordan, Kelsey, Kenan, Kendall, Lee, Logan, Lowe, Lyon, Lutterloh, McArthur, McClammy, McGougan, McNair, McRae, Moore, of Hertford, Morehead, Morton, Murrill, Neal, Patton, Reinhardt, Richardson, Rogers, Rosebro, Rountree, Scoggin, Scott, Simpson, Smith of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Teagne, Trull, Turnbull, Umsted, Vestal, Walker, Waugh, Whitfield, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Harnett, Williams, of Martin, Williams, of Pitt, Williams, of Yancey, Womble and Woodard.

Mr. Crawford, of Macon, moved to amend the same section by adding the following:

"*Provided*, that each bachelor, over the age of thirty-five years, shall pay a tax, annually, while he remains single, of $5."

Which was adopted; but, subsequently, Mr. Crawford moved a re-consideration of the vote; which was carried, and the amendment was then rejected.

Mr. Blair moved further to amend the same section, by striking out, in line 27, "$1," and inserting, in lieu thereof, "25 cents:" which did not prevail.

Mr. Harper offered the following as a substitute for the last paragraph of the division entitled "Exemptions," which was adopted, viz:

"The act of the General Assembly, ratified March 1, 1866, entitled, "An Act to raise Revenue," and all other laws imposing taxes, the subjects of which are revived in this Act, are hereby repealed: *Provided*, That this repeal shall not extend to the provisions of any law, so far as they relate to the taxes listed, or which may or ought to have been listed, which may be due previous to the ratification of this Act."

Mr. Durham offered the following) to come in as an additional section, under the head of "Exemptions," viz:

"SEC. 7. The property and polls of all persons, who have lost an arm, leg, hand or foot in the military, naval or marine service of the State, or the late Confederate States, or who have been disabled from performing ordinary manual labor by any other wound, or any disease or accident in said service; also, the property of the widows of all persons who lost their lives in said service: *Provided*, That the property exempted of each person herein included shall not exceed $250 in value; and, *Provided, further*, that the excess over $250 in value of the property of all such persons shall be subject to taxation as other property. And it shall be the duty of the County Courts, in the several Counties, upon motion, to examine the claims of all persons claiming the benefits of the foregoing section, and, upon proof, that they are included within its provisions, to grant certificates of exemption to such persons —which certificate shall be issued by the Clerk; and he shall receive no fee therefor."

Mr. Scoggin moved to amend the amendment, by inserting, after the words "Confederate States," the words "or soldiers of the United States;" which did not prevail.

The amendment was then adopted; but, on motion of Mr. Houston, the vote was re-considered, when

Mr. Russ moved to amend, by striking out the words "in the military, naval or marine service of the State, or late Confederate States;" which did not prevail.

The question then being, "Shall the amendment prevail?" it was decided in the affirmative,—Yeas 80, Nays 25.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Baker, Beasley, Boyd, Bowe, Bradsher, Brown, Carson, Chadwick, Clark, Clement, Collins, Crawford, of Macon, Crawford of Rowan, Dargan, Davis, Davidson, Durham, Everett, Farrow, Foard, Freeman, Gambril, Garris, Godwin, Gorham, Granbery, Guess, Harding, Henderson, Henry, Hinnant, Hodnett, Holderby, Horton, of Watauga, Jones, Kenan, Kendall, Latham, of Craven, Lee, Lowe, Lyon, May, Martin, McArthur, McClammy, McGougan, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Morehead, Morton, Murrill, Neal, Peebles, Perry, of Carteret, Perry, of Wake, Reinhardt, Richardson, Rogers, Russ, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Sudderth, Trull, Turnbull, Umsted, Waugh, Whitfield, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt, Womble and Woodard.—80.

Those who voted in the negative were :

Messrs. Ashworth, Black, Blair, Blythe, Bryson, Garrett, Harper, Horton, of Wilkes, Houston, Hutchison, Jenkins, of Gaston, Jordan, Kelsey, Logan, Patton, Rosebro, Rountree, Scoggin, Stevenson, Teague, Vestal, Westmoreland, Wilson, of Forsyth, Williams, of Yancey, and York—25.

Mr. Logan moved that the Bill be re-referred to the Committee on Finance, with instructions to report such a Bill as would provide Revenue only sufficient for the ordinary and necessary expenses of the State government; which did not prevail.

The Bill then passed its final reading,—Yeas 70, Nays 27.

Mr. Logan demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Baker, Boyd, Bowe, Bradsher, Brown, Bryson, Chadwick, Clark, Clement, Collins, Crawford, of Macon, Crawford, of Rowan, Dargan, Davis, Davidson, Durham, Farrow, Foard, Gambril, Garrett, Garriss, Gorham, Granbery, Guess, Harding, Harper, Henderson, Henry, Hodnett, Holderby, Houston, Hutchison, Jenkins, of Gaston, Jones, Kelsey, Kenan, Latham, of Craven, Lee, Long, Lowe, Lutterloh, May, Martin, McArthur, McClammy. McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Morton, Murrill, Neal, Patton, Perry, of Carteret, Reinhardt, Rosebro, Shelton, Simpson,

Smith, of Duplin, Smith, of Guilford, Stevenson, Stone, Sudderth, Umsted, Walker, Whitfield, Williams, of Pitt, and Woodard—70.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Blair, Blythe, Carson, Everett, Freeman, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jordan, Logan, Lyon, Moore, of Chatham, Perry, of Wake, Rountree, Scoggin, Scott, Trull, Vestal, Waugh, Westmoreland, Wilson, of Forsyth, Williams, of Harnett, Williams, of Yancey, and Womble—27.

Ordered to be engrossed.

Leave of absence for one day was granted to the Principal Doorkeeper.

On motion of Mr. Martin, the House then adjourned until to-morrow morning, 10½ o'clock.

THURSDAY, FEBRUARY 7, 1867.

Mr. Perry, of Carteret, presented a Memorial from citizens of Carteret county, praying the enactment of a law for the establishment and protection of Fisheries; which was referred to the Committee on the Judiciary.

Mr. Gorham presented a Memorial, which was read, from citizens of Beaufort county, praying the repeal of an Act, passed at the present session, "to amend the charter of the Washington Toll Bridge Company."

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. P. 82,) to incorporate the Duplin Manufacturing Company;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Cowan, from the Committee on Internal Improvements, reported adversely on

House Bill 166, to amend an "Act to incorporate the Greenville and French Broad Company."

Mr. Harper, from the Committee on Finance, to whom was referred a communication from the Governor, concerning a report of the President and Directors of the Wilmington and Weldon Rail Road Company, and containing certain suggestions relative to printin similar r ports, in future, for the use of the General Assembly, &c., reported back a bill, in pursuance thereof, viz :

House Bill 324, in regard to printing the Reports of Rail Road and other Companies; which was placed on file.

Mr. Harper, from the same Committee, reported adversely, at length, on

House Bill 253, to authorize the Public Treasurer to negotiate a loan for the relief of the Treasury and to establish a North Carolina Savings Bank.

Mr. Waugh, from the Committee on Propositions and Grievances, reported unfavorably on

House Bill 284, to re-enact section 9, chapter 42, Revised Code, entitled "Entries and Grants;" and

House Bill 314, to repeal an "Act to amend the charter of Washington Toll Bridge Company."

Mr. Waugh, from the same Committee, to whom was referred a Memorial of the Mayor and Commissioners of Raleigh, asking protection against an apprehended nuisance, reported the same back and asked its reference to the Committee on Public Buildings and Grounds; which was so ordered.

The following Resolutions and Bills were introduced, read, referred, or otherwise disposed of, as stated, viz :

By Mr. Davidson: House Resolution 325, in favor of Mt. Pleasant Academy. Finance.

By Mr. Crawford, of Macon: House Bill 326, to incorporate the Tennessee River Mining and Manufacturing Company. Corporations.

By Mr. Houston : Bill (H. P. 87,) in favor of C. A. Boon, late Sheriff of Guilford. Filed.

By Mr. Guess: House Bill 327, for the relief of Executors, Administrators and Guardians, and others, and to extend the jurisdiction of Justices of the Peace. Filed and ordered to be printed.

By Mr. Lutterloh : House Bill 328, to authorize the County Court of Cumberland to appoint Inspectors of crude turpentine in Fayetteville. Judiciary.

By Mr. Cowan : Bill (H. P. 88,) to amend the charter of the Cape Fear Steamboat Company. Under a suspension of the rule, passed its several readings and ordered to be engrossed.

Recommendations of magistrates for the counties of Davidson, Buncombe, Halifax, Guilford, Richmond and Caldwell, were submitted, approved and sent to the Senate for concurrence.

On motion of Mr. Everett, House Bill 259, to incorporate the town of Nahunta, was taken up and considered, and, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

On motion of Mr. Chadwick, House Bill 309, to establish a Criminal Court for Craven county, in the city of Newbern, was taken from the Calendar, and, under a suspension of the rule, it passed its several readings and was ordered to be engrossed.

On motion of Mr. Moore, of Hertford, Bill (S. P. 93—H. P. 81,) in favor of William Gordon, was taken up and considered, and, under a suspension of the rule, passed its several readings and ordered to be enrolled.

The hour having arrived for the consideration of the first special order, viz :

Bill (S. 84—H. 200) to transfer the land scrip donated by the Congress of the United States,

The same was taken up, on its third reading.

Mr. Durham moved to amend, by striking out all after the enacting clause, and inserting the following, viz :

SEC. 1. "That it shall be the duty of the Public Treasurer, by and with the advice and consent of the Governor, to sell the *land scrip* donated to this State, for the establishment of an Agricultural and Mechanical College, from time to time and on such terms as he may deem best, and shall hold the proceeds separate and apart from other public funds to the use of the Trustees of the *Agricultural and Mechanical College.*

SEC. 2. *Be it further enacted*, That it shall be the duty of the Board of Trustees, consisting of seven discreet persons, who shall be elected by this General Assembly, to secure a cheap and convenient site for the location of said Agricultural and Mechanical College, at some point in the central part of the State, and not in the vicinity of any city or town, or the University at Chapel Hill; and if the site cannot be procured by voluntary donation, the said trustees are hereby authorized and empowered to use such amount of the proceeds of sales of the land scrip, not exceeding ten per cent., for the purchase of a site, as they may deem proper.

SEC. 3. *Be it further enacted*, That the sum of five thousand dollars be, and is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to enable the said Board of Trustees to erect necessary cheap buildings, or for the repair of such as may be erected, to the end that they may provide, at the earliest day practicable, for opening said College for reception of students from the State, according to the provisions of the Act of Congress, donating said scrip to the several States.

SEC. 4. *Be it further enacted*, That the Governor shall be *ex officio* President of the said Board of Trustees, and the said Board shall use every exertion to get the College *under way* at the earliest practicable day, and shall have power to admit students from the several counties of the State on *such* terms as they may deem best, until the next meeting of the General Assembly.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Public Treasurer to invest the proceeds of the sale of the land scrip, in such safe stocks, yielding not less than five per cent. interest, as the said Board of Trustees shall direct, and the interest accruing thereon shall, at all times, be subject to the order of said Board.

SEC. 6. *Be it further enacted*, That the amount of five thousand dollars, herein appropriated for the erection or repair of buildings, shall be paid by the Treasurer upon the warrant of the President of the Board of Trustees, at such times as the said Board may order.

SEC. 7. *Be it further enacted*, That until the next meeting of the General Assembly, the said Board of Trustees shall have all incidental powers not herein expressly granted, which may be necessary to enable them to carry into effect the provisions of this Act, according to the true intent of this General Assembly.

SEC. 8. *Be it further enacted*, That it shall be the duty of the said Board of Trustees to report to the next General Assembly all progress which has been made under this act, and to submit such recommendations and suggestions for the benefit of the said College, as they may deem proper.

SEC. 9. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this act, be and the same are hereby repealed, and that this act shall be in force from and after its ratification."

And the question being thereon, was put, and resulted as follows: Yeas 55, Nays 54.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Brown, Bryson, Carson, Clement, Crawford, of Macon, Crawford, of Rowan, Durham, Everett, Farrow, Foard, Freeman, Gambril, Garrett, Garris, Godwin, Harding, Henry, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jones, Jordan, Kelsey, Logan, Lyon, Lutterloh, May, Moore, of Chatham, Morton, Neal, Perry, of Wake, Rogers, Russ, Scoggin, Sudderth, Teague, Trull, Vestal, Walker, Whitfield, Wilson, of Forsyth, Williams, of Harnett, Williams, of Yancey, Womble, and York. —55.

Those who voted in the negative were:

Messrs. Allen, Baker, Bowe, Bradsher, Chadwick, Clark, Collins, Cowan, Dargan, Davis, Gorham, Granbery, Guess, Harper, Henderson, Hodnett, Houston, Hutchison, Kenan, Kendall, Latham, of Craven, Lee, Long, Lowe, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Rosebro, Rountree, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of

Guilford, Stevenson, Stone, Turnbull, Umsted, Waugh, Westmoreland, Williams, of Pitt, and Woodard.—54.

The Speaker voted in the negative, thereby creating an equal division: and so, according to Rule VIII of the House, the amendment was rejected.

Mr. Russ moved that the Bill be laid upon the table.

And the question being thereon was put and decided in the negative,—Yeas 52, Nays 54.

Mr. Russ demanded the yeas and nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Brown, Bryson, Carson, Clement, Crawford, of Macon, Crawford, of Rowan, Durham, Everett, Farrow, Foard, Freeman, Garrett, Garris, Godwin, Harding, Henry, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jordan, Kelsey, Logan, Lyon, Lutterloh, May, Moore, of Chatham, Morton, Neal, Perry, of Wake, Rogers, Russ, Scoggin, Smith, of Guilford, Teague, Trull, Walker, Whitfield, Wilson, of Forsyth, Williams, of Harnett, Williams, of Yancey, Womble and York—52.

Those who voted in the negative were:

Messrs. Allen, Baker, Bradsher, Chadwick, Clark, Collins, Cowan, Dargan, Davis, Gambril, Gorham, Granbery, Guess, Harper, Henderson, Hodnett, Houston, Hutchison, Jones, Kenan, Kendall, Latham, of Craven, Lee, Long, Lowe, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Rosebro, Rountree, Scott, Shelton, Simpson, Smith, of Duplin, Stevenson, Stone, Turnbull, Umsted, Waugh, Westmoreland, Williams, of Pitt, and Woodard—54.

Mr. Logan moved to amend by striking out all after the enacting clause, and inserting the following, viz:

"That the present General Assembly, now in session, shall elect seven Trustees to take in charge the fund tendered to North Carolina by the Congress of the United States, for the purpose of erecting one or more Colleges, the leading object of which shall be to teach the sciences as mentioned in the Act of Congress; and it shall be the duty of said Trustees to

make a report of the same to the next General Assembly, and to do all things necessary to carry out the powers hereby granted."

Pending the consideration of which,

Mr. Everett moved that the House do now adjourn, but withdrew the motion in order to allow the Speaker to announce

A message from the Governor, covering a communication from the Public Treasurer; which, on motion of Mr. Waugh, was ordered to be sent to the Senate, with a proposition to refer to the Committee on Finance. And

A message from the Governor, covering a communication from the President and Directors of the Literary Fund; upon which the same action was had.

And then, on the renewed motion of Mr. Everett, the House adjourned until to-morrow morning, 10½ o'clock.

FRIDAY, February 8, 1867.

On motion of Mr. Kenan, the use of the Hall was granted to Col Farrar, of Virginia, to-night and to-morrow night, for the delivery of Public Lectures.

On motion of Mr. Cowan, House Bill 180, to establish a Criminal Court for New Hanover County, to be held in the City of Wilmington, was taken from the Calendar and considered.

The substitute reported from the Judiciary Committee viz: House Bill 271, with the same title, was adopted: when

The same, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

On motion of Mr. Perry, of Carteret, House Bill 219, to consolidate the North Carolina, the Atlantic and North Carolina, and the Western North Carolina Rail Roads, was taken from the Calendar and referred to the Committee on Internal Improvements.

Mr. York moved to take from the Calendar and consider House Resolution 323, concerning mileage for the adjourned sesaion; which did not prevail.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

House Bill 286, to secure a better drainage of the low-lands of Lower River in Caldwell County.

And adversely on

Bill (S. 101,—H.303) to provide for the building a fence in Perquimans County.

Mr. Dargan, from the Committee on the Judiciary, reported favorably on

House Bill 382, to authorize the County Court of Cumberland to appoint Inspectors of crude turpentine in Fayetteville.

Mr. Kenan, from the same Committee, reported back, asking to be discharged from its further consideration:

Bill (H. P. 85) to authorize Sidney Deal to collect arrears of taxes in Watauga county, for the years 1858-'59;

Which was so ordered.

Mr. Kenan, from the same Committee, reported back, asking their reference to the Committee on Corporations:

Bill (H. P. 83) to amend the Charter of the North Carolina Mutual Life Insurance Company; and

Bill (H. P. 84) to amend the Charter of the North Carolina Mutual Fire Insurance Company;

Which was ordered accordingly.

Mr. Morehead, from the Special Committee to whom was entrusted the duty of investigating certain complaints made against the Artificial Limb Department, reported:

"That the limbs manufactured at the Limb Department for this State are equal, if not superior, to those manufactured by any other Company. This opinion is founded upon personal inspection, and upon testimony of those who have tested the comparative merits of other factories, whose manufacture your Committee, from the nature of its investigation, could not personally investigate. As to the inefficiency of the limbs supplied by the State, your Committee are of opinion that they

answer the purpose as well as an artificial limb can supply the place of a natural limb."

The following Resolution and Bills were introduced, read, referred, or otherwise disposed of, as stated, viz:

By Mr. Peebles: Resolution of enquiry concerning an alleged mismanagement of the University. Adopted.

From the Senate: Bill (S. 12,—H. 329) to protect landlords against insolvent tenants. Filed.

By Mr. Dargan: House bill 330, for the relief of Executors, Administrators, &c. Referred to the Committee on the Judiciary and ordered to be printed.

By Mr. Everett: House Bill 331, to appoint a Special Magistrate for the use of the town of Goldsboro.' Corporations.

By Mr. Latham, of Craven: Bill (H. P. 89) to incorporate Neuse River Ferry Company. Same reference.

By Mr. Hutchison: Bill (H. P. 90) to incorporate the Charlotte Merchants' and Planters' Benefit Association. Same reference.

Received a message from the Senate, announcing their concurrence in the recommendations of magistrates for the counties of Buncombe, Davidson, Richmond, Halifax, Caldwell, Guilford, Rowan and Mecklenburg.

A recommendation of magistrates for the County of Stokes was submitted, approved, and sent to the Senate for concurrence.

The consideration of the unfinished business of yesterday was resumed, viz: Bill (S. 84—H. 200) to transfer the land scrip, &c.,—the pending question being on the substitute offered by Mr. Logan.

Mr. Durham moved that the Bill and substitute be indefinitely postponed; which did not prevail.

Mr. Logan amended his amendment by adding the following proviso, viz:

"*Provided*, They shall not locate any College or Colleges before the meeting of the next General Assembly, nor have the power to sell the scrip aforesaid."

And then the substitute, as amended, was rejected,—Yeas 47, Nays 58.

Mr. Logan demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Beasley, Black, Blair, Blythe, Bryson, Carson, Crawford, of Macon, Durham, Everett, Farrow, Freeman, Gambril, Garrett, Garriss, Godwin, Henry, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Honston, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Latham, of Washington, Logan, Lyon, May, Moore, of Chatham, Morton, Neal, Perry, of Wake, Rogers, Russ, Scoggin, Smith, of Guilford, Sudderth, Teague, Trull, Vestal, Walker, Whitfield, Williams, of Harnett, Williams, of Yancey, Womble, and York—47.

Those who voted in the negative were:

Messrs. Allen, Baker, Boyd, Bowe, Brown, Chadwick, Clark, Clement, Collins, Cowan, Crawford, of Rowan, Dargan, Davis, Davidson, Gorham, Granbery, Guess, Harper, Henderson, Hodnett, Hutchison, Jones, Kelsey, Kenan, Kendall, Latham, of Craven, Lee, Long, Lutterloh, Martin, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Rosebro, Rountree, Scott, Shelton, Simpson, Smith, of Duplin, Stevenson, Stone, Turnbull, Umsted, Waugh, Westmoreland, Wilson, of Forsyth, Williams, of Pitt, and Woodard—58.

And the question recurring on the final passage of the Bill, it was decided in the affirmative,—Yeas 54, Nays 52.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker, Boyd, Bowe, Brown, Chadwick, Clark, Cowan, Collins, Crawford, of Rowan, Dargan, Davis, Davidson, Gorham, Granbery, Guess, Harper, Henderson, Hodnett, Hutchison, Jones, Kelsey, Kenan, Kendall, Latham, of Craven, Lee, Long, Martin, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry of Carteret, Reinhardt, Richardson, Rosebro, Rountree, Scott, Shelton, Smith, of Duplin, Stone, Turnbull, Umsted, Waugh, Westmoreland, Wilson, of Forsyth, Williams, of Pitt and Woodard—54.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bryson, Carson, Clement, Crawford, of Macon, Durham, Everett, Farrow, Freeman, Gambril. Garrett, Garris, Godwin, Henry, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Latham, of Washington, Logan, Lyon, Lutterloh, May, Moore, of Chatham, Morton, Neal, Perry, of Wake, Rogers, Russ, Scoggin, Simpson, Smith, of Guilford, Sudderth, Teague, Trull, Vestal, Wal er, Whitfield, Williams, of Harnett, Williams, of Yancey, Womble and York— 52.

Ordered to be sent to the Senate for concurrence in the amendments.

Mr. Waugh moved to re-consider the vote by which the House had just passed, on its final reading, the foregoing Bill.

Mr. Davis moved to lay that motion on the table; and the question being thereon, it resulted as follows,—Yeas 49, Nays 49.

Mr. Holderby demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker, Bowe, Brown, Chadwick, Clark, Collins, Cowan, Crawford, of Rowan, Dargan, Davis, Davidson, Gambril, Gorham, Granbery, Guess, Harper, Henderson, Hodnett, Hutchison, Jones, Kelsey, Kenan, Kendall, Latham, of Craven, Long, McClammy, McGougan, McKay, McNair, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry, of Carteret, Reinhardt, Rosebro, Rountree, Scott, Smith, of Duplin, Stone, Turnbull, Umsted, Waugh, Westmoreland, Williams, of Pitt, Woodard and York—49.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Bryson, Carson, Clement, Crawford, of Macon, Durham, Everett, Farrow, Freeman, Garrett, Godwin, Henry, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Latham, of Washington, Logan, Lyon, Lutterloh, May, Moore, of Chatham, Morton, Neal, Perry, of Wake, Rogers, Scoggin, Shelton, Simpson, Smith, of Guilford, Sudderth,

Teague, Trull, Vestal, Walker, Whitfield, Williams, of Yancey, and Womble—49.

The Speaker voted in the affirmative; and so the motion to lay on the table prevailed.

The following Resolutions and Bills were presented, by leave, and disposed of as stated, viz:

By Mr. Perry, of Carteret: House Resolution 332, directing the re-reporting and re-publication of Winston's Reports of the Decisions of the Supreme Court. Referred to the Committee on the Judiciary.

By Mr. Hutchison: House Resolution 333, to authorize the Public Treasurer to refund certain taxes over-paid by the Southern Express Company. To Claims.

By Mr. York: Resolution restricting debate. Lies over under the rule.

By the same: Resolution providing for a *sine die* adjournment on the 16th instant. Laid on the table, on motion of Mr. Waugh.

On motion of Mr. Dargan, House Bill 72, in favor of Widows, was taken from the Calendar of Bills on their third reading, passed and ordered to be engrossed.

On motion of Mr. Crawford, of Macon, Bill (S. 7—H. 106) to repeal an Ordinance of the Convention, concerning the time of holding elections, was taken up, and, under a suspension of the rule, passed its several readings and was ordered to be enrolled.

On motion of Mr. KcKay,

Bill (S. 24—H. 295) to authorize the Justices of Cumberland to fund the interest due on its bonds, issued in payment of the stock in the Western Rail Road Company; and

Bill (S. 25—H. 296) to authorize the Mayor and Commissioners of Fayetteville to fund the interest due on their bonds, &c.,

Were taken up, and, under a suspension of the rule, passed their several readings and were ordered to be enrolled.

On motion of Mr. Latham, of Craven, House Bill 230, to incorporate the North Carolina Agricultural and Manufacturing Company, was taken up, and, under a suspension of

the rule, it passed its several readings and was ordered to be engrossed.

On motion of Mr. Davis, House Bill 313, allowing debtors the privilege of paying their old debts in State Bank money, &c., was taken up and considered; when,

On motion of Mr. Latham, of Washington, it was referred to the Committee on the Judiciary.

On motion of Cowan, House Bill 169, to amend an Act to incorporate the North Carolina Rail Road Company was made the special order for Wednesday next, 13th instant, at 12 o'clock, M.

On motion of Mr. McClammy, House Bill 152, to establish a Penitentiary, which had been this day superseded by the unfinished business, was made the special order for Monday next, at 12 o'clock, M.

Mr. Murrill (by leave) introduced a Resolution (H. P. R. 91) in favor of J. J. Ketchum; and, under a suspension of the rule, it being placed on its second reading,

Mr. Crawford, of Rowan, moved that it be referred to the Committee on Claims; which did not prevail.

Mr. York moved to amend by adding, after the name of J. J. Ketchum, that of Elijah Davis. Carried.

Mr. Morton moved to amend by adding the name of James Hall. Carried.

Mr. Dargan moved to add the name of Green Almand. Carried.

Mr. Allen moved to add the name of Archer Robinson. Carried.

Mr. Woodard moved to add the name of T. J. Rowe. Carried.

The Resolution, as amended, then passed its second reading; when

Mr. Perry, of Carteret, moved that it be referred to the Committee on Propositions and Grievances; which did not prevail.

The Resolution then passed its final reading and was ordered to be engrossed.

Leave of absence for one day was granted to Messrs. Davis and Latham, of Craven.

On motion of Mr. Freeman, the House adjourned until to-morrow morning, 10½ o'cleck.

SATURDAY, FEBRUARY 9, 1867.

Mr. Blythe presented a Memorial from citizens of Henderson County, praying for relief; which was referred to the Committee on Propositions and Grievances.

Mr. Bryson, from the Committee on Cherokee Lands, reported favorably, with an amendment, on

House Bill 249, to amend the charter of the Cheoih Turnpike Company.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred House Bill 181, to lay off and establish a new County by the name of Vance, reported back a substitute for the same, viz: House Bill 334, same title, and recommended its passage. Placed on file.

Mr. Waugh, from the same Committee, to whom was referred a Memorial from citizens of Onslow County, reported back a Bill, in furtherance of their petition, viz:

House Bill 335, to protect the Fishing interest on the coast of North Carolina; which was placed on file.

Mr. Perry, of Carteret, from the Committee on Claims, reported favorably on

Bill (H. P. 65) in favor of Horton S. Reeves, of Alleghany County.

Mr. Perry, from the same Committee, reported back Bill (H. P. 70) in favor of W. L. Steele, asking its reference to the Committee on the Judiciary; which was so ordered.

Recommendations of magistrates for the Counties of Washington, Bertie, Granville, Onslow, Caswell, Wake, Cherokee, Burke, Carteret, Cumberland, Jones, Macon, Chatham, Duplin and Northampton, were submitted, approved and sent to the Senate for concurrence.

The following Resolutions and Bills were introduced, read, referred, or otherwise disposed of, as stated, viz:

By Mr. Hodnett: Resolution providing for a Joint Select Committee, of three from each House, to fix a day for adjournment. Adopted and sent to the Senate for concurrence.

By Mr. Granbery: Resolutions on the condition of the people. Referred to the Committee on Finance, with instructions to report by Tuesday next.

By Mr. Latham, of Washington: House Bill 336, to amend section 5, chapter 29, Revised Code, entitled "County Trustee." Judiciary.

By Mr. Murrill: Bill (H. P. 92) to incorporate the Jones County Savings Institution. Corporations.

By Mr. Clark: Bill (H. P. 93) to incorporate the town of Scotland Neck. Same reference.

By Mr. McClammy: Bill (H. P. 94) to incorporate Rocky Point Academy in New Hanover County. Same reference.

By Mr. Gambril: House Bill 337, to amend an Act to incorporate the town of Jefferson. Filed.

By Mr. Davidson: House Bill 339, to make valid the acts of Justices of the Peace, that did so act during the war. Judiciary.

By Mr. Hutchison: House Resolution 340, for the encouragement of immigration, &c. Finance.

From the Senate: Bill (S. P. 98—H. P. 95) to amend the charter of the town of Murfreesboro'. Under a suspension of the rule, passed its several readings and ordered to be enrolled.

Received a message from the Senate, announcing that they had passed Bill (S. 152—H. 338) to change the jurisdiction of the Courts and the rules of pleading therein, and asking the concurrence of the House.

The Bill having been read,

Mr. Dargan moved a suspension of the rule, in order that the Bill might be put upon its several readings; and it was so ordered,—Yeas 84, Nays 8.

Mr. Wilson, of Perquimans demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Autry, Barden, Black, Blair, Blythe, Boyd, Bowe, Brown, Bryson, Carson, Chadwick, Clark, Clement, Collins, Crawford, of Macon, Crawford, of Rowan,

Dargan, Davidson, Durham, Farrow, Freeman, Gambril, Garris, Godwin, Gorham, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Granville, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Washington, Lee, Lyon, Lutterloh, May, Martin, McClammy, McGougan, McKay, McRae, Moore, of Chatham, Moore, of Hertford, Morehead, Morton, Murrill, Neal, Peebles, Perry, of Wake, Richardson, Rountree, Russ, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Sudderth, Teague, Trull, Umsted, Vestal, Walker, Waugh, Whitfield, Wilson, of Perquimans, Williams, of Pitt, Williams, of Yancey, Womble and York—84.

Those who voted in the negative were :

Messrs. Baker, Cowan, McNair, Patton, Perry, of Carteret, Reinhardt, Rosebro, and Stevenson—8.

Mr. Peebles moved to amend the Bill, by adding the following as a section immediately before the ratifying clause viz :

"*Be it further enacted*, That no deed of trust or mortgage for personal estate, made, signed or re istered during the next twelve months, succeeding the ratification of this Act, shall be valid at law to pass any property as against creditors or purchasers for a valuable consideration, from the donor, bargainor or mortgagor."

Mr. McNair moved that the Bill be printed and made the speeial order for Monday next, 11 o'clock, A. M.; and it was decided in the negative,—Yeas 25, Nays 72.

Mr. Dargan demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Baker, Beasley, Bryson, Clement, Collins, Cowan, Crawford, of Macon, Crawford, of Rowan, Garrett, Harper, Henry, Hodnett, Houston, Hutchison, McClammy, McNair, Patton, Perry,of Carteret, Reinhardt, Rosebro, Russ,Stevenson, Sudderth, Teague, and Westmoreland—25.

Those who voted in the negative were :

Messrs. Allen, Ashworth, Autry, Barden, Black, Blair, Blythe, Boyd, Bowe, Brown, Carson, Chadwick, Clark, Dargan, Davidson, Durham, Everett, Farrow, Freeman, Gambril,

Garris, Godwin, Grahem, Granbery, Guess, Henderson, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Washington, Lee, Lyon, Lutterloh, May, Martin, McGougan, McKay, Moore, of Chatham, Moore, of Hertford, Morehead, Morton, Murrill, Neal, Peebles, Perry, of Wake, Richardson, Rountree, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Trull, Umsted, Vestal, Walker, Waugh, Whitfield, Wilson, of Perquimans, Williams, of Pitt, Williams, of Yancey, Womble and York.—72.

The question recurring on the amendment of Mr. Peebles, it was lost,—Yeas 31, Nays 65.

Mr. Peebles demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Baker, Boyd, Brown, Clement, Collins, Crawford, of Macon, Crawford, of Rowan, Garris, Gorham, Granbery, Harper, Hodnett, Houston, Hutchison, Kendall, Martin, McClammy, McNair, McRae, Morehead, Patton, Peebles, Perry, of Wake, Reinhardt, Rosebro, Russ, Shelton, Smith, of Guilford, Stevenson, Teague, and Westmoreland.

Those who voted in the negative were :

Messrs. Allen, Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Bowe, Bryson, Carson, Chadwick, Clark, Dargan, Davidson, Durham, Everett, Farrow, Freeman, Gambril, Garrett, Godwin, Guess, Henderson, Henry, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Granville, Jones, Jordan, Kelsey, Kenan, Latham, of Washington, Lee, Lyon, Lutterloh, May, McKay, Moore, of Chatham, Moore, of Hertford, Morton, Murrill, Neal, Perry, of Carteret, Richardson, Rountree, Scoggin, Scott, Simpson, Smith, of Duplin, Stone, Sudderth, Trull, Umsted, Vestal, Walker, Waugh, Whitfield, Wilson, of Perquimans, Williams, of Pitt, Williams, of Yancey, Womble and York.

Mr. Bryson moved to amend by adding the following proviso at the end of sec. 3, viz :

"*Provided*, that executions on Justices' judgments on debts contracted prior to May 1, 1865, already rendered, shall be

stayed for twelve months from the date of the ratification of this Act."

Which was adopted.

Mr. Hutchison offered the following, as an additional section, to come in before the final section, viz:

"*Be it further enacted*, &c, that nothing in this Act shall be construed to prevent Guardians from collecting one-tenth of claims due their Wards, at Spring Term, 1867, according to the provisions of the late Ordinance to change the jurisdiction of the Courts."

Which was not adopted.

Mr. Whitfield moved to amend sec. 6, by inserting, in lieu of the words "during the return term," the words "during the first four days of such term." Lost.

Mr. Crawford, of Rowan, offered the following as an additional section, viz:

"*Be it further enacted*, that all writs in actions on contracts made before May 1, 1865, shall constitute a lien upon the property of the defendant, but, after judgment, said property shall be applied *pro rata*, without regard to the priority in date of the writs."

Which did not prevail.

Mr. McNair offered the following as an additional section, viz:

"*Be it further enacted*, that the time allowed for Executors, Administrators, Trustees and Guardians, who qualified prior to May 1, 1865, to settle their accounts, be extended to 1870."

Which was not adopted.

Mr. Westmoreland moved to amend the ratifying clause, by inserting the following proviso, viz:

"*Provided*, that the provisions of this Act shall not apply to the Counties of Stokes and Forsythe."

Which did not prevail.

The Bill then passed its second reading,—Yeas 79, Nays 17.

Mr. Crawford, of Rowan, demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Bowe, Bryson, Carson, Chadwick, Clark

Collins, Dargan, Davidson, Durham, Everett, Farrow, Freeman, Gambril, Garrett, Garris, Godwin, Gorham, Granbery, Guess, Henderson, Henry, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilke', Houston, Jenkins, of Granville, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Washington, Lee, Lyon, Lutterloh, May, McClammy, McGougan, McKay, Moore, of Chatham, Moore, of Hertford, Morehead, Morton, Murrill, Neal, Patton, Perry, of Wake, Richardson, Rountree, Russ, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Sudderth, Trull, Umsted, Vestal, Walker, Waugh, Whitfield, Wilson, of Perquimans, Williams, of Pitt, Williams, of Yancey, Womble and York—79.

Those who voted in the negative were :

Messrs. Baker, Brown, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Harper, Hodnett, Hutchison, Martin, McNair, Peebles, Perry, of Carteret, Reinhardt, Rosebro, Stevenson and Westmoreland—17.

The Bill being put upon its third reading,

Mr. Waugh moved to amend by inserting the word "not" before the word "returnable," in section 1; which was adopted.

And the Bill then passed its third reading, and was sent to the Senate for concurrence in the amendments.

Whereupon Mr. Peebles asked and obtained leave to have the following Protest spread upon the Journal of the House, viz :

"I acknowledge the necessity and justice of relief to the people, and would cheerfully vote for the Bill, if amended as I proposed. But, as the Bill stands, it is the honest conviction of my heart, that, instead of affording relief, it will cause three-fourths of the honest debtors of North Carolina to be sold out of house and home within eighteen months. And in the name of my constituents, I protest against it."

Mr. Peebles moved to take up and consider House Bill 229, authorizing the State Librarian to purchase 50 copies of Battle's Digest; which was not agreed to.

Mr. McNair, (by leave) from the Committee on Corporations, reported favorably on

Bill (H. P. 86) to incorporate the Wadesboro' Savings Institute.

Received a message from the Senate, announcing the concurrence of that body in the recommendations of magistrates this morning transmitted from this House.

Also transmitting recommendations for the Counties of Rockingham, Davidson, Burke and Yadkin; which were concurred in, and the Senate informed thereof.

Received a message from the Senate, announcing their concurrence in the House amendments to Bill (S. 84—H. 200) to transfer the land scrip donated by the Congress of the United States.

Ordered to be enrolled.

Mr. Granbery called up the motion, entered on the 19th of December, to re-consider the vote by which the House had tabled Bill (S. P. 27—H. P. 29) to extend the corporate limits of the town of Elizabeth City.

Mr. Stevenson moved to lay the motion to re-consider on the table; and it was so ordered.

On motion of Mr. Perry, of Carteret, the House adjourned until Monday morning, 10½ o'clock.

MONDAY, FEBRUARY 11, 1867.

The Speaker announced Messrs. Granbery, Guess, McRae, Stone and Kelsey, as the Committee on enrolled Bills for the week.

Messrs. Rogers, Williams, of Harnett, and Williams, of Martin, asked and obtained leave to record their votes in the affirmative upon the passage of the Bill (S. 152—H. 338) to change the jurisdiction of the Courts and the rules of pleading therein.

Mr. Richardson, from the Committee on the Judiciary, reported unfavorably on

House Bill 315, extending the jurisdiction of Justices of the Peace.

Received a message from the Senate, announcing their concurrence in the House amendment to the Bill (S. 152—H. 338) to change the jurisdiction of the Courts, &c.

Ordered to be enrolled.

On motion of Mr. Houston, a message was sent to the Senate, proposing to print five copies of the foregoing Act for the use of each member of the General Assembly.

Received a message from the Senate, announcing the passage by that body, with an amendment, of House Bill 160, to incorporate the Rocky Mount Manufacturing Company. The amendment was concurred in and the Senate informed thereof.

Also, a message announcing Messrs. Gash, Edwards and Etheridge as the Senate Committee on Enrolled Bills for the week.

The following resolutions and Bills were introduced, read, referred, or otherwise disposed of, viz :

By Mr. Waugh : Proposing to raise a Joint Select Committee of three on the subject of Adjournment. Concurred in and transmitted to the Senate.

By the same : Proposing to modify the joint standing order, and that the two Houses shall hereafter meet at 10 o'clock, A. M., each day. Adopted and transmitted to the Senate.

By Mr. Allen : House Bill 341, to amend section 21, chapter 34, Revised Code. Judiciary.

By Mr. Farrow : House Bill 342, to repeal an Act of 1865–'66, to establish a Board of Commissioners of Navigation for Ocracoke and Hatteras. Same reference.

By Mr. Holderby : House Bill 343, in regard to the Norfolk and Great Western Rail Road Company. Internal Improvements.

By Mr. Bake : Bill (H. P. 96) to incorporate the the Town Fork Coal and Petroleum Company. Corporations.

From the Senate : Bill (S. 94—H. 344) in favor of the Public Librarian. Claims.

From the Senate : Bill (S. P. 24—H. P. 97) in favor of Mrs. P. P. Dick. Same reference.

From the Senate : Bill : (S. P. 38—H. P. 98) to incorporate the Board of Trade of the City of Newbern. Corporations.

From the Senate: Bill (S. P. 39—H. P. 99) to change the name of Wayne Female College. Filed.

The resolution, introduced, on the 6th, by Mr. Lowe, relative to evening sessions, was, on motion of Mr. Waugh, laid on the table. And,

On motion of Mr. Blair, the resolution, introduced on the 8th, by Mr. York, restricting debate, was also tabled.

On motion of Mr. McClammy, a message was sent to the Senate, proposing to go into an election for Judge of the Criminal Court of Wilmington, to-morrow at 11½ o'clock.

Mr. Cowan placed in nomination the name of O. P. Meares, of Wilmington; and the Senate was informed thereof.

On motion of Mr. Kenan, the special order of the day, viz: House Bill 152, to establish a Penitentiary, was postponed until Thursday, 12 o'clock, M.

On motion of Mr. Cowan, the Calendar of Private Bills on their second reading was taken up;

When, under a suspension of the rule, the following passed their several readings and were ordered to be engrossed, viz:

Bill (H. P. 39) to incorporate the Memorial Association of Newbern;

House Bill 261, to incorporate the Wilmington Manufacturing Company;

Bill (H. P. 43) to incorporate the New Market Foundry and Manufacturing Company;

Bill (H. P. 40) to incorporate the St. Phillip's Episcopal Singing Society of Newbern;

Bill (H. P. 42) to incorporate Jerusalem Lodge, No. 95 A. Y. M;

Bill (H. P. 45) to incorporate Tuckaseegee Gold and Copper Mining Co.;

House Bill 202, to incorporate the Chamber of Commerce of Wilmington;

Bill (H. P. 46) in favor of Jacob Siler, Agent of Cherokee Lands;

Bill (H. P. 44) to incorporate Rockford Male and Female Seminary;

Bill (H. P. 49) to enable the representative of W. E. Mann, dec'd., late Sheriff of Pasquotank, to collect arrears of taxes;

Bill (H P. 59) to incorporate Wilson Lodge, No. 226, F. and A. M.;

Bill (H P. 65) in favor of Horton S. Reeves, of Alleghany;

House Bill 270, to incorporate the English and American Wool and Vine Growing, Manufacturing, Mining and Agricultural Association in the United States;

Bill (H. P. 66) to incorporate Carolina Lodge, No. 141, F. and A. M.;

Bill (H. P. 72) to incorporate Table Rock Seminary, in Burke County;

House Bill 224, to establish the dividing line between Salem and Winston;

Bill (H. P. 79) to incorporate the Wilmington Institute; and

Bill (H. P. 86) to incorporate the Wadesboro' Savings Institute.

And the following Engrossed Bills passed their several readings and were ordered to be enrolled, viz:

Bill (S. P. 10,—H. P. 74) to incorporate the Merchants' and Planters' Mutual Benefit Co.;

Bill (S. P. 13,—H. P. 75) to incorporate the Bingham Coal Mining Co.;

Bill (S. P. 2,—H. 145) to incorporate the Hibernian Society of Wilmington;

Bill (S. P. 1,—H. P. 76) to incorporate the Lexington Mining Co.; and

Bill (S. P. 6,—H. P. 77) to incorporate the Fayetteville Street Railway Co.

And the following were ordered to lie on the table, viz:

Bill (H. P. 22) in favor of E. P. Tabb & Co.;

Bill (H. P. 48) in favor of Walter Smith, Sheriff of Rockingham;

Bill (H. P. 50) in favor of A. H. Sanders, late Sheriff of Montgomery;

Bills (H. P. 51-2-3-4) in favor of Amos Pettiford, Jordan Simpson, Eugene Burrus and Wilson Cherry, respectively;

Bill (H. P. 55) in favor of Thos. S. Siler, former Agent of Western Turnpike Co.;

Bill (H. P. 58) for the relief of the late Pro visionnl Sheriff of Cleveland, &c. ;

Bill (H. P. 63) to authorize A. J. McBride, late Sheriff, to collect arrears of taxes;

Bill (H. P. 67) for the relief of Ro. McFarland, former Sheriff of Polk ;

Bill (H. P 85) to authorize Sidney Deal to collect arrears of taxes in Watauga County ; and

Bill (H. P. 87) in favor of C. A. Boon, of Guilford.

And the following was referred to the Committee on Propositions and Grievances, viz :

Bill (S. P. 69,—H. P. 61) in favor of W. B. March, John Wilson and others.

Received a message from the Senate, concurring in the resolution changing the joint order for the daily meeting of the two Houses.

Also, concurring in the proposition to raise a Joint Select Committee on the subject of Adjournment, and naming Messrs. Cowles, Wiggins and Clark, as the Committee on the part of the Senate.

Whereupon, the Speaker designated Messrs. Waugh, Harper and Kenan as the House branch of the Committee.

Also, concurring in the proposition to go into an election for Judge of the Criminal Court of New Hanover County tomorrow at $11\frac{1}{2}$ o'clock. A. M.

Also, proposing to print, for the use of each member of the General Assembly, twenty copies of the Bill to change the jurisdiction of the Courts and the rules of pleading therein.

And the question being "Shall the House concur in the proposition?" it was decided in the negative,—Yeas 31, Nays 53.

Mr. Henry demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Barden, Brown, Carson, Clark. Clement, Collins, Dargan, Gambril, Guess, Henderson, Holderby, Horton, of Watauga, Horton, of Wilkes, Jones, Kendall, Lutterloh, Martin, Moore, of Hertford, Murrill, Neal, Patton, Perry, of Carteret, Richardson, Smith, of Duplin, Stone, Trull, Umsted, Walker, Westmoreland, Whitfield and York—31.

Those who voted in the negative were :

Me srs. Ashworth, Autry, Baker, Beasley, Black, Blair, Blythe, Bowe, Bright, Bryson, Chadwick, Crawford, of Macon, Crawford, of Rowan, Davidson, Durham, Farrow, Garrett, Gorham, Harding, Harper, Henry, Hinnant, Hodnett, Houston, Jenkins, of Granville, Jordan, Kelsey, Kenan, Latham, of Washington, Lee, Lyon, May, McClammy, McGougan, McNair, McRae Moore, of Chatham, Morehead, Morton, Reinha dt, Rosebro, Rountree, Russ, Scoggin, Simpson, Smith, of Guilford, Stevenson, Sudderth, Teague, Vestal, Waugh, Williams, of Yancey, and Womble—53.

The Calendar of Public Bills on their second reading was then taken up, and the following dispositions made :

Severally tabled :

House Bill 53 to abolish imprisonment for debt ;

House Bill 59 to revise and digest the statute laws of this State ;

House Bill 75, to amend section 52, chapter 60, Revised Code ;

House Bill 78, in relation to sett-off ;

House Bill 93, giving debtors, whose lands have been sold under execution a right of redemption ;

House Bill 99, to authorize Aministrators to pay for the schooling of minor heirs ;

House Bill 98, to repeal section 2, chapter 34, Revised Code ; and

House Bill 105, to abolish imprisonment for debts contracted prior to May 1, 1865.

And the following passed to a third reading, viz :

House Bill 101, to amend section 12, chapter 52, Revised Code ; and

House Bill 109, to incorporate Pythagoras Lodge, No. 249, F. & A. M., in Smithville.

On motion of Mr. Hodnett, the House adjourned until tomorrow morning, 10 o'clock.

TUESDAY, FEBRUARY 12, 1867.

Prayer by the Rev. Mr. Atkinson, of the Presbyterian Church.

Messrs. Daniel, Bradsher, Latham, of Craven, and Har ing asked and obtained leave to record their votes in the affirmative upon the passage of the Bill (S. 152—H. 338) to change the jurisdiction of the Courts and the rules of pleading therein.

Mr. Kenan, from the Committee on the Judiciary, reported favorably on

House Bill 336, to amend section 5, chapter 29, Revised Code, entitled " County Trustee."

Mr. McKay, from the same Committee, reported favorably on

House Bill 289, in regard to standard Weights and Measures; and

House Resolution 332, directing the re-reporting and republication of Winston's Reports.

And adversely upon

House Bill 339, to make valid the acts of Justices of the Peace, who did so act during the war; and

House Bill 304, for a Mechanic's Lien Law.

Mr. Richardson, from the same Committee, reported back, asking to be discharged from their further consideration,

House Bill 27, to repeal section 9, chapter 40, of the Acts of 1866; and

House Bill 273, relative to hunting on the Sabbath.

Mr. Morehead, from the same Committee, reported unfavorably on

House Bill 313, allowing debtors the privilege of paying their old debts in State Bank money, &c.

Mr. Perry, of Carteret, from the same Committee, to whom was referred a resolution instructing them to enquire into the expediency of giving Courts of Law jurisdiction in cases of lost negotiable notes, reported back a Bill, viz:

House Bill 346, to authorize Courts of Law to grant relief in cases of lost negotiable bonds, bills and notes; which was placed on file.

Mr. Waugh, from the Committee on Propositions and Grievances, to whom was referred a memorial from citizens of Henderson, praying for relief, reported the same back and asked to be discharged from its further consideration.

Also, unfavorably on

House Bill 300, to repeal an Ordinance of the Convention, "to prohibit the sale of spirituous liquors within one mile and a half of Company Shops."

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. P. 93) to incorporate the town of Scotland Neck; and

Bill (S. P. 38—H. P. 98) to incorporate the Board of Trade of Newbern.

And unfavorably on

House Bill 326, to incorporate the Tennessee Mining and Manufacturning Company.

Mr. McNair, from the same Committee, reported back

Bill (H. P. 80) to incorporate the National Loan and Trust Company; and

Bill (H. P. 90) to incorporate the Charlotte Merchants and Planter's Benefit Association,—

Asking the reference of the same to the Committee on the Judiciary; which was so ordered.

Mr. Harper, from the Committee on Finance, reported adversely on

House Bill 325, in favor of Mt. Pleasant Academy; and

House Resolution 340, for the encouragement of immigration.

Mr. Harper, from the same Committee, to whom was referred House Bill 308, to change the mode of appointing Auctioneers in Wilmington, reported back a substitute for the same, viz:

House Bill 345, to change the mode of appointing Auctioneers. Filed.

The following Resolutions and Bills were introduced, read, referred, or otherwise disposed of, viz:

By Mr. Long: Proposing a Joint Select Committee to enquire into the propriety of indexing more perfectly the Statutes of the State, passed since 1860. Not adopted.

By Mr. Brown: Resolution in relation to furnishing copies of the decisions of the Supreme Court to the several Clerks of the State. Not adopted.

By Mr. Everett: House Bill 347, to empower the Superior Court Judges to hold extra terms. Judiciary.

By Mr. Holderby: House Bill 348, for the protection of Guardians. Same reference.

From the Senate: Bill (S. P. 86—H. P. 100) to amend an Act "to incorporate the Trustees of Greensboro' Female College." Under a suspension of the rule, passed its several readings and ordered to be enrolled.

On motion of Mr. Latham, of Craven, a message was sent to the Senate, proposing, at a quarter to twelve o'clock, to go into the election of a Judge for the Criminal Court of Craven, and announcing that George Green, Esq., is in nomination in this House.

The Senate subsequently concurred in the proposition.

Received a message from the Senate, concurring in the proposition to print five copies of the Bill to change the jurisdiction of the Courts, &c., for the use of each member of the General Assembly.

On motion of Mr. Bryson, House Bill 255, to amend the Charter of the Western North Carolina Rail Road, was made the special order, on its several readings, for to-morrow, 11 o'clock, A. M.

The Calendar of Bills on their second reading was then taken up, and the following dispositions made:

Severally passed to a third reading:

House Bill 115, to incorporate Black Rock Lodge, No. 135, in Brunswick; and

House Bill 119, concerning dormant judgments.

Passed several readings and ordered to be engrossed:

House Bill 204, to charter the Oxford branch of the Raleigh and Gaston Rail Road, (substitute for House Bill 122.)

Severally tabled:

House Bill 27, to repeal section 9, chapter 40, of the Acts of 1866;

House Bill 113, to allow persons convicted of crimes and misdemeanors, who are unable to pay costs, to work them out on the public roads;

House Bill 117, to extend the jurisdiction of Justices of the Peace, and for other purposes; and

House Bill 118, to prevent litigation and the ruinous sacrifice of the property of honest debtors.

Received a message from the Senate, announcing Messrs. Lloyd and Hill as the Committee, on the part of the Senate, to superintend the election of Judge for the Criminal Court of New Hanover; and

The hour having arrived, the House proceeded to vote as follows, under the superintendence of Messrs. Latham, of Craven, and Collins,—Hugh Waddell, Esq., having been previously put in nomination by Mr. Guess, and William A. Wright, Esq., by Mr. Murrill:

For Mr. Meares: Messrs. Allen, Autry, Barden, Black, Blythe, Brown, Bryson, Chadwick, Clark, Collins, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davidson, Durham, Farrow, Garris, Gorham, Granberry, Harding, Harper, Henderson, Horton, of Watauga, Hutchison, Jordan, Kenan, Latham, of Craven, Latham, of Washington, Lee, Lowe, Martin, McArthur, McClammy, McGougan, Moore, of Hertford, Morton, Patton, Scott, Smith, of Duplin, Sudderth, Turnbull, Walker, Whitfield, Williams, of Yancey, and York—47.

For Mr. Waddell: Messrs. Speaker, Ashworth, Blair, Bowe, Bradsher, Carson, Clement, Everett, Freeman, Gambril, Garrett, Guess, Hinnant, Hodnett, Holderby, Horton, of Wilkes, Jones, Kelsey, Kendall, Long, Lyon, Lutterloh, May, McKay, McRae, Moore, of Chatham, Morehead, Neal, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Simpson, Smith, of Guilford, Stevenson, Stone, Teague, Trull, Umsted, Vestal, Wangh, Westmoreland, Wilson, of Perquimans, Williams, of Harnett, and Womble—47.

For Mr. Wright: Messrs. Bright, Houston, McNair and Murrill—4.

For Mr. Devane: Mr. Perry, of Carteret—1.

For Mr. W. Mc. L. McKay: Mr. Beasley—1.

For Mr. Moore: Mr. Reinhardt—1.

Mr. Latham, of Craven, from the Committee appointed to superintend the foregoing election, reported that the Senate vote was 38, and the House vote 101,—total 139, and necessary to a choice 70; that Mr. Meares had received 63, Mr. Waddell 59, Mr. Wright 14, and Messrs. Devane, McKay and Moore 1 each; and that there was no election. Which report was concurred in and transmitted to the Senate.

Received a message from the Senate, announcing Messrs. Koonce and Perkins as the Committee on their part to superintend the election for Judge of the Criminal Court of Craven; and

The hour having arrived, the House proceeded to vote as follows, under the superintendence of Messrs. Chadwick and Neal,—the name of D. M. Carter, Esq., of Beaufort, having been previously put in nomination by Mr. Henry:

For Mr. Green: Messrs. Speaker, Allen, Autry, Barden, Bowe, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Clark, Clement, Collins, Cowan, Crawford, of Macon, Crawford, of Rowan, Dargan, Daniel, Davidson, Durham, Everett, Farrow, Freeman, Gambril, Garrett, Garris, Granbery, Guess, Harding, Harper, Henderson, Hodnett, Holderby, Horton, of Watauga. Houston, Hutchison, Jones, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Lee, Long, Lowe, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Morehead, Murrill, Patton, Perry, of Carteret, Reinhardt, Richardson, Russ, Scott, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Sudderth, Trull, Turnbull, Umsted, Walker, Waugh, Westmoreland, Whitfield, Wilson, of Perquimans, Williams, of Harnett, Williams, of Yancey, Womble and York—82.

For Mr. Carter: Messrs. Ashworth, Beasley, Black, Blair, Blythe, Godwin, Gorham, Henry, Hinnant, Horton, of Wilkes, Jenkins, of Granville, Jordan, Lyon, Morton, Rogers, Rosebro, Rountree, Scoggin, Stevenson, Teague and Vestal—21.

Mr. Neal voted for Mr. Williams, of Martin.

On motion of Mr. McClammy, a message was sent to the Senate, proposing to vote again forthwith for a Judge of New Hanover Criminal Court.

Mr. Chadwick, from the Committee appointed to superintend the election of a Judge for Craven Criminal Court, reported that the Senate vote was 35 and the House vote 104—total 139, and necessary to a choice 70; that Mr. Green had received 114, Mr. Carter 24, and Mr. Williams 1; and that Mr. Green, having received a majority, was duly elected. Which report was concurred in and transmitted to the Senate.

Received a message from the Senate, concurring in the proposition to vote forthwith for a Judge of New Hanover Criminal Court;

Whereupon the House proceeded to vote as follows, under the superintendence of Messrs. McClammy and Sudderth:

For Mr. Meares: Messrs. Allen, Autry, Barden, Bright, Brown, Bryson, Chadwick, Clark, Clement, Collins, Cowan, Crawford, of M., Crawford, of R., Dargan, Daniel, Davidson, Durham, Farrow, Garrett, Garris, Gorham, Granbery, Harding, Harper, Horton, of Watauga, Hutchison, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Lowe, Lutterloh, Martin, McArthur, McClammy, McGougan, McKay, McRae, Moore, of Hertford, Morton, Patton, Peebles, Reinhardt, Scott, Simpson, Smith, of Duplin, Sudderth, Turnbull, Walker, Whitfield, Williams, of Harnett, Williams, of Martin, Williams, of Yancey, and York—57.

For Mr. Waddell: Messrs. Speaker, Ashworth, Beasley, Black, Blair, Blythe, Bradsher, Carson, Everett, Freeman, Gambril, Godwin, Guess, Henderson, Hinnant, Hodnett, Holderby, Horton, of Wilkes, Houston, Jenkins, of Granville, May, Moore, of Chatham, Neal, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Smith, of Guilford, Stevenson Stone, Teague, Trull, Umsted, Vestal, Waugh, Westmoreland, Wilson, of Perquimans, and Womble—40.

For Mr. Wright: Messrs. McNair and Murrill.

Mr. Morehead voted for Mr. Kenan, and Mr. Perry, of Carteret, for Mr. Devane.

Mr. McClammy, from the Committee appointed to superintend the foregoing election, reported that the Senate vote

was 39 and the House vote 101;—whole number 140 and necessary 71; that Mr. Meares had received 73, Mr. Waddell 58, Mr. Wright 7, and Messrs. Kenan and Devane 1 each; and that Mr. Meares, having received a majority, was duly elected. Which report was concurred in and transmitted to the Senate.

The hour having arrived for the consideration of the special order, viz:

House Bill 253, to authorize the Public Treasurer to negotiate a loan for the relief of the Treasury and to establish a North Carolina Savings' Bank,

The same was taken up; and, after some time spent in debate thereon, and without arriving at a conclusion,

The House, on motion of Mr. Martin, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, FEBRUARY 13, 1867.

Prayer by Rev. Mr. Hardie, of the Presbyterian Church.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

Bill (S. P. 69—H. P. 61) in favor of W. B. March, John Wilson, and others.

And adversely on

Bill (H. P. 71) in favor of S. W. Chamberlain.

Mr. Perry, of Carteret, from the Committee on Claims, reported favorably on

Bill (S. 94—H. 344) in favor of the State Librarian; and

Bill (S. P. 24—H. P. 97) in favor of Mrs. P. P. Dick.

Mr. Perry, from the same Committee, to whom was referred House Bill 333, to authorize the Public Treasurer to refund certain taxes overpaid by the Southern Express Company, reported the same back, asking its reference to the Committee on Finance; which was so ordered.

Mr. Allen, from the Committee on the Judiciary, to whom was referred House Bill 341, to amend section 21, chapter 34, Revised Code, reported a substitute for the same, viz:

House Bill 349, for the protection of grape-growers; which was placed on file.

Mr. Kenan, from the same Committee, reported unfavorably on

House Bill 348, for the protection of Guardians.

Mr. Stevenson, from the Committee on Corporations, reported favorably on

House Bill 305, to extend the limits of the town of Lumberton.

Bills of the titles following were introduced, read, referred, or otherwise disposed of, as stated, viz:

By Mr. Woodard: House Bill 350, to authorize a Special Court for the county of Wilson. Judiciary.

By Mr. Bright: House Bill 351, authorizing the Chairman of Lenoir County Court to sell the old jail lot in Kinston. Filed.

By Mr. Horton, of Watauga: House Bill 352, to amend an Act "to encourage the raising of sheep in the Counties of Watauga and Ashe," ratified January 28, 1851. Filed.

By Mr. Hutchison: House Bill 353, to incorporate the North Carolina Orphan Asylum. Corporations.

A recommendation of magistrates for the County of Bladen was submitted, approved and sent to the Senate for concurrence.

The consideration of the unfinished business of yesterday viz: House Bill 253, to authorize the Public Treasurer to negotiate a lone for the relief of the Treasury, and to establish a North Carolina Savings Bank, was taken up; when

Mr. Williams, of Martin, moved to lay the same on the table; which did not prevail.

Mr. Morehead moved to amend by striking out "ten millions," in line 5, sec. 1, and inserting "five millions," and also by striking out sec. 18; and

Mr. Morehead then further moved that the Bill, together with the amendment, be re-referred to the Committee on Finance; which was so ordered.

On motion of Mr. Long, Resolution, (S. 94,—H. 344) in favor of the Public Librarian, was taken up, considered, and under a suspension of the rule, passed its several readings and was ordered to be enrolled.

Mr. Moore, of Hertford, moved to take from the table the motion to reconsider the action by which the House had tabled Bill (S. P. 27,—H. P. 29) to extend the corporate limits of the town of Elizabeth City; which did not prevail.

Received a message from the Senate, concurring in the recommendation of magistrates for the county of Bladen.

Also, transmitting certain recommendations for the county of Duplin; which was concurred in and the Senate informed thereof by message.

The hour having arrived for the consideration of the first Special Order, viz: House Bill 255, to amend the charter of the Western North Carolina Rail Road, the same was taken up.

The substitute reported from the Committee on Internal Improvements, viz: House Bill 297, to authorize the President and Directors of the Western North Carolina Rail Road to put said road under contract, was amended, by the incorporation of two additional sections, on motion of Messrs. Bryson and Cowan, respectively, and adopted; and then

The same passed its several readings and was ordered to be engrossed.

Mr. Wilson, of Forsyth, asked and obtained leave to record his vote in the negative on the passage of the Bill (S. 152,—H. 338) to change the jurisdiction of the Courts, &c.; and Mr. Foard, by leave, recorded his vote in the affirmative on the same question.

On motion of Mr. Waugh, House Bill 231, to authorize the Western Rail Road to extend its road across the North Carolina Rail Road to Mt. Airy, &c., was made the special order for to-morrow, at 11 o'clock, A. M.

On motion of Mr. Richardson, Bill (S. 2,—H. 291) to provide Freehold Homesteads, was made the special order for Tuesday next, 11½ o'clock, A. M.

Bill (S. 15,—H. 241) to amend the Act regulating Salaries and Fees, was taken up; when

Mr. Crawford, of Macon, moved to strike out all after the enacting clause, and insert:

"That chapter 31 of the Acts of the General Assembly of 1865–'66, entitled 'An Act to regulate Salaries and Fees,' rat-

ified February 27th, 1866, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the salaries and fees of all persons and officers mentioned in the said Act shall hereafter be as set forth in chapter 102, Revised Code."

Which did not prevail.

The Bill passed its second reading, and, being put, under a suspension of the rule, on its third,

Mr. Richardson moved to lay the same on the table. Not adopted.

Mr. Houston moved to amend, by adding, after the word "fees," the words, "in specie or its equivalent;" which was not agreed to.

Mr. Richardson moved to amend by striking out the words "County Court Clerks, Jurors and Witnesses." Lost.

The Bill then passed and was ordered to be enrolled.

The hour having arrived for the consideration of the remaining special order, viz: House Bill 169, to amend an Act to incorporate the North Carolina Rail Road Company,

The same was, on motion of Mr. Waugh, postponed and made the special order for Wednesday next, 20th inst., at 12 o'clock, M.

The following Bills and Resolutions were introduced, (by leave) read, referred, or otherwise disposed of, viz:

By Mr. Everett: House Bill 354, to allow maimed Confederate Soldiers to retail spirituous liquors without paying a license. Propositions and Grievances.

By Mr. Waugh: House Bill 365, to stay executions in Courts of Record. Judiciary.

By Mr. Teague: House Bill 356, concerning Creditors. Same reference.

By Mr. Richardson: House Bill 357. to authorize the exchange of certain bonds, issued during the war for Internal Improvement purposes, for new bonds. Finance.

By Mr. Wilson, of Perquimans: House Bill 358, to authorize the County Courts of Perquimans to elect County officers. Filed.

By Mr. Clark: Bill (H. P. 101) authorizing the sale of a part of the land belonging to the Vine Hill Academy in the County of Halifax. Filed.

By Mr. Kelsey: Resolutio instructing the Judiciary Committee to enquire into the expediency of passing a general law, to enable Sheriffs, &c., to collect arrears of taxes. Not adopted.

By Mr. Holderby: Resolution proposing an informal meeting of the members of the Legislature for the consideration of our Federal relations. Referred to the Committee on Federal Relations.

Received from the Senate a message announcing that they had passed House Bill 127, to supply artificial arms, &c., with an amendment, viz: striking out section 3, in which they asked the concurrence of the House.

The House refused to concur, and the Senate was informed thereof.

The Calendar of Bills on their second reading was then taken up and the following action had:

Severally tabled:

House Bill 123, to place Physician's services and accounts on an equal dignity with bonds;

House Bill 124, to regulate and change the fees of County Court Solicitors;

House Bill 125, in aid of the Literary Fund;

House Bill 129, to amend section 7, chapter 62, Revised Code, entitled "Justices of the Peace;"

House Bill 142, for the relief of Wards;

House Bill 148, for the relief of the people;

House Bill 150, to change the time of meeting of the General Assembly;

House Bill 154, to amend section 11, chapter 35, Revised Code;

House Bill 156, providing a Homestead; and

House Bill 165, to prevent and punish unlawful hunting, &c.,

The following Bills, under a suspension of the rule, passed their several readings, and were ordered to be engrossed:

House Bill 126, concerning Surveyors ;

House Bill 138, to pay tales jurors for their services in capital felonies; and

House Bill 149, to amend an "Act to extend the time for perfecting titles to land."

Bill (S. 18,—H. 135, authorizing certain Counties to subscribe to the Capital Stock of the Cheraw and Coalfields Rail Road, uunder a suspension of the rule, passed its several readings and was ordered to be enrolled. And

House Bill 143, to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into Capital Stock, passed its second reading.

House Bill 151, to change the time of meeting of the General Assembly, coming up,

Mr. Stevenson moved to amend by striking out the words "third Monday in November," and inserting "first Monday in January;" which did not prevail.

Mr. Morehead moved to amend by inserting "fourth Monday in October," instead of "first Monday in November; which was not adopted.

Mr. Morehead moved to lay the Bill on the table; and was carried.

Mr. Everett moved to re-consider the vote by which the House had laid the foregoing on the table; when

Mr. McKay moved to lay that motion on the table ; and it was so ordered.

On motion of Mr. Richardson, House Resolution 323, concerning mileage for the adjourned session, was taken up.

Mr. Wilson, of Perquimans, moved to amend, by adding, at the end of the Resolution, the words, "at the rate of ten cents per mile;" which did not prevail.

Upon the passage of the Resolution, Mr. Peebles demanded the Yeas and Nays, but the call was not sustained.

The Resolution passed its several readings, under a suspension of the rule, and was ordered to be engrossed.

On motion of Mr. Allen, the House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, FEBRUARY 14th, 1867.

Prayer by the Rev. Mr. Mangum, of the Methodist Church.

Recommendations of magistrates for the Counties of Stanly, Gaston, Columbus, Beaufort and Sampson, were submitted approved and sent to the Senate for concurrence.

Mr. Harper, from the Committee on Finance, reported unfavorably on

House Bill 333, to authorize the Public Treasurer to refund certain taxes overpaid by the Southern Express Company;

And favorably on

House Bill 357, to authorize the exchange of certain bonds, issued during the war, for Internal Improvement purposes, for new bonds.

Mr. Harper, from the same Committee, to whom was referred a communication from the Literary Board, in relation to the State bonds held by said Board, as part of the School fund, reported back, recommending its passage,

House Bill 359, to authorize the consolidation of the securities of the State, held by the Literary Board, and for other purposes; which was placed on file.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. P. 92, to incorporate the Jones County Savings Bank:

House Bill 353, to incorporate the North Carolina Orphan Asylum;

Bill (H. P. 94) to incorporate Rocky Point Academy in New Hanover county;

Bill (H. P. 96) to incorporate Town Fork Coal and Petroleum Company; and

Bill (H. P. 89) to incorporate the Neuse River Ferry Company.

And unfavorably on

House Bill 331, to appoint a special magistrate for Goldsboro'.

Resolutions and Bills of the titles named were introduced, read, referred, or otherwise disposed of, as follows, viz:

By Mr. Wilson, of Forsyth: Resolution (H. P. 102) in favor of Mary M. Transom. Finance.

By Mr. Jenkins, of Gaston: Resolution (H. P. 103) in favor of J. L. Withers and James H. White. Propositions and Grievances.

By Mr. Foard: Bill (H. P. 104) to amend the Charter of Olin High School. Corporations.

By Mr. Horton, of Watauga: House Bill 360, to provide for keeping up a public road near Sampson Mountain. Filed.

By Mr. Lowe: Resolution instructing the Committee on the subject of Adjournment to report on to-morrow. Adopted.

By Mr. Russ: Resolution instructing the Judiciary Committee to enquire and report what compensation shall be allowed the Attorney General for *ex officio* duties performed by him under certain resolutions of the Legislature. Adopted.

From the Senate: Bill (S. P. 61—H. P. 105) to incorporate the Pigeon River Mining and Manufacturing Company, in Haywood county. Filed.

From the Senate: Bill (S. P. 62—H. P. 106) to incorporate the Waynesville Baptist College, in Haywood County. Filed.

From the Senate: Bill (S. P. 41—H. P. 107) to incorporate Monroe Lodge, No. 244, F. & A. M., in the town of Monroe, Union county. Filed.

From the Senate: Bill (S. P. 60—H. P. 108) to incorporate the American Mining and Manufacturing Company. Filed.

On motion of Mr. Harper, House Bill 199, to regulate taxation by the County Courts, was taken up; and, under a suspension of the rule, it passed its several readings and was ordered to be engrossed. And,

On motion of Mr. McKay, Bill (S. 56—H. 244) relative to Weights and Measures, was taken up, and, under a suspension of the rule, passed its several readings and ordered to be enrolled.

The Calendar of Bills on their second reading was taken up, when the following were respectively laid on the table, viz:

House Bill 166, to amend an Act "to incorporate the Greenville and French Broad Company;"

House Bill 172, to appoint a Tax Collector for Martin county;

House Bill 173, to abolish imprisonment for debt;

House Bill 177, to protect Executors and Administrators; and

House Bill 178, to give Buncombe Superior Court exclusive jurisdiction of the Western Turnpike Company.

The hour having arrived for the consideration of the first special order, viz: House Bill 231, to enable the Western Rail Road to extend its road across the North Carolina Rail Road to Mt. Airy, &c., the same passed its second reading. And,

On motion of Mr. Waugh, the further consideration of the Bill was made the special order for to-morrow, 11 o'clock, A. M.

Mr. Russ presented a Memorial from the officers of the Ladies' Memorial Association of Wake County, praying an appropriation in furtherance of its charitable design, accompanied by a Resolution, viz:

House Resolution 361, in favor of the Ladies' Memorial Association of Wake county;

Which, under a suspension of the rule, unanimously passed its several readings and was ordered to be engrossed and immediately transmitted to the Senate.

On motion of Mr. Blythe, Bill (S. 75—H. 269) to amend the charter of the town of Hendersonville, was taken up and considered.

Mr. Blythe offered an amendment, in the shape of an additional section; which was adopted.

The Bill, as amended, passed its second reading, and, being put on its third,

Mr. Patton moved to lay the Bill on the table; which did not prevail.

The Bill then passed its final reading, and was transmitted to the Senate for concurrence in the amendments.

On motion of Mr. Dargan, House Bill 262, to exchange a certain amount of the stock in the N. C. R. R. Co. with the

Cheraw and Coalfields R. R. Co., and for other purposes, was made the special order for to-morrow, 1 o'clock, P. M.

The hour having arrived for the consideration of the remaining special order, viz: House Bill 152, to establish a Penitentiary,

Mr. Hutchison offered a substitute for the same, viz:

House Bill 362, same title.

After debate,

Mr. Durham moved to lay the Bill and substitute on the table; and it was decided in the affirmative,—Yeas 58, Nays 46.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Autry, Barden, Black, Blythe, Bowe, Bradsher, Brown, Bryson, Carson, Clement, Collins, Crawford, of Macon, Dargan, Durham, Freeman, Galloway, Gambril, Gorham, Granbery, Harding, Henderson, Holderby, Horton, of Wilkes, Jenkins, of Gaston, Latham, of Craven, Lyon, Lutterloh, May, McArthur, McKay, McRae, Moore, of Chatham, Morehead, Morton, Murrill, Perry, of Carteret, Richardson, Rogers, Russ, Scoggin, Shelton, Simpson, Stone, Sudderth, Trull, Turnbull, Vestal, Walker, Waugh, Whitfield, Whitley, Wilson, of Perquimans, Williams, of Harnett, Williams, of Martin, Womble and York—58.

Those who voted in the negative were:

Messrs. Blair, Chadwick, Cowan, Crawford, of Rowan, Daniel, Davidson, Foard, Garrett, Garriss, Godwin, Guess, Harper, Henry, Hinnant, Hodnett, Horton, of Watauga, Honston, Hutchison, Jones, Jordan, Kelsey, Kenan, Kendall, Lee, Long, Lowe, Martin, McClammy, McGougan, McNair, Moore, of Hertford, Neal, Patton, Perry, of Wake, Reinhardt, Rosebro, Scott, Smith, of Duplin, Smith, of Guilford, Stevenson, Teague, Umsted, Westmoreland, Wilson, of Forsyth, Williams, of Yancey, and Woodard—46.

Received a message from the Senate, concurring in the recommendation of magistrates for the County of Sampson.

Also, announcing that they had laid on the table the recommendations for the County of Stanly, and transmitting others in their stead.

The House concurred, and the Senate was informed thereof by message.

Also, announcing that they had receded from their amendment to House Bill 127, to supply artificial arms, &c., and had ordered the Bill to be enrolled.

Mr. McKay offered the following Joint Resolution :

" WHEREAS, The Committee on Federal Relations have before them matters of the most momentous importance to North Carolina and the whole country :

Resolved, That they be requested to act as early as practicable and report the result of their deliberations to this General Assembly at an early day."

Pending the consideration of which,

Mr. Williams, of Martin, moved that the House do adjourn; which did not prevail.

Mr. McNair moved that the Resolution be laid on the table; and it was so ordered.

On motion of Mr. McNair, a message was sent to the Senate, proposing to increase the number of the Joint Select Committee on Federal Relations to five members of each House.

On motion of Mr. Dargan, the House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, FEBRUARY 15, 1867.

Mr. Kenan, from the Committee on the Judiciary, reported favorably on

House Bill 25, to amend an Act to regulate Salaries and Fees ; and

House Bill 342 to repeal the Act of 1865-'6, to establish a Board of Commissioners of Navigation for Ocracoke and Hatteras, &c.

And unfavorably on

House Bill 347, to empower the Superior Court Judges to hold extra terms.

Mr. McKay, from the Committee on the Judiciary reported unfavorably on

House Bill 356, concerning Creditors; and

House Bill 330, for the relief of Executors, Administrators, &c.

And favorably on

House Bill 350, to authorize a special Court for Wilson County.

Mr. Waugh, from the special Committee on the subject of Adjournment, submitted a statement of the business before the two Houses, and, asking for further time to consider the subject, meanwhile submitted a resolution providing for evening sessions of the two Houses,—commencing at 7½ o'clock,—from and after Monday next.

Mr. Wilson, of Perquimans, moved to amend by striking out all after the word "Resolved" and inserting:

"That the House of Commons will meet on Monday morning next, at 10 o'clock, sit until half past one, and then take a recess until 3 o'clock; and, meeting at 3 o'clock, P. M., shall sit until 5½ o'clock, P. M."

Which did not prevail.

The resolution was then adopted and transmitted to the Senate for concurrence.

Mr. Jenkins, of Gaston, asked and obtained leave to record his vote in the ngative upon the Bill to change the jurisdiction of the Courts and the rules of pleading therein.

Bills were introduced, and referred, or otherwise disposed of, as follows:

By Mr. Long: House Bill 363, to facilitate the settlement of estates. Judiciary.

By Mr. Freeman: House Bill 364, to extend the regular terms of the County Court of Granville. Filed.

By Mr. McRae: Bill (H. P. 109) to incorporate the town of Rockingham, in Richmond County. Corporations.

By Mr. Latham, of Craven: House Bill 365, accompanied by a Memorial, to establish the new County of Pamlico; which being read,

Mr. Latham moved a suspension of the rules, in order to put the Bill on its several readings.

Mr. Gorham moved to lay that motion on the table; which did not prevail.

And the rule being suspended and the Bill read a second time,

Mr. Gorham moved that the same be referred to the Committee on Propositions and Grievances; which did not prevail.

Mr. McNair moved that the Bill be indefinitely postponed. Not adopted.

The Bill then passed its second reading; and being put on its third, the yeas and nays were ordered, and it passed the same,—Yeas 52, Nays 43.

Mr. Gorham demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Autry, Barden, Black, Blythe, Bowe, Bradsher, Collins, Crawford, of Macon, Davidson, Durham, Foard, Freeman, Galloway, Gambril, Garris, Godwin, Harper, Henry, Hinnant, Hodnett, Holderby, Hutchison, Jones, Kendall, Latham, of Craven, Lutterloh, May, McArthur, McClammy, McGougan, McRae, Moore, of Hertford, Morton, Neal, Perry, of Carteret, Richardson, Rogers, Rosebro, Simpson, Stone, Sudderth, Trull, Turnbull, Umsted, Walker, Weitfield, Whitley, Wilson, of Perquimans, Williams, Harnett, Williams, of Yancey and Woodard—52.

Those who voted in the negative were:

Messrs. Ashworth, Brown, Bryson, Carson, Chadwick, Clement, Cowan, Crawford, of Rowan, Davis, Farrow, Garrett, Gorham, Granbery, Guess, Henderson, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Kelsey, Kenan, Lee, Lowe, Lyon, McNair, Moore, of Chatham, Morehead, Murrill, Patton, Reinhardt, Russ, Scoggin, Scott, Shelton, Smith, of Guilford, Teague, Vestal, Waugh, Westmoreland, Wilson, of Forsyth and York—43.

Ordered to be engrossed.

Mr. Moore, of Hertford, offered the following Resolution, which was adopted and transmitted to the Senate for concurrence, viz:

"*Resolved*, That a message be sent to the Senate, proposing to hold a Joint Convention of the two Houses, on Monday next, at 12 o'clock, M., in the Hall of the House of Com-

mons, and that Messrs. Brown, Boyden, Hanes and Leach, late Commissioners to Washington, be requested to meet the Convent on and make such revelations as will enable the members of this General Ass mbly to enter upon the import• ant subject of Federal Relations understandingly."

The hour having arrived for the consideration of the first special order, viz: House Bill 231, to enable the Western Rail Road Company to extend its road across the North Carolina Rail Road to Mt. Airy, the same was read the third time; when

Mr. Vestal offered an additional section, by way of amendment; which was adopted.

Mr. Waugh moved to amend sec. 3, by adding the words: "*Provided*, that said bonds shall be received by said Company at their par value."

Which was adopted; and

The Bill then passed and was ordered to be engrossed.

The Calendar of Bills on their third reading was taken up and the following dispositions made:

Severally tabled:

House Bill 73, to amend Section 71, Chapter, 31, Revised Code; and

House Bill 194, to amend an Act, ratified February 27, 1866, "to regulate Salaries and Fees."

Passed and ordered to be engrossed:

House Bill 35, to declare Roanoke River a sufficient fence or protection for the sides of all lands lying immediately on its banks in Martin County;

House Bill 143, to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into Capital Stock;

House Bill 101, to amend Section 12, Chapter 52, Revised Code;

House Bill 109, to incorporate Pythagoras Lodge, No. 249, in Smithville; and

House Bill 115, to incorporate Black Rock Lodge, No. 135, in Brunswick County.

House Bill 119, concerning dormant judgments, was re-referred to the Committee on the Judiciary.

The hour having arrived for the consideration of the second special order, viz: House Bill 54, to amend an Act "to establish work houses and houses of correction in the several counties of the State, ratified March 2, 1866," the same passed its several readings and was ordered to be engrossed.

The Speaker announced Messrs. Peebles, Davis, Perry, of Carteret, Morehead and Kenan as the Committee to investigate alleged mismanagement at the University, under the Resolution heretofore adopted by the House.

On motion of Mr. Garriss, the rule was suspended, and the Bill to establish the new County of Pamlico was ordered to be sent forthwith to the Senate; but, subsequently,

On motion of Mr. Holderby, the order was re-considered; and

Mr. Holderly entered a motion to re-consider the vote by which the Bill had passed its final reading.

The Calendar of Bills on their second reading was taken up:

House Bill 181, to lay off and establish a new County by the name of Vance:

The substitute reported by the Committee, viz: House Bill 334, same title, was adopted, under a suspension of the rule passed its several readings, and was ordered to be engrossed.

Severally tabled:

House Bill 25, to amend an Act to regulate Salaries and Fees;

House Bill 116, to amend an Act to prevent wilful trespasses on land and stealing any kind of property therefrom;

House Bill 183, to abolish the office of State Geologist; and

House Bill 184, to repeal Sections 1, 2, 3, 4, 5, 6 and 7, Chapter 12, Revised Code.

Received a message from the Senate, concurring in the proposition to hold evening sessions from and after Monday evening next.

Also, concurring in the recommendations of magistrates on yesterday transmitted from the House.

Also, declining to concur in the proposition to hold a Joint Convention of the two Houses on Monday next, at twelve o'clock, M.

Also, refusing to concur in the proposition to raise the number of the Joint Select Committee on Federal Relations to five on the part of each House.

Also, refusing to concur in the House amendment to the engrossed House Bill 269, to amend the charter of the town of Hendersonville.

And the question being, "Shall the House recede from its amendment?" it was decided in the negative; and

The action of the House was communicated to the Senate by message.

The hour having arrived for the consideration of the remaining special order, viz: House Bill 262, to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, the same was taken up.

Mr. Granbery moved to amend, by inserting, after the word "subscribed," in section 1, the words "and paid in, or secured to be paid, by subscribers, corporations, companies or counties;" which was adopted.

Mr. McClammy moved further to amend by striking out sections 1, 2 and 3.

Mr. McNair moved to amend the amendment by striking out, in line 7, section 2, the words "the road is completed," and inserting the words "said subscription is made."

After debate, and pending the consideration of the amendment,

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

SATURDAY, February 16, 1867.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. P. 109) to incorporate the town of Rockingham.

Favorably, with an amendment, on

Bill (H. P. 104) to amend the charter of the Olin High School.

And unfavorably on

Bill (H. P. 83) to amend the charter of the North Carolina Mutual Life Insurance Company; and

Bill (H. P. 84) to amend the charter of the North Carolina Mutual Fire Insurance Company.

Mr. Waugh, from the Committee on Propositions and Grievances, reported unfavorably on

House Bill 354, to allow maimed Confederate soldiers to retail spirituous liquors, without paying license.

Mr. Harper, from the Committee on Finance, reported favorably on

Bill (H. P. 102) in favor of Mary M. Transom.

Mr. Patton, from the same Committee, to whom was re-referred House 253, to authorize the Public Treasurer to negotiate a loan for the relief of the Treasury, and to establish a North Carolina Savings Bank, reported favorably on the same. And

Mr. Harper, from a minority of the same Committee, submitted a counter-report.

Mr. McKay, from the Committee on the Judiciary, reported favorably, with amendments, on

Bill (H. P. 80) to incorporate the National Loan and Trust Company.

And favorably on

Bill (H. P. 90) to incorporate the Charlotte Merchants' and Planters' Benefit Association.

Mr. McNair, from the Committee on Propositions and Grievances, reported favorably on

Bill (H. P. 103) in favor of J. L. Withers and J. H. White.

Mr. Peebles, from the Select Committee of enquiry concerning the University, reported back the following Joint Resolution and recommended its adoption, viz:

"*Resolved*, That a Committee of three, on the part of each House, be appointed to enquire into the general management of the affairs of the University of North Carolina, and whether its present languishing condition is owing to local causes, and report the result of their investigation to the Governor and Literary Board, with the request that they take the proper steps to remove all obstacles to the prosperity of said

University, if any shall be found to exist, and with the further request, that the Governor and Literary Board report their action concerning the matter at the next session of the General Assembly."

The Resolution was adopted and transmitted to the Senate for its concurrence.

Recommendations of magistrates for the Counties of Gates, Wilkes, Cabarrus, Buncombe, Chatham and Mecklenburg, were submitted, approved and sent to the Senate for concurrence.

Leave of absence until Monday was granted to Mr. Barden, and indefinitely to Mr. Harding.

The following Resolution and Bills were introduced, read, referred, or otherwise disposed of, as follows, viz :

By Mr. Williams, of Yancey: Resolution (H. P. 110) in favor of Chas. Byrd. Claims.

By Mr. Walker: House Bill 366, to incorporate the town of Columbia, in Tyrrell County. Corporations.

By Mr. Davis : House Bill 367, to amend an Act, ratified December 23, 1864, to authorize attachments against Corporations. Judiciary.

By Mr. McKay: Bill (H. P. 111) to incorporate Rocky Point Manufacturing Company, in Cumberland. Filed.

By the same: House Bill 368, entitled "Weights and Measures."

Under a suspension of the rule, this Bill was put upon its second reading, when

Mr. McClammy moved to amend by adding another section, as follows :

"That in section 5, chapter 117, Revised Code, the word 'two' shall be stricken out and the word 'one' inserted."

Which did not prevail.

The Bill passed its several readings and was ordered to be engrossed.

By Mr. Horton, of Watauga: House Bill 369, explaining the meaning and purview of the "Act granting a general amnesty and pardon," &c., ratified December, 1866. Judiciary.

Mr. McClammy entered a motion to reconsider the vote by which, on yesterday, the House had passed House Bill 334, to lay off and establish a new County by the name of Vance.

Received a message from his Excellency, the Governor, transmitting a communication from the Adjutant General of the United States, in response to an enquiry whether there were any North Carolina soldiers still detained in Federal prisons; which was ordered to be sent to the Senate.

The Calendar of Private Bills was then taken up, and the following dispositions made:

Severally passed and ordered to be enrolled:

Bill (S. P. 69,—H. P. 61) in favor of W. B. March and others;

Bill (S. P. 2,—H. 144) to incorporate Pasquotank Lodge, No. 103, F. and A. M.;

Bill (S. P. 24,—H. P. 97) in favor of Mrs. P. P. Dick;

Bill (S. P. 38,—H. P. 98) to incorporate the Board of Trade, of Newbern;

Bill (S. P. 31—H. P. 99) to change the name of Wayne Female College;

Bill (S. P. 61,—H. P. 105) to incorporate Pigeon River Mining and Manufacturing Company.

Bill (S. P. 41,—H. P. 107) to incorporate Monroe Lodge, No. 244, F. and A. M.;

Bill (S. P. 62,—H. P. 106) to incorporate Waynesville Baptist College;

Bill (S. P. 60,—H. P. 108) to incorporate the American Mining and Manufacturing Company.

Severally passed and ordered to be engrossed:

House Bill 263, to declare Tar River, through Edgecombe county, a water-course sufficient for a fence;

House Bill 136, to incorporate Centre Hill Lodge, No. 260, in Chowan;

House Bill 226, to incorporate Olivia Quicksilver Mining Company, in Macon county;

House Bill 221, to incorporate Flat Swamp, Lock's Creek and Evans Creek Canal Company;

Bill (H. P. 89) to incorporate the Neuse River Ferry Company;

Bill (H. P. 92) to incorporate the Jones County Savings Institution;

Bill (H. P. 93) to incorporate the town of Scotland Neck;

Bill (H. P. 94) to incorporate Rocky Point Academy, in New Hanover County;

Bill H. P. 96) to incorporate Town Fork Coal and Petroleum Company;

Bill (H. P. 101) to authorize the sale of a part of the land belonging to the Vine Hill Academy, in Halifax;

Bill (H. P. 102) in favor of Mary M. Transom;

Bill (H. P. 104) to amend the Charter of Olin High School;

Bill (H. P. 109) to incorporate the town of Rockingham;

Bill (H. P. 80) to incorporate the National Loan and Trust Company;

Bill (H. P. 90) to incorporate the Neuse River Ferry Company;

Bill (H. P. 103) in favor of J. S. Withers and J. H. White;

Bill (H. P. 111) to incorporate Rocky Point Manufacturing Company, in Cumberland;

House Bill 337, to amend an act to incorporate the town of Jefferson;

House Bill 305, to extend the limits of the town of Lumberton;

House Bill 249, to amend the Charter of Cheoih Turnpike Company;

House Bill 353, to incorporate the North Carolina Orphan Asylum; and

House Bill 235, to incorporate the town of Hookerton, in Greene County.

Severally tabled:

Bill (H. P. 71) in favor of S. W. Chamberlain;

Bills (H. P. 83 and 84) to amend the Charters of the North Carolina Mutual Life and Fire Insurance Companies, respectively; and

House Bill 326, to incorporate the Tennessee River Mining and Manufacturing Company.

Received a message from the Senate, concurring in the Resolution providing for the appointment of a Committee of Enquiry concerning the University.

Also, announcing that the Senate had insisted upon its disagreement to the House amendment to the Bill to amend the Charter of the town of Hendersonville;

Whereupon, Mr. Crawford, of Macon, moved that a message be sent to the Senate, proposing a Committee of Conference on the disagreement.

Mr. Blythe moved to lay that motion upon the table; and it was so ordered.

On motion of Mr. Richardson, House Bill 357, to authorize the exchange of certain bonds, issued during the war for Internal Improvement purposes, for new bonds, was taken up and considered.

After debate,

The Bill passed its several readings and was ordered to be engrossed.

On motion of Mr. McKay, House Bill 246, to amend the charter of the Fayetteville and Florence Rail Road Company, was made the special order for Tuesday next, 19th instant, 1 o'clock, P. M.

On motion of Mr. Gorham, the House adjourned to Monday morning, 10 o'clock.

MONDAY, February 18, 1867.

Prayer by the Rev. Mr. Hardie, of the Presbyterian Church.

The Speaker announced Messrs Horton, of Wilkes, Shelton, Lutterloh, Martin and May, as the Committee on Enrolled Bills for the week.

The following Resolution and Bills were introduced, read, referred, or otherwise disposed of, as stated, viz:

By Mr. Carson: Resolution to provide for the distribution of seats to the members of the Legislature. Adopted and sent to the Senate.

By Mr. Harper: House Bill 370, to provide for the collection and payment into the Treasury of monies due by paying patients in the Insane Asylum. Filed.

By Mr. Blythe: House Bill 371, to secure Creditors. Judiciary.

By Mr. Martin: House Bill 372, for the protection of Landlords. Same reference.

From the Senate: Bill (S. P. 95—H. P. 112,) to incorporate the American Agricultural and Mineral Company. Filed.

The consideration of the unfinished business of Friday, viz: House Bill 262, to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, was taken up,—

The pending question being upon the amendment, offered by Mr. McNair, to the amendment of Mr. McClammy;

Which did not prevail.

Mr. McNair further moved to amend by striking out, in lines 15 and 16, section 2, the words "one hundred thousand dollars of;" which did not prevail.

Mr. McClammy's amendment was then rejected.

And the question recurring upon the passage of the Bill on its third reading, it was decided in the negative,—Yeas 43, Nays 45.

Mr. McClammy demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Black, Blair, Blythe, Chadwick, Collins, Crawford, of Rowan, Davis, Durham, Farrow, Foard, Hinnant, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Granville, Jordan, Kelsey, Kendall, Latham, of Craven, Lyon, May, McKay, McRae, Moore of Hertford, Morton, Murrill, Neal, Patton, Scott, Smith, of Duplin, Stone, Teague, Vestal, Walker, Waugh, Westmoreland, Whitfield, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Martin, Womble and York.—43.

Those who voted in the negative were:

Messrs. Allen, Baker, Beasley, Boyd, Bradsher, Brown, Bryson, Carson, Clement, Crawford, of Macon, Davidson, Freeman, Galloway, Gambril, Garrett, Gorham, Granbery, Guess, Henderson, Henry, Hodnett, Holderby, Hutchison,

Jenkins, of Gaston, Jones, Lee, Logan, Martin, McArthur, McClammy, McGougan, McNair, Peebles, Reinhardt, Richardson, Rogers, Rosebro, Scoggin, Shelton, Simpson, Umsted, Whitley, Williams, of Pitt, Williams, of Yancey, and Woodard—45.

Mr. Baker entered a motion to re-consider the vote by which the foregoing bill had failed to pass its final reading.

Mr. Kelsey moved a reconsideration of the vote by which, on Saturday, the House had tabled the proposition to send a message to the Senate asking for a Conference on the subject of the disagreement between the two Houses relative to the Bill to amend the Charter of Hendersonville.

The motion prevailed, and the message was then ordered to be sent; and

The Senate subsequently concurring, and announcing Messrs. Gash, Love and Covington, as their branch of the Committee of Conference, the Speaker designated Messrs. Logan, Harper and Garrett as the Committee on the part of the House.

On motion of Mr. Autry, House Bill 313, allowing debtors the privilege of paying their old debts in State Bank money or its equivalent in currency, was made the special order for 12 o'clock, M., to-morrow.

Leave of absence, for the remainder of the week, was granted to Mr. Martin.

Received a message from the Senate, announcing the passage with amendments, of

House Bill 64, to incorporate the Albemarle Swamp Land Company; and

House Bill 311 to incorporate the town of Rocky Mount.

And of a substitute for

Bill (H. P. 16) for the relief of the estate of L. O'B. Branch, deceased.

In which the concurrence of the House was asked.

The House concurred and the Senate was informed thereof by message.

Received a message from the Senate, transmitting recommendations of magistrates for the Counties of Brunswick, Catawba and Pitt; in which the House concurred.

Also, announcing Messrs. Harris, of Rutherford, Johnston and Paschal, as the Senate Committee on enrolled Bills for the week.

Also, announcing the rejection, in that body, of House Bill 80, to amend section 2, chapter 43, of an Act, ratified March 12, 1866, entitled "An Act to improve the law of evidence."

The Calendar of Bills on their second reading was taken up, and the following action had:

Passed several readings, under a suspension of the rules, and ordered to be engrossed:

House Resolution 186, in favor of soldiers maimed in the late war;

House Bill 190, to amend section 4 of an Act of 1858-59 "to authorize the Roanoke Navigation Company to discontinue the use of their canal," &c.;

House Bill 310, supplemental to an Act to empower the County Courts of Mecklenburg to hold extra terms; and

House Bill 223, to amend chapter 39 Acts of 1860-'61.

Passed second reading:

Bill (S. 79—H. 206) to amend the charter of the Wilmington and Weldon Rail Road Company;

Bill (S. 36,—H. 207) to amend an Act, passed in 1833, to incorporate the Wilmington and Raleigh Rail Road Company; and

Bill (S. 98,—H. 213) concerning Bastard Children.

Severally tabled:

House Bill 137, to regulate assignments and protect creditors;

House Bill 188, to amend section 6, chapter 71, Revised Code, entitled "Mills and Millers;"

House Bill 193, to grant the aid of the State to the Cheraw and Coalfields Rail Road; and

House Bill 220, in favor of Oakwood Memorial Association.

Otherwise disposed of:

House Bill 187, for the more perfect administration of the criminal law of the State. Indefinitely postponed, on motion of Mr. McKay.

Bill (S. 2,—H. 216) to repeal an Ordinance of the Conven-

tion, authorizing the exchange of stocks in the Rail Road Companies for State bonds. On motion of Mr. Richardson, referred to the Committee on Finance.

House Bill 217, for the relief of the people. On motion of Mr. McNair, referred to the Committee on the Judiciary.

House Bill 228, to pay the special magistrates of the city of Newbern. Rejected.

House Resolution 229, authorizing the State Librarian to purchase fifty copies of Battles' Digest. Rejected.

House Bill 205, for the relief of the owners of land and houses. Tabled, on motion of Mr. Jones.

Mr. Kelsey moved a re-consideration of this action; which prevailed, and,

On further motion of Mr. Kelsey, the Bill was made the special order for to-morrow evening, 8 o'clock.

Bill (S. 17—H. 243,) for the better suppression of horse stealing:

Mr. Whitley moved to strike out section 3 of the Bill (limiting the existence of its operation to five years.)

And the question being "Shall the section stand as a part of the Bill," it was decided in the negative.

So the amendment prevailed.

Mr. Blythe moved to amend by adding the following proviso:

"*Provided*, That this act shall not take effect until after the first day of July next."

Which did not prevail.

Mr. Jones moved to amend by adding as follows:

"*Provided*, That this Act shall not apply to those convicted, for the first time, of horse or mule stealing."

Which was not adopted.

The Bill, as amended, then passed its second reading.—Yeas 62, Nays 36.

Mr. Brown demanded the Yeas and Nays,

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Autry, Baker, Black, Blair, Bryson, Carson, Chadwick, Clark, Clement, Collins, Cowan, Davis, Davidson, Durham, Farrow, Foard, Gambril, Garrett, Guess, Henderson, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Gaston, Kelsey, Kendall,

Lee, Logan, Long, Lowe, Lyon, May, Martin, McArthur, McClammy, McGougan, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Murrill, Patton, Reinhardt, Richardson, Rogers, Russ, Scoggin, Simpson, Stone, Umsted, Vestal, Walker, Waugh, Whitfield, Whitley, Williams, of Harnett, Womble, Woodard and York.

Those who voted in the negative were:

Messrs. Beasley, Blythe, Boyd, Bowe, Bradsher, Brown Crawford, of Macon, Crawford, of Rowan, Freeman, Galloway Gorham, Granbery, Harper, Hinnant, Hodnett, Hutchison, Jenkins, of Granville, Jones, Jordan, Kenan, McKay, Morehead, Morton, Neal, Rosebro, Scott, Shelton, Smith, of Duplin, Sudderth, Teague, Trull, Westmoreland, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Pitt, and Williams, of Yancey.

Mr. McNair moved for a suspension of the rule, in order to put the Bill on its final reading; which was not agreed to.

On motion of Mr. Russ, the use of the Hall, on Friday evening next, was granted to the Ladies' Memorial Association.

On motion of Mr. Allen, the House adjourned until 7½ o'clock, P. M.

MONDAY, 7½ O'CLOCK, P. M.

The Calendar of Bills on their second reading was taken up, and the following action had, viz:

House Resolution 185, in favor of the Adjutant General of the State: Passed second reading, and, under a suspension of the rules, being placed on its third, it failed to pass the same.

House Bill 232, to incorporate the Greensboro' and Dan River Rail Road Company:

Mr. Williams, of Martin, moved to lay the Bill on the table; which did not prevail.

The amendments recommended by the Committee were adopted, and the Bill, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Williams, of Pitt, moved a reconsideration of the vote, by which House Resolution 185, in favor of the Adjutant General, failed to pass its final reading; which did not prevail.

Mr. Latham, of Craven, called up the motion, heretofore entered, to reconsider the vote by which House Bill 365, to establish the county of Pamlico, had finally passed the House.

The motion to reconsider prevailed.

Mr. Clark moved that the Bill be indefinitely postponed; and

After debate, it was so ordered,—Yeas 43, Nays 39.

Mr. Scoggin demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Brown, Bryson, Carson, Chadwick, Clark, Clement, Collins, Cowan, Davis, Freeman, Gambril, Garrett, Gorham, Granbery, Henderson, Henry, Horton of Watauga, Horton of Wilkes, Houston, Jordan, Kelsey, Kenan, Logan, Lowe, McArthur, McClammy, McKay, McNair, Moore, of Chatham, Morehead, Murrill, Patton, Reinhardt, Russ, Scoggin, Scott, Shelton, Turnbull, Vestal, Waugh, Williams of Martin, and York—43.

Those who voted in the negative were:

Messrs. Allen, Autry, Blythe, Boyd, Bowe, Crawford of Macon, Davidson, Durham, Foard, Galloway, Garris, Godwin, Guess, Hinnant, Hodnett, Holderby, Kendall, Latham of Craven, May, McGougan, Moore of Hertford, Morton, Neal, Richardson, Rogers, Rosebro, Simpson, Smith of Duplin, Stone, Trull, Umsted, Walker, Whitfield, Whitley, Wilson of Perquimans, Williams of Harnett, Williams of Pitt, Williams of Yancey, and Womble—39.

Received a message from the Senate, refusing to concur in the House resolution for the distribution of seats to the members of General Assembly.

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

TUESDAY, FEBRUARY 19, 1867.

Prayer by the Rev. Mr. Atkinson, of the Presbyterian Church.

Mr. McNair, from the Committee on Corporations, reported favorably on

House Bill 366, to incorporate the town of Columbia, in Tyrrell county.

Mr. Autry introduced the following Resolution, viz :

"*Resolved*, That this General Assembly do adjourn Friday, February 22nd, to meet again the second Monday in October, 1867."

Which, on motion of Mr. Waugh, was laid on the table.

The Calendar of Bills on their second reading was taken up :

House Bill 233, to enable Buncombe Turnpike Company to subscribe the stock in said Company to the Western North Carolina Rail Road. Passed its several readings, under suspension of the rule, and ordered to be engrossed.

Bill (S. 101—H. 303) to provide for the building a fence in Perquimans County. Tabled, on motion of Mr. Waugh.

Received a message from the Senate, announcing the passage, by that body, of House Bill 198, to raise Revenue, with sundry amendments, in which the concurrence of the House was asked.

The amendments were severally read and concurred in, except the following, viz :

(1.) Strike out the proviso to section 9, class 1, Schedule A ; and

(2.) Substitute for the last paragraph, class 2, Schedule B

And the Senate was informed of the action of the House by message.

Mr. Baker called up the motion, heretofore entered by him, to re-consider the vote by which House Bill 262, to exchange a certain amount of the stock in the North Carolina Rail Road Company, with the Cheraw and Coalfields Rail Road Company, and for other purposes, had failed to pass its final reading.

Mr. McClammy moved to lay the motion to re-consider on the table; and it was decided in the negative,—Yeas 41, Nays 54.

Mr. Richardson demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker, Boyd, Bradsher, Brown, Clark, Clement, Cowan, Davidson, Freeman, Galloway, Garris, Granbery, Guess, Harper, Henderson Hinnant, Holderby, Houston, Hutchison, Jones, Kenan, Lee, Logan, Lowe, McArthur, McClammy, McGougan, McNair, Morehead, Peebles, Reinhardt, Richardson, Scoggin, Shelton. Smith, of Duplin, Umsted, Whitley, Williams, of Pitt, and Woodard—41.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Beasley, Black, Blair, Blythe, Carson, Chadwick, Collins, Crawford, of Rowan, Davis, Durham, Foard, Gambril, Garrett, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Granville. Jordan, Kelsey, Kendall, Latham, of Craven, Long, Lyon, Lutterloh, May, McKay, McRae, Moore, of Chatham, Moore, of Hertford, Morton, Murrill, Neal, Patton, Perry, of Wake, Rogers, Rosebro, Russ, Simpson, Stone, Sudderth, Teague, Trull, Turnbull, Vestal, Walker, Waugh, Whitfield, Wilson, of Forsyth, Williams, of Harnett, Williams, of Martin, Williams, of Yancey and Womble—54.

The motion to reconsider then prevailed;

And the question recurring on the passage of the Bill its third reading, it passed the same,—Yeas 50, Nays 47.

Mr. Morton demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Beasley, Black, Blair, Chadwick, Collins, Crawford, of Rowan, Davis, Durham, Farrow, Foard, Harper, Hinnant, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Granville, Jordan, Kelsey, Kendall, Latham, of Craven, Long, Lyon, Lutterloh, May. McKay, McRae, Moore, of Chatham, Moore, of Hertford, Morton, Murrill, Neal, Patton, Perry, of Wake, Rogers, Russ, Scott, Stone, Teague, Trull, Turnbull, Vestal, Walker, Waugh, Whitfield, Wilson, of Forsyth, Wilson, of Perquimans, Womble and York—50.

Those who voted in the negative were:

Messrs. Allen, Baker, Blythe, Boyd, Bowe, Brown, Clark, Clement, Cowan, Crawford, of Macon, Davidson, Freeman, Galloway, Gambril, Garrett, Garriss, Granbery, Guess, Henderson, Hodnett, Holderby, Hutchison, Jenkins, of Gaston, Jones, Kenan, Lee, Logan, Lowe, McArthur, McClammy, McGougan, McNair, Morehead, Peebles, Reinhardt, Richardson, Rosebro, Scoggin, Shelton, Smith, of Duplin, Sudderth, Umsted, Whitley, Williams, of Martin, Williams, of Pitt, Williams, of Yancey and Woodard—47.

Ordered to be engrossed.

The hour having arrived for the consideration of the second special order of the day, viz: House Bill 313, allowing debtors the privilege of paying their old debts in State Bank money, &c., the same was read; when

Mr. Jenkins, of Gaston, moved to lay it on the table, and it was so ordered—Yeas 68, Nays 15.

Mr. Autry demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker, Blythe, Boyd, Bowe, Bradsher, Carson, Chadwick, Clark, Clement, Collins, Cowan, Crawford, of Macon, Crawford, of Rowan, Davis, Davidson, Durham, Foard, Galloway, Gambril, Garris, Harper, Henderson, Hodnett, Holderby, Horton, of Watauga, Houston, Hutchison, Jenkins of Gaston, Jones, Jordan, Kelsey, Kenan, Latham, of Craven, Logan, Lowe, Lutterloh, McKay, McNair, McRae, Moore, of Hertford, Morehead, Morton, Neal, Patton, Peebles, Perry, of Wake, Rosebro, Russ, Scoggin, Shelton, Simpson, Stone, Sudderth, Teague, Turnbull, Umsted, Vestal, Waugh, Whitfield, Whitley, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Pitt, Woodard and York—68.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Beasley, Black, Blair, Hinnant, May, McArthur, Moore, of Chatham, Richardson, Rogers, Smith, of Duplin, Trull, Williams, of Yancey, and Womble—15.

On motion of Mr. Whitfield, House Bill 330, for the relief of Executors, Administrators, &c., was made the special order for this evening, 8½ o'clock.

On motion of Mr. Richardson, the House took up Bill (S. 2—H. 291) to be entitled an Act to establish Freehold Homesteads for the citizens of the State, which had been made the first special order for this day, but which had been deferred under the pressure of other business; when

Mr. Richardson offered a substitute for the same, viz:

House Bill 373, to exempt from seizure under execution or attachment certain personal property and to provide a Homestead;

Which was adopted, and, being read the second time,

Mr. Logan moved to amend by adding the following proviso at the close of section 6, viz:

"*Provided*, That no Homestead, laid off under the provisions of this Act, shall exceed in value $5,000, at the time said Homestead is laid off."

Which was adopted.

Mr. Richardson moved to reconsider the vote by which the foregoing amendment had just been adopted; which prevailed.

Mr. McNair moved to lay the amendment on the table. Not agreed to.

The amendment was again adopted, and the Bill, as amended, passed its second reading.

Under a suspension of the rule, being placed on its third reading,

Mr. McNair moved to strike out the words "one yoke of oxen."

And the question being "shall the words stand as a part of the Bill?" it was decided in the affirmative.

So the amendment did not prevail.

The Bill then passed its third reading and was sent to the Senate for concurrence.

Received a message from the Senate, announcing the passage of the following Engrossed Bill, and asking the concurrence of the House therein, viz:

Bill (S. 2 4,—H. 374,) to extend the term of Chowan Superior Court;

Which was read, and, under a suspension of the rule, being placed on its second reading, passed the same.

Being placed on its third reading,

Mr. Boyd moved to amend by striking out the words "ninety dollars;" which did not prevail,

The Bill then passed and was ordered to be enrolled.

On motion of Mr. McKay, House Bill 246, to amend the charter of the Fayetteville and Florence Rail Road Company, which had been made the Special Order for 1 o'clock, but which had been postponed to give way to business at that hour pending, was taken up.

Being read a second time, and pending its consideration,

On motion of Mr. Allen, the House took a recess until 7½ o'clock, P. M.

TUESDAY, 7½ O'CLOCK, P. M.

Received a message from the Senate, announcing the passage of the following Engrossed Bills, and asking the concurrence of the House therein, viz:

Bill (S. P. 104—H. P. 113,) to incorporate the Wilmington Hook and Ladder Company. Filed.

Bill (S. 139—H. 375,) to establish a State Penitentiary. Filed.

Bill (S. P. 82—H. P. 144,) to incorporate the Cleveland Mineral Springs Company. Filed.

Bill (S. P. 74—H. P. 115,) to incorporate the Mecklenburg Female College, in the city of Charlotte. Filed.

Bill—(S. P. 17—H. P. 116) to incorporate the North Carolina Dental Association, &c. Filed.

Bill (S. P. 87—H. P. 117,) to incorporate Kittrell's Springs Female College. Filed.

Bill (S. P. 94—H. P. 118,) to set apart and make perpetual the McIntyre Cemetery in Cumberland county. Filed.

Received a message from the Senate, proposing the appointment of an additional Committee on Enrolled Bills for the week; which was concurrred in, and

Messrs. McArthur, Turnbull, Brown, Holderby and Murrill were designated as the House Committee.

Mr. McNair, from the Committee on Federal Relations, reported back the Resolutions concerning the Hon. Jefferson Davis, asking to be discharged from their further consideration.

The consideration of the unfinished business, viz: House Bill 246, to amend the charter of the Fayetteville and Florence Rail Road Company, was resumed.

Mr. McKay offered an amendment to the Bill, in the shape of an additional section; which was adopted.

The Bill failed to pass its second reading; but

On motion of Mr. Kenan, the vote was re-considered.

On further motion of Mr. Morehead, the Bill was then made the Special Order for to-morrow, at 11 o'clock, A. M.

Mr. Cowan, from the Committee on Finance, to whom were referred certain resolutions concerning the payment of the interest on the public debt, submitted a lengthy report thereon, and recommended the passage of an accompanying Bill, viz:

House Bill 376, to provide for the payment of the interest on the public debt, and for other purposes;

Which, being read, was, on motion of Mr. Cowan, ordered to be printed, and made the Special Order for to-morrow evening at 8 o'clock.

Mr. Harper, from the same Committee, to whom were referred certain resolutions concerning the condition of the people, (introduced by Mr. Granbery, on the 9th inst.,) reported adversely thereon, and asked to be discharged from their further consideration; which was so ordered.

The hour having arrived for the consideration of the second Special Order, viz: House Bill 330, for the relief of Executors, Administrators, &c., the same was taken up and read.

Mr. Davis moved to amend by the insertion of an additional clause to the preamble, and the addition of a new section, to come in as section 3; and it was adopted.

Mr. Houston moved further to amend by striking out all of the Bill after section 1, and inserting, in lieu thereof, a series of new sections, eleven in number. And

Mr. Houston moved that the Bill, together with the amendment, be re-referred to the Committee on the Judiciary; which did not prevail.

The amendment was not adopted.

The Bill, as amended, passed its second reading.

Mr. Durham moved a suspension of the rule, in order that the Bill might be placed on its final reading; which prevailed.

And the Bill passed and was ordered to be engrossed.

Mr. Williams, of Martin, moved that the House do now adjourn; which was not agreed to.

On motion of Mr. Kelsey, House Bill 205, for the relief of the owners of land and houses, which had been made the first special order of the evening, but which had been superseded by the unfinished business, was taken up; when

On further motion of Mr. Kelsey, the same was laid on the table.

Mr. Williams, of Harnett, obtained permission to have the statement entered of record, that, had he been in his seat this morning, he would have voted in the affirmative on the passage of the Homestead House Bill, 373.

Mr. Lyon moved that the House do now adjourn.

And the question being thereon, it was decided in the negative,—Yeas 26, Nays 66.

Mr. Latham, of Craven, demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Beasley, Blair, Boyd, Bryson, Chadwick, Davidson, Durham, Garris, Godwin, Hutchison, Kelsey, Lee, Long, Lyon, May, Morton, Neal, Patton, Perry, of Wake, Smith, of Duplin, Westmoreland, Whitfield, Whitley, Wilson, of Forsyth, Williams, of Martin and Woodard.

Those who voted in the negative were:

Messrs. Ashworth, Baker, Black, Blythe, Bowe, Bradsher, Brown, Carson, Clark, Clement, Collins Crawford, of Rowan, Daniel, Davis, Foard, Freeman, Galloway, Gambril, Garrett, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Gaston, Jenkins, of Granville, Jones, Jordan, Kendall, Latham of Craven, Lowe, Lutterloh, McArthur, Mc-

Clommy, McKay, McNair, McRae, Murrill, Reinhardt, Richardson, Rogers, Rosebro, Russ, Scoggin, Scott, Shelton, Simpson, Smith, of Guilford, Stone, Sudderth, Teague, Turnbull, Umsted, Vestal, Walker, Waugh, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble and York.

On motion of Mr. Walker,

House Bill 366, to incorporate the town of Columbia, in Tyrrell County, was taken from the Calendar and considered; and

U der a suspension of the rule, it passed its several readings and was ordered to be engrossed.

On motion of Mr. McNair, the House adjourned until tomorrow morning, 10 o'clock.

WEDNESDAY, FEBRUARY 20, 1867.

Mr. Houston, from the Committee on Public Buildings and Grounds, to whom were referred:

A memorial from the Deacons of the Colored Baptist Church, of Raleigh, praying the use of a public lot for the erection of a Church, &c.; and

A memorial from the Mayor and Commissioners of the City of Raleigh, praying protection against an apprehended nuisance;

Reported adversely on the same, and asked to be discharged from their further consideration; which was so ordered.

Mr. Peebles, from the Committee on the Judiciary, reported a Bill to the House, recommending its passage, viz:

House Bill 377, to confine original jurisdiction of all crimes and mi demeanors, below capital felonies, to the Courts of Pleas and Quarter Sessions; which was placed on file.

Mr. Davis, from the same Committee, reported favorably on

House Bill 367, to amend an Act, ratified December 23, 1864, to authorize attachments against Corporations.

Mr. Kenan, from the same Committee, reported favorably on

House Bill 355, to stay executions in Courts of Record.

And adversely on

House Bill 254, to tax fire arms kept for any other purpose than military use;

House Bill 217, for the relief of the people;

House Bill 371, to secure Creditors; and

House Bill 372, for the protection of landlords.

Mr. Waugh, from the Joint Select Committee on the subject of adjournment, made a statement of the business pending before the two Houses, and recommended the adoption of the following Resolution, viz:

Resolved, That a message be sent to the Senate, with a proposition that the two Houses of this General Assembly adjourn, *sine die*, on Tuesday, the 5th day of March, prox., at 6 o'clock, A. M.

Mr. Wilson, of Perquimans, moved to amend by striking out all after the word "Resolved," and inserting as follows, viz:

"That the Legislature do adjourn on Tuesday next, *sine die*, and that the Clerks be authorized to make up their estimates to that day inclusive."

Mr. Boyd moved to amend the amendment by striking out the words "Tuesday next," and inserting, in lieu thereof, the words "Monday, 25th inst., at 12 o'clock, M."

And the question being thereon, it was decided in the affirmative,—Yeas 56, Nays 47.

Mr. Boyd demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Baker, Barden, Beasley, Blair, Blythe, Boyd, Bradsher, Brown, Bryson, Carson, Chadwick, Clement, Crawford, of Macon, Crawford, of Rowan, Davidson, Foard, Galloway, Garrett, Garris, Granbery, Guess, Henderson, Hodnett, Holderby, Horton, of Watauga, Hutchison, Lee, Logan, Lowe, McArthur, McClammy, McGougan, McNair, McRae, Moore, of Chatham, Murrill, Reinhardt, Rosebro, Scoggin, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Sudderth, Teague, Umsted, Vestal, Westmoreland, Whitley, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Pitt, Woodard and York—56.

Those who voted in the negative were :

Messrs. Allen, Black, Bowe, Bright, Clark, Daniel, Davis, Durham, Farrow, Freeman, Gambril, Godwin, Harper, Hinnant, Horton, of Wilkes, Houston, Jenkins, of Granville, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Craven, Long, Lyon, Lutterloh, May, McKay, Moore, of Hertford, Morehead, Morton, Neal, Patton, Peebles, Perry, of Wake, Richardson, Rogers, Russ, Scott, Stone, Trull, Turnbull, Walk r, Waugh, Whitfield, Williams, of Yancey, and Womble—47.

Mr. McKay moved to lay the resolution and amendment on the table ; and it was so ordered—Yeas 50, Nays 49.

Mr. Crawford, of Macon, demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Allen, Black, Bright, Chadwick, Clark, Daniel, Davis, Durham, Farrow, Freeman, Gambril, Guess, Harper, Hinnant, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Granville, Jordan, Kelsey, Kendall, Latham, of Craven, Long, Lyon, Lutterloh, May, McGougan, McKay, Moore, of Chatham, Moore, of Hertford, Morton, Murrill, Neal, Patton, Peebles, Perry, of Wake, Richardson, Rogers, Russ, Scott, Stone, Sudderth, Trull, Turnbull, Umsted Walker, Waugh, Whitfield, Williams, of Yancey, and Womble—50.

Those who voted in the negative were :

Messrs. Ashworth, Autry, Baker, Barden, Beasley, Blair, Blythe, Boyd, Bradsher, Brown, Bryson, Carson, Clement, Crawford, of Macon, Davidson, Foard, Galloway, Garrett, Granbery, Henderson, Hodnett, Holderby, Hutchison, Jones, Kenan, Lee, Logan, Lowe, McArthur, McClammy, McNair, McRae, Morehead, Reinhardt, Rosebro, Scoggin, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Teague, Vestal, Westmoreland, Whitley, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Pitt, Woodard and York—49.

Mr. Logan, from the Joint Committee of Conference on the disagreement between the two Houses as to House Bill 269, to amend the charter of the town of Hendersonville, reported that the House should recede from its amendment, and recommended the adoption of sundry other amendments.

Which report was concurred in and transmitted to the Senate.

The hour having arrived for the consideration of the first Special Order, viz: House Bill to amend the charter of the Fayetteville and Florence Railroad Company, the same was taken up and considered.

The Bill passed its second reading, and, under a suspension of the rule, being put on its third, it also passed the same—Yeas 51, Nays 41.

Mr. Smith, of Guilford, demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Beasley, Black, Blair, Blythe, Bowe, Chadwick, Cowan, Crawford of Macon, Crawford of Rowan, Davis, Davidson, Durham, Foard, Freeman, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Houston, Jordan, Kelsey, Kenan, Kendall, Latham of Craven, Lyon, Lutterloh, McArthur, McGougan, McKay, McNair, McRae, Moore of Chatham, Moore of Hertford, Morehead, Morton, Murrill, Neal, Patton, Richardson, Scott, Smith of Duplin, Stone, Vestal, Waugh, Westmoreland, Whitfield, Wilson of Forsyth, Wilson of Perquimans, Williams of Yancey, and Womble—51.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Barden, Boyd, Bradsher, Brown, Carson, Clark, Clement, Daniel, Farrow, Galloway, Gambril, Garris, Godwin, Granbery, Hinnant, Hutchison, Jenkins of Gaston, Lee, Logan, Lowe, May, McClammy, Peebles, Perry of Wake, Reinhardt, Rogers, Rosebro, Scoggin, Shelton, Smith of Guilford, Teague, Trull, Turnbull, Umsted, Walker, Whitley Williams of Pitt, Woodard and York—41.

Bills, &c., of the titles named were introduced, read, referred, or otherwise disposed of, viz:

From the Senate: Bill (S. P. 92—H. P. 119,) to incorporate the town of Franklinsville, in Randolph county. Filed.

From the Senate: Bill (S. P. 145—H. P. 120,) to authorize the sale of the Academy Lot in Elizabeth City. Filed.

By Mr. Wilson, of Perquimans: Bill (H. P. 121,) to incorporate the Perquimans Steam Navigation Company. Under

a suspension of the rule, passed its several readings and ordered to be engrossed.

By Mr. Davis: House Bill 378, relating to Wills, Deeds, and other papers, destroyed in the late war. Under a suspension of the rule, passed its several readings and ordered to be engrossed.

By Mr. Russ: House Bill 379, to extend the sessions of the Court of Pleas and Quarter Sessions of Wake county. Under a suspension of the rule, passed its several readings and ordered to be engrossed.

By Mr. Bowe: House Bill 380, for the relief of such debtors as have executed deeds of trust or mortgages. Judiciary.

By Mr. Horton, of Wilkes: House Bill 381, to amend an Act, ratified February 22, 1861, "to lay off, locate and establish a road from Statesville to Wilkesboro." Filed.

By Mr. Russ: Bill (H. P. 122,) to incorporate the Raleigh Memorial Association. Corporations.

By Mr. Latham, of Craven: House Bill 382, to consolidate the Fire Companies of the city of Newbern. Same reference.

By Mr. Lowe: House Resolution 383, providing for commutation to soldiers who have lost arms in the military service.

Under a suspension of the rule, passed several readings and ordered to be engrossed.

From the Senate: Bill (S. 150—H.384) to enable the Western North Carolina Rail Road Company to discharge its debts. Under a suspension of the rule, passed several readings and ordered to be enrolled.

From the Senate: Bill (S. 148,—H. 385) to amend the charter of the Wilmington Railway Bridge Company. Internal Improvements.

From the Senate: Bill (S. 197,—H. 386) to aid the Williamston and Tarboro' Rail Road Company. Same reference.

On motion of Mr. McClammy, House Bill 294, to incorporate the North Carolina Land Agency, for the encouragement of immigration, was taken up, and, under a suspension of the rule, it passed its several readings and was ordered to be

engrossed,—the amendments recommended by the Committee having been first adopted.

On motion of Mr. Waugh, Bill (S. 31,—H. 292) to protect property sold under execution from sacrifice, was made the special order for to-morrow morning, 11 o'clock.

On motion of Mr. Garrett, House Bill 306, to change the location of the County site of Haywood County, was made the special order for to-morrow evening, 9 o'cloc .

On motion of Mr. Peebles, House Bill 377, to confine original jurisdiction of all crimes and misdemeanors, below capital felonies, to the Courts of Pleas and Quarter Sessions, was made the special order for Friday, 11 o'clock, A. M.

Leave of absence for an indefinite period was granted to Mr. Gorham.

Recommendations of magistrates for the Counties of Union, Wake, Craven, Alamance, Pitt, Mitchell and Franklin, were submitted, approved, and sent to the Senate for concurrence.

The hour having arrived for the consideration of the remaining special order, viz :

House Bill 169, to amend the Act to incorporate the North Carolina Rail Road Company, the same was,

On motion of Mr. Waugh, informally passed over.

On motion of Mr. Russ, House Bill 137, to regulate Assignments and protect creditors, was taken from the table, and made the special order for to-morrow evening, 8 o'clock.

Mr. Carson, (by leave) introduced the following Resolution, viz :

Resolved, (the Senate concurring,) that the General Assembly do adjourn on Wednesday, the 27th inst., at 6 o'clock, A. M., to meet again on the 2nd Tuesday in November next.

Which, on motion of Mr. Patton, was laid on the table.

Received a message from the Senate, announcing Messrs. McRae, Moore and McLean as their branch of the additional Committee on Enrolled Bills.

Also, announcing that they had passed House Resolution, 186, in favor of soldiers maimed in the late war, with sundry amendments, in which the concurrence of the House was asked.

The House concurred; but, subseuqently,

On motion of Mr. Davis, this action was re-considered, the House refused to concur, and the Senate was informed thereof by message.

Also, announcing that the Senate had receded from its amendment to the last paragraph of Class 2, Schedule B., of House Bill 198, to raise Revenue, but insisted upon its amendment striking out the proviso to section 9, Class 1, Schedule A.

The House refusing to recede from its objection,

On motion of Mr. Long, a message was sent to the Senate, proposing a Committee of Conference on the disagreement, and naming Messrs. Farrow, Durham, and Latham, of Craven, as the House Branch of the Committee.

Also, announcing that the Senate had refused to concur in the House substitute (No. 372) the Senate Bill 2, to establish Freehold Homesteads for the citizens of the State.

The House insisted, and the Senate was informed thereof by message.

Mr. McClammy called up the motion, heretofore entered, to re-consider the vote by which House Bill 334, to lay off and establish a new County by the name of Vance, had passed its final reading.

Mr. Durham moved to lay that motion on the table; and, a count by tellers being demanded, it was decided in the negative,—Ayes 45, Noes 46.

The motion to re-consider prevailed,—Yeas 53, Nays 44.

Mr. McNair demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Autry, Baker, Black, Blair, Boyd, Bowe, Bradsher, Bright, Brown, Chadwick, Clark, Daniel, Davis, Galloway, Godwin, Granbery, Hinnant, Hodnett, Houston, Hutchison, Jenkins, of Granville, Jones, Jordan, Kenan, Latham, of Craven, Long, Lutterloh, McArthur, McClammy, McGougan, McNair, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry, of Wake, Richardson, Russ, Scott, Simpson, Smith, of Duplin, Smith, of Guilford, Teague,

Turnbull, Walker, Wilson, of Forsyth, Williams, of Martin, Williams, of Pitt, and Woodard.

Those who voted in the negative were :

Messrs. Barden, Blythe, Bryson, Carson, Clement, Crawford, of Macon, Crawford, of Rowan, Davidson, Durham, Farrow, Foard, Gambril, Garrett, Garris, Guess, Harper, Henderson, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Kelsey, Kendall, Logan, Lowe, May, Moore, of Chatham, Morton, Neal, Reinhardt, Rosebro, Scoggin, Shelton, Stone, Sudderth, Trull, Umsted, Vestal, Waugh, Whitfield, Whitley, Williams, of Yancey, Womble and York.

The question recurring, "Shall the Bill pass its third reading?" it was decided in the negative,—Yeas 41, Nays 54.

Mr. McNair demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Beasley, Black, Blythe, Brown, Bryson, Carson, Clement, Crawford, of Macon, Crawford, of Rowan, Davidson, Durham, Foard, Gambril, Garrett, Garris, Harper, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Kelsey, Kendall, Logan, Lowe, May, Morton, Neal, Reinhardt, Rosebro, Scoggin, Shelton, Stone, Sudderth, Trull, Umsted, Vestal, Waugh, Whitfield, Whitley, Womble and York—41.

Those who voted in the negative were :

Messrs. Ashworth, Autry, Baker, Blair, Boyd, Bowe, Bradsher, Bright, Chadwick, Clark, Collins, Daniel, Davis, Galloway, Godwin, Granbery, Guess, Henderson, Hinnant, Hodnett, Houston, Hutchison, Jenkins, of Granville, Jones, Kenan, Latham, of Craven, Lee, Long, McArthur, McClammy, McGougan, McNair, Moore, of Chatham, Moore, of Hertford, Morehead, Murrill, Patton, Peebles, Perry, of Wake, Richardson, Russ, Scott, Simpson, Smith, of Duplin, Smith, of Guilford, Teague, Turnbull, Walker, Westmoreland, Wilson, of Forsyth, Williams, of Martin, Williams, of Pitt, Williams of Yancey, and Woodard—54.

On motion of Mr. Kelsey, the House t ok a recess until this evening, 7½ o'clock.

WEDNESDAY, 7½ O'Clock, P. M.

Mr. Waugh, from the Joint Select Committee appointed to investigate the affairs of the North Carolina Rail Road Company, submitted a lengthy report of their deliberations;

Which, on motion of Mr. Durham, was transmitted to the Senate, with a proposition to print the same.

The Calendar of Bills on their third reading was taken up, and the following passed and were ordered to be enrolled, viz:

Bill (S. 36—H. 207) to amend an Act, passed in 1833, to incorporate the Wilmington and Raleigh Rail Road Company; and

Bill (S. 79,—H. 206) to amend the charter of the Wilmington and Weldon R. R. Co.

Bill (S. 17—H. 243) for the better suppression of the crime of stealing horses and mules, was taken up and considered.

Being read the third time, Mr. Hodnett moved to amend by adding the following, at the end of the Bill, viz:

"*Provided*, That this Act shall apply to such cases only, where there has been a combination of two or more persons, engaged in the commission of said crime."

Mr. Brown moved to lay the amendment on the table; which did not prevail.

After debate, and pending the further consideration of the amendment,

The special order, viz: House Bill 376, to provide for the payment of the interest on the public debt, and for other purposes, was called up; when

Debate arose.

Without arriving at any conclusion, the further consideration of the Bill was postponed.

Received a message from the Senate, announcing that the Senate insisted upon its disagreement to the amendment to Senate Bill 2, to establish Freehold Homesteads, and asking a Committee of Conference.

The House concurred, and Messrs. Richardson, Cowan, and Hutchison were designated as the Committee on the part of the House.

Also, a message announcing that the Senate insisted upon its amendments to the House Resolution 186, in favor of soldiers maimed in the late war, and inviting a Committee of Conference.

The House assented, and Messrs. Stone, McClammy, and Crawford, of Macon, were appointed as the Committee on its part.

Also, a message announcing Messrs. Wiggins, Gash and Hall as the Senate branch of the Committee of Conference on the Revenue Bill.

Also, a message announcing the concurrence of the Senate in the amendment to Bill (S. 75—H. 269) to amend the charter of the town of Hendersonville, recommended by the Committee of Conference.

Ordered, to be enrolled.

Also, a message announcing the concurrence of the Senate in the proposition to print the report of the Joint Select Committee to investigate the affairs of the North Carolina Rail Road Company.

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

THURSDAY, FEBRUARY 21st, 1866.

Prayer by the Rev. Mr. Hudson, of the Methodist Church.

Mr. Kenan, from the Committee on the Judiciary, to whom was referred House Bill 369, explanatory of "An Act granting General Amnesty and Pardon," reported back a substitute for the same, viz:

House Bill 387, same title; which was placed on file.

Mr. McNair, from the Committee on Corporations, reported favorably on

Bill (H. P. 122) to incorporate the Raleigh Memorial Association; and

House Bill 382, to consolidate the Fire Companies of Newbern.

Mr. Harper, from the Committee on Finance, reported adversely on

Bill (S. 2—H. 216) to repeal an Ordinance of the late Convention, authorizing the exchange of stocks in the Rail Road Companies for State Bonds.

Mr. Harper, from the same Committee, submitted the following Report, viz:

The Committee on Finance having examined the books and vouchers of the Departments of the Public Treasurer and Comptroller beg leave respectfully to report as follows:

1ST. THE TREASURY DEPARTMENT.

The Committee, at the Treasurer's request, examined particularly the erreneous double charge of $10,000 on the books of his immediate predecessor, to which attention was called in the report of the present Treasurer to the General Assembly. Your Committee finds the Treasurer's report on this subject, to be in all respects in accordance with the facts. With this exception the books of the Treasurer have been kept with great neatness and accuracy.

The Committee has likewise examined with care the accounts of the Public Treasurer as Property Agent, containing a detailed statement of the collection and sales of State property and sales thereof, since July, 1865, and finds the entries of credits and debits to be sustained by proper vouchers and the balance to the credit of the State as reported.

The Committee deems it just to the Treasurer to state that his duties as Property Agent have thrown on him much labor in addition to his ordinary duties as Treasurer, which has been performed entirely without compensation.

COMPTROLLER'S DEPARTMENT.

The Committee likewise made an examination of the books and vouchers of the Comptroller's Department, and finds the same correct, and as reported to the General Assembly.

In accordance with a Resolution of this General Assembly, ratified the 1st day of February, 1867, entitled "A Resolution authorizing the Committee on Finance to burn Treasury

Notes and Coupons in Comptroller's office,"—your Committee has counted and burned the Coupons of Bonds of the State redeemed under the Act ratified 10th March, 1866, entitled "An Act to provide for the payment of the State debt contracted before the war," during the fiscal year ending the first day of October, 1866.

COUPONS RECEIVED IN EXCHANGE FOR NEW BONDS.

	State Coupons.	Cape Fear and Deep River.
June,	$ 396,344	$ 17,430
July,	333,264	4,530
August,	235,809	825
September,	212,082	2,580
	$ 1.177,499	$ 25,365
		1.177,499
Coupons of bonds issued to the Wilmington, Charlotte and Rutherford Rail Road Company paid by said Company for coupons of bonds of that Company held by the State,		$ 1.202,864
		$ 95,010
Total amount.		$ 1.297,874

The Committee likewise burned a large quantity of cancelled coupons paid during the war and prior thereto, but kept no record of the amount thereof, as they had been cancelled by previous Finance Committees, and counting them would have been the work of months—utterly beyond the power of the Committee.

Respectfully submitted,

J. C. HARPER,
Chairman.

Mr. Beasley introduced the following resolution, viz:

Resolved, (the Senate concurring) that the General Assembly adjourn on Wednesday, the 27th inst., at 2 o'clock, P. M., *sine die*.

Mr. Waugh moved that the same be laid on the table; which did not prevail,—Yeas 29, Nays 60.

Mr. Crawford, of Macon, demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Black, Bright, Chadwick, Clark, Daniel, Davis, Farrow, Gambril, Garris, Harper, Hinnant, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Granville, Kelsey, Kendall, Long, Lyon, May, Perry, of Wake, Russ, Sudderth, Trull, Umsted, Waugh, Williams, of Yancey, Womble and Woodard—29.

Those who voted in the negative were:

Messsrs. Allen, Ashworth, Autry, Baker, Barden, Beasley, Blair, Blythe, Bowe, Brown, Bryson, Carson, Clement, Cowan, Crawford, of Macon, Crawford, of Rowan, Davidson, Galloway, Garrett, Godwin, Granbery, Guess, Hodnett, Hutchison, Jenkins, of Gaston, Jones, Jordan, Kenan, Latham, of Craven, Lee, Logan, Lutterloh, McArthur, McClammy, McGougan, McNair, McRae, Morton, Murrill, Neal, Patton, Reinhardt, Rosebro, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Teague, Turnbull, Vestal, Walker, Whitley, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt and York—60.

Mr. Patton moved to amend the Resolution, by striking out "Wednesday, the 27th," and inserting "Thursday, the 28th;" which was adopted.

Mr. Moore, of Hertford, moved further to amend, by the addition of the following Resolution, viz:

Resolved, Should the Supreme Court of the State pronounce against the validity of an Act, passed by the Legislature, to change the jurisdiction of the Courts and the Rules of pleading therein, then it shall be the duty of his Excellency, the Governor, to issue his Proclamation, calling together the General Assembly at as early a day as practicable.

Which did not prevail.

The Resolution, as amended, was then adopted, and transmitted to the Senate for concurrence.

The following Resolutions and Bills were introduced, read, referred, or otherwise disposed of, viz:

By Mr. Jordan: Resolution (H. P. 123,) in favor of James G. Allen. Claims.

By Mr. Lutterloh: Resolution requesting the Finance Committee to enquire into the expediency of selling certain property purchased by the State from the Cape Fear and Deep River Navigation Company. Adopted.

By Mr. Boyd: Resolution proposing (with the concurrence of the Senate) to print, for the use of each member, five copies of the report of the Committee appointed to investigate the affairs of the North Carolina Rail Road Company. Not adopted.

By Mr. Logan: House Bill 388, to amend an "Act concerning the Howard Gap Turnpike Road, passed in 1835. Corporations.

By Mr. Hutchison: House Bill 389, to incorporate the Charlotte and Georgetown Rail Road Company. Internal Improvements.

By Mr. Clark: House Bill 390, to authorize the Commissioners of the town of Halifax to grant the right of way, through said town, to the Wilmington and Weldon Rail Road Company. Under a suspension of the rule, passed several readings and ordered to be engrossed.

By Mr. Wilson, of Perquimans: Resolution (H. P. 124,) in favor of the representatives of D. F. Bagley, late Sheriff of Perquimans county. Filed.

From the Senate:

Bill (S. 41—H. 391,) to repeal part of section 14, chapter 26, Revised Code. Filed.

Bill (S. 47—H. 392,) to incorporate the North Carolina Land and Immigration Company. Filed.

Bill (S. 146—H. 393,) prescribing the duties of Clerks in issuing marriage licenses. Filed.

Bill (S. 61—H. 394,) to repeal an Act for the better regulation of the Western Turnpike Road, and for other purposes. Cherokee Lands.

Bill (S. 78—H. 395,) to amend chapter 42, Private Laws of 1866. Filed.

Resolution (S. 83—H. 396,) in regard to re-printing the Reports of the Supreme Court. Filed.

Bill (S. 158—H. 397,) to grant amnesty and par on to females. Filed.

Bill (S. P. 87—H. P. 125,) to establish Edinborough Medical College, in Robeson County. Filed.

The consideration of the business depending at the time of the last adjournment, viz: House Bill 376, to provide for the payment of the interest on the public debt, was taken up; when

Debate arose.

Mr. Hutchison moved to amend section 1 by striking out the figure "7" and inserting the figure "8."

Mr. May moved to lay the Bill on the table; and the motion prevailed—Yeas 75, Nays 44.

Mr Bryson demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe Bowe, Bradsher, Brown, Carson, Chadwick, Clark, Daniel, Durham, Farrow, Galloway, Godwin, Granbery, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jones, Jordan, Lee, Logan, Long, Lyon, May, Moore, of Chatham, Morton, Murrill, Neal, Perry, of Wake, Rogers, Russ, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Trull, Umsted, Vestal, Walker, Whitfield, Williams, of Harnett, Williams, of Martin, Williams, of Pitt, Williams, of Yancey, and Womble.

Those who voted in the negative were:

Messrs. Allen, Baker, Boyd, Bright, Bryson, Clement, Collins, Cowan, Crawford, of Macon, Crawford, of Rowan, Davis Davidson, Gambril, Garrett, Guess, Harper, Houston, Hutchison, Kelsey, Kenan, Kendall, Lowe, Lutterloh, McArthur, McClammy, McGougan, McKay, McNair, McRae, Moore, of Hertford, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Rosebro, Stone, Turnbull, Waugh, Westmoreland,

Whitley, Wilson, of Forsyth, Wilson, of Perquimans, and Woodard.

The following Resolutions were offerred, (by leave,) and respectively laid over one day under the rule, viz:

By Mr. Woodard: Restricting debate to one speech, of ten minutes lenth, on the part of any member, for the remainder of the session.

By Mr. Holderby: Providing for a change in the sessions of the House, viz: from 10 o'clock, A. M., to 1 P. M.. and from 3 to 6 P. M.

Received a message from the Senate, announcing Messrs. Berry, Avery and Moore, as the Senate branch of the Conference Committee upon the Bill to establish Freehold Homesteads, &c.

Also, announcing Messrs. Leach, McCorkle and Harriss, of Rutherford, as the Senate branch of the Committee of Conference upon the Resolution in favor of soldiers maimed in the late war,.&c.

Mr. Durham, from the Senate Committee of Conference on the disagreement as to the Revenue Bill, reported that the Senate should recede from its amendment, and that the following section should be substituted for the section in controversy, viz:

"Sec. 3. Ships, Barges, Boats and other craft, or any interest therein, with their tackling, rigging and furniture, and all else pertaining to them, if exceeding $1,000 in value, whether in the waters of the State at the time of listing or not."

Which report was concurred in and transmitted to the Senate.

Received a message from the Senate, announcing the concurrence of that body in the report of the Committee of Conference on the Resolution in favor of soldiers maimed in the late war; which report was as follows, viz;

"The Senate to recede from its amendments concerning supplying women with artificial legs, and authorizing the Governor to pay commutation to those totally disabled, &c., and the amendments as to furnishing commutation to those who have lost both eyes, legs and arms, to remain."

The House concurred and the Senate was informed of its action.

Received a message from the Senate, announcing Messrs. Hall, Clark and Love as their branch of the Committee to investigate the affairs of the University of North Carolina.

Whereupon the Speaker designated Messrs. Peebles, Foard and Morehead, as the Committee on the part of the House.

The consideration of the remaining unfinished business, viz : Bill (S. 17,—H. 243,) for the better suppression of horse stealing, was taken up ;

The pending question being on the amendment of Mr. Hodnett:

The amendment did not prevail.

Mr. May moved to amend by striking out the words "shall suffer death," in the concluding line of Sec. 1, and inserting as follows :

"For the first offence shall receive thirty-nine lashes on his bare back and be branded in the forehead with a horse-shoe, or the representation of a horse or mule ; and for the second offence shall suffer death."

Mr. Hutchison moved to amend the amendment by striking out the words "shall suffer death," and inserting "shall be sentenced to hard labor, with ball and chain, upon any public road, or Rail Road, for a period not exceeding twenty years, under such conditions as may be made by the Court imposing the sentence."

Which did not prevail.

Mr. May's amendment was not adopted.

Mr. Crawford, of Macon, moved to amend by adding, at the end of the Bill, the following proviso:

"*Provided*, That the death penalty shall not be inflicted in cases where the evidence is circumstantial."

Which did not prevail.

The Bill then passed its third reading,—Yeas 61, Nays, 40.

Mr. Jordan demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Allen, Ashworth, Baker, Black, Blair, Bright, Bryson, Carson, Chadwick, Clark, Clement, Collins, Daniel, Davis, Davidson, Durham, Farrow, Galloway, Gambril, Garrett, Garris, Godwin, Granbery, Guess, Henderson, Horton, of Watauga, Horton, of Wilkes, Houston, Kelsey, Kendall, Latham, of Craven, Lee, Logan, Long, Lowe, Lutterloh, McClammy, McGougan, McNair, McRae, Moore, of Chatham, Moore, of Hertford, Murrill, Patton, Reinhardt, Richardson, Russ, Scoggin, Shelton, Smith, of Guilford, Stone, Trull, Turnbull, Umsted, Walker, Waugh, Whitfield, Whitley, Williams, of Harnett, Womble and Woodard.

Those who voted in the negative were :

Messrs. Autry, Barden, Beasley, Blythe, Boyd, Bowe, Bradsher, Brown, Cowan, Crawford, of Macon, Crawford, of Rowan, Harper, Hinnant, Hodnett, Holderby, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Jones, Jordan, Kenan, Lyon, May, McArthur, McKay, Morton, Neal, Peebles, Perry, of Carteret, Rosebro, Scott, Simpson, Smith, of Duplin, Sudderth, Teague, Vestal, Westmoreland, Wilson, of Forsyth, Williams, of Pitt, and Williams, of Yancey.

Ordered, to be sent to the Senate for concurrence in the amendment.

On motion of Mr. Waugh, Bill (S. 21,—H. 292) to protect property sold under execution from sacrifice, which had been made the special order for this day, but which had been superseded by the unfinished business, was made the special order for this evening, 8½ o'clock.

On motion of Mr. Jenkins, of Gaston, the House took a recess until 7½ o'clock, P. M.

THURSDAY, 7½ O'Clock, P. M.

Received a message from the Senate, announcing the adoption, by that body, of the following Resolution, and asking the concurrence of the House therein, viz :

Resolved, That the General Assembly adjourn on Thursday, 28th inst., at 2 o'clock, P- M., to meet again on the 2nd Tuesday in October, 1867.

Mr. Beasley moved to amend by inserting "2nd Tuesday in August," in lieu of "2nd Tuesday in October." Lost.

Mr. Holderby moved to lay the Resolution on the table; which did not prevail.

Mr. Hutchison moved to amend by striking out the words "To meet again on the 2nd Tuesday in October, 1867." Lost.

Mr. Black moved to amend by striking out "Thursday, 28th inst.," and inserting "Monday, the 4th proximo." Not adopted.

The Resolution was then concurred in and the Senate informed thereof.

Mr. Richardson offered the following Resolution, and asked that its consideration might be deferred for the preseut, viz:

Resolved, (the Senate concurring,) that, in the present great financial distress of the people of the State of North Carolina, it would be unwise and inexpedient, at this time, to burthen them with the additional tax necessary for the payment of the interest upon the public debt, but that we recognize the same, nevertheless, as a sacred and binding obligation, to the ultimate discharge of which our honor as a people is pledged.

On motion of Mr. Lyon, Bill (H. 364,) to extend the regular terms of the County Courts of Granville, was taken up, and, under a suspension of the rule, it passed its several readings and was ordered to be engrossed.

On motion of Mr. Latham, of Craven, House Bill 382, to consolidate the Fire Companies of Newbern, was taken up, and, under a suspension of the rule, it passed its several readings and was ordered to be engrossed.

Mr. Murrill (by leave) introduced

House Bill 398, to regulate the cultivation of oysters;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

The hour having arrived for the consideration of the first Special Order, viz: House Bill 137, to regulate assignments,

&c., the same was postponed until to-morrow, 12 o'clock, M.

The Calendar of Bills on their second reading was taken up, and the following dispositions made, viz :

House Bill 286, to secure a better drainage of the low-lands of Lower River, in Caldwell county. Passed several readings and ordered to be engrossed.

Bill (S. 2—H. 216,) to repeal an Ordinance of the Convention, authorizing the exchange of stocks, &c. Indefinitely postponed, on motion of Mr. Harper.

House Bill 217, for the relief of the people. Tabled.

House Bill 234, for compensating Justices of the Peace in Lincoln county. Tabled, on motion of Mr. Brown.

House Bill 237, to give the County Court of Randolph jurisdiction over the sale of real estate for division among joint tenants and tenants in common. Passed second reading; when, with a view to having a general Bill reported,

It was referred to the Committee on the Judiciary.

House Bill 236, to amend section 2, chapter 46, Revised Code. The substitute of the Committee, viz : House Bill 280, same title, being adopted, its further consideration was informally passed over.

The hour having arrived for the consideration of the second Special Order, viz : Bill (S. 31—H. 292,) to protect property sold under execution from sacrifice, the same was read the second time.

Mr. Holderby moved to amend the amendment recommended by the Committee, by striking out the words "three-fourths of its value," and inserting "its full value;" which was not adopted—Yeas 41, Nays 53.

Mr. Holderby demanded the Yeas and Nays.

The who voted in the affirmative were:

Messrs. Ashworth, Autry, Barden, Black, Blythe, Bowe, Bright, Carson, Galloway, Garris, Godwin, Guess, Henderson, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Jones, Jordan, Logan, Lyon, May, Moore, of Chatham, Morehead, Morton, Neal, Richardson, Rogers, Scoggin, Scott, Shelton, Smith, of Duplin, Trull, Umsted, Vestal, Walker, Waugh, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, and Womble—41.

Those who voted in the negative were :

Messrs. Baker, Beasley, Blair, Boyd, Bradsher, Brown, Bryson, Chadwick, Clark, Clement, Collins, Crawford, of Macon, Daniel, Davis, Davidson, Durham, Gambril, Garrett, Harper, Hodnett, Houston, Hutchison, Jenkins, of Gaston, Kelsey, Kenan, Kendall, Lowe, Lutterloh, Martin, McArthur, McClammy, McKay, McRae, Moore, of Hertford, Murrill, Patton, Peebles, Perry, of Carteret, Perry, of Wake, Reinhardt, Rosebro, Rountree, Russ, Simpson, Smith, of Guilford, Stone, Sudderth, Teague, Whitfield, Turnbull, Whitley, Wilson, of For-syth and Woodard—53.

Mr. Russ moved to lay the Bill, with the amendments, on the table ; which was decided in the negative,—Yeas 19, Nays 75.

Mr. Russ demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Autry, Black, Brown, Harper, Houston, Jenkins, of Gaston, Lowe, Martin, McArthur, Morehead, Perry, of Wake, Rosebro, Russ, Smith, of Guilford, Stone, Teague, Westmoreland, Whitley, and Wilson, of Forsyth—19.

Those who voted in the negative were :

Messrs. Ashworth, Baker, Barden, Beasley, Blair, Blythe, Boyd, Bowe, Bradsher, Bright, Bryson, Carson, Clark, Clement, Collins, Crawford, of Macon, Crawford, of Rowan, Daniel, Davis, Davidson, Durham, Galloway, Gambril, Garrett, Garris, Godwin, Guess, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Hutchison, Jenkins, of Granville, Jones, Jordan, Kelsey, Kenan, Kendall, Latham, of Craven, Logan, Long, Lyon, Lutterloh, May, McClammy, McGougan, McRae, Moore, of Chatham, Moore, of Hertford, Morton, Murrill, Neal, Patton, Perry, of Carteret, Reinhardt, Rogers, Scoggin, Scott, Simpson, Smith, of Duplin, Sudderth, Trull, Turnbull, Umsted, Vestal, Walker, Waugh, Whitfield, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble, and Woodard—75.

The amendments of the Committee were then adopted, and the Bill, as amended, passed its second reading.

Under a suspension of the rule, being read the third time,

Mr. Teague offered the following proviso, by way of amendment, viz:

"*Provided*, That this act shall not apply to notes or other evidence of debt held by Guardians, Administrators or Executors of deceased persons' estates as such, unless the creditor or heir shall be compelled to receive said property at the price the said Guardian, Administrator, or Executor may have to pay for the same, under the provisions of this Act, as a part or whole of his claim."

Which was not adopted.

The Bill passed its final reading—Yeas 75, Nays 18.

Mr. Westmoreland demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Baker, Barden, Blair, Blythe, Boyd, Bowe, Bradsher, Bright, Brown, Bryson, Carson, Chadwick, Clark, Collins, Crawford of Macon, Crawford of Rowan, Daniel, Davis, Davidson, Durham, Galloway, Gambril, Garrett, Garris, Godwin, Guess, Henderson, Hinnant, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Houston, Hutchison, Jenkins of Granville, Jones, Jordan, Kelsey, Kenan, Kendall, Latham of Craven, Logan, Lyon, May, McGougan, Moore of Chatham, Moore of Hertford, Morton, Murrill, Neal, Patton, Perry of Carteret, Reinhardt, Rogers, Rountree, Scoggin, Scott, Simpson, Smith of Duplin, Sudderth, Trull, Turnbull, Umsted, Vestal, Walker, Waugh, Whitfield, Williams of Harnett, Williams of Pitt, Williams of Yancey, Womble and Woodard—75.

Those who voted in the negative were:

Messrs. Beasley, Black, Clement, Jenkins of Gaston, Long, Lowe, Lutterloh, Martin, McArthur, Morehead, Perry of Wake, Rosebro, Russ, Smith of Guilford, Stone, Westmoreland, Whitley and Wilson of Forsyth—18.

Ordered, to be sent to the Senate for concurrence in the amendments.

On motion of Mr. Garriss, the House adjourned until tomorrow morning, 10 o'clock.

FRIDAY, FEBRUARY 22, 1867.

Mr. Latham, of Washington, obtained leave to record his vote in the negative, and Mr. Martin leave to record his vote in the affirmative, on the Bill (S. 17.—H. 243) for the better suppression of horse-stealing, passed finally in this House on yesterday.

Mr. Patton, from the Committee on Internal Improvements, reported favorably, with amendments, on

House Bill 385, to amend the Charter of the Wilmington Railway Bridge Company.

Favorably on

Bill (H, 386) to aid the Williamston and Tarboro R. R. Co.

And unfavorablo on

House Bill 389, to incorporate the Charlotte and Georgetown . ail Road; and

House Bill 343, in regard to the Norfolk and Great Western Rail Road.

Mr. Perry, of Carteret, from the Committee on Claims, reported unfavorably on

Resolution (H. P. 110) in favor of Charles Byrd.

And favorably on

Resolution (H. P. 78) in favor of Wm. Patterson, late Sheriff of Alamance.

Mr. Perry, from the same Committee, to whom was referred a resolution, directing an enquiry as to what compensation should be allowed the Attorney General for certain investigations into the affairs of the Cape Fear Navigation Company, reported back

House Resolution 399, in favor of the Attorney General; which was placed on file.

Mr. McKay, from the Committee on the Judiciary, reported unfavorably on

House Bill 227, for the relief of Executors, Administrators, &c.

Mr. Bryson, from the Committee on Cherokee Lands, reported favorably on

House Bill 394, to repeal an "Act for the better regulation of the Western Turnpike Road."

The following Resolution and Bills were introduced, read, referred, or otherwise disposed of, as stated, viz:

By Mr. Whitfield: Resolution providing for a Committee of five, to whom shall be referred all propositions touching the payment of interest on the public debt. Laid on the table, on motion of Mr. Latham, of Washington.

By Mr. Horton, of Watauga: House Bill 400, to amend an Act to improve the public road from Taylorsville to Boone, by way of Russell's Gap and Holdman's Ford. Under a suspension of the rules, passed its several readings and ordered to be engrossed.

From the Senate:

Bill (S. P. 96,—H. P. 126) to amend an Act to incorporate Hillsboro' Military Academy. Filed.

Bill (S. 199,—H. 401) in regard to repairs on the Executive Mansion. Filed.

Bill (S. 200,—H. 402) in regard to Burke Square and other public property. Filed.

Bill (S. 201,—H. 403) for the assignment of certain rooms in the Capitol. Filed.

Bill (S. 156,—H. 404) to protect certain interests of the Common Schools, &c. Referred to the Committee on Education.

Bill (S. 151,—H. 405) to incorporate the North Western Rail Road Company. Under a suspension of the rule, passed several readings and ordered to be enrolled.

The resolution, restricting debate, introduced on yesterday by Mr. Woodard, was called up and adopted as a rule of the House.

The resolution, introduced by Mr. Holderby, on yesterday, providing for a change in the daily sessions of the two Houses, was taken up, adopted, and transmitted to the Senate for concurrence.

Mr. Morehead moved that a message be sent to the Senate, proposing to rescind the joint order relative to adjournment on the 28th inst.

Mr. Autry moved to lay the motion on the table; and

The question being thereon, it was decided in the negative,—Yeas 43, Nays 53.

Mr. Morehead demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Bright, Bryson, Carson, Chadwick, Clark, Clement, Davis, Everett, Farrow, Galloway, Garrett, Henderson, Hinnant, Hodnett, Holderby, Hutchison, Jones, Kelsey, Latham, of Craven, Lee, Logan, Moore, of Chatham, Perry, of Carteret, Rountree, Scoggin, Scott, Simpson, Sudderth, Teague, Turnbull, Vestal, Walker, Whitley, Wilson, of Forsyth, Wilson, of Perquimans, Womble and Williams, of Yancey.

Those who voted in the negative were :

Messrs. Allen, Blythe, Boyd, Bowe, Bradsher, Brown, Collins, Crawford, of Macon, Crawford, of Rowan, Davidson, Durham, Gambril, Granbery, Guess, Harper, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Granville, Kenan, Kendall, Latham, of Washington, Long, Lowe, Lyon, Lutterloh, May, Martin, McArthur, McClammy, McGougan, McKay, McRae, Moore, of Hertford, Morehead, Neal, Patton, Peebles, Perry, of Wake, Reinhardt, Richardson, Rogers, Rosebro, Shelton, Smith, of Guilford, Stone, Umsted, Waugh, Westmoreland, Whitfield, Williams, of Harnett, Williams, of Pitt, and Woodard.

The motion then prevailed, and a message was sent accordingly.

Received a message from the Senate, announcing the concurrence of that body in the report of the Committee of Conference upon the Bill to establish Freehold Homesteads, &c.; which report recommended :

"That the Senate Bill should stand, with the following amendments, viz ;

(1.) Add to title "also to exempt certain personal property."

(2.) Add the following at the end of sec. 1, viz :

Provided, That if any building, other than the necessary out-houses or houses belonging to the curtilege, shall be erected on any part of said homestead in a town or city, then so much of the land as is covered by said buildings shall not be exempted longer from execution under the provisions of this Act.

(3.) Add at the end of sec. 7 :

Libraries of licensed Attorneys, practicing Physicians and Ministers of the Gospel; also instruments of Surgeons and Dentists used in their profession."

The House concurred, and the Senate was informed thereof by message.

Ordered to be enrolled.

The hour having arrived for the consideration of the first Special Order, viz: House Bill 377, to confine the original jurisdiction of all crimes and misdemeanors, below capital felonies, to the Courts of Pleas and Quarter Sessions,

The same passed its second reading; and,

On motion of Mr. Peebles, the rule was suspended and it read the third time; when

Mr. Crawford, of Macon, moved to amend by adding the following :

"*Be it further enacted*, That the provisions of this Act shall not apply to the County of Macon."

Mr. Jordan moved to amend the amendment by striking out all after the enacting clause, and inserting, "That the provisions of this Act shall not apply to counties in which there are no juries."

Mr. Morehead moved that the Bill, with the mandments, be re-referred to the Judiciary Committee; and it was so ordered.

Received a message from the Senate, announcing the refusal of that body to concur in the proposed change in the joint order, so as to have afternoon instead of night sessions.

Also, announcing the concurrence of the Senate in the House amendment (striking out section 3) to the Bill (S. 17—H. 243) for the better suppression of horse-stealing.

Ordered to be enrolled.

Also, announcing its concurrence in the proposition to rescind the joint resolution fixing the day of adjournment of the General Assembly.

On motion of Davis, House Bill 280, to amend section 2, chapter 46, Revised Code, which was informally passed over on yesterday, was taken up.

Mr. Bowe offered a substitute for the same, (same title,) which was adopted and passed its second reading.

Under a suspension of the rule, being read the third time,

Debate arose; pending which,

The hour having arrived for the consideration of the remaining Special Order, viz: House Bill 137, to regulate assignments and protect creditors, the same was taken up and read.

Mr. McRae moved that the Bill be laid on the table.

And the question being thereon, it was put and decided in the negative—Yeas 41, Nays 52.

Mr. McRae demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messers. Beasley, Blair, Bright, Brown, Bryson, Chadwick, Clark, Clement, Crawford of Macon, Daniel, Everett, Galloway, Horton of Wilkes, Jenkins of Granville, Jones, Kendall, Latham of Craven, Logan, Long, Lyon, Lutterloh, May, McArthur, McRae, Moore of Hertford, Morton, Neal, Perry of Wake, Rogers Rosebro, Rountree, Russ, Scoggin, Scott, Simpson, Smith of Guilford, Sudderth, Teague, Turnbull, Vestal and Williams of Yancey—41.

Those who voted in the negative were:

Messrs. Allen, Ashworth, Autry, Baker, Barden, Blythe, Boyd, Bowe, Bradsher, Carson, Collins, Crawford of Rowan, Davis, Davidson, Durham, Gambril, Garrett, Godwin, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Horton of Watauga, Houston, Hutchison, Jordan, Kelsey, Kenan, Latham of Washington, Lowe, Martin, McClammy, Moore of Chatham, Morehead, Patton, Peebles, Perry of Carteret, Reinhardt, Shelton, Stone, Trull, Umsted, Walker, Waugh, Whitfield, Whitley, Wilson of Perquimans, Williams of Harnett, Williams of Pitt and Woodard—52.

Mr. Crawford, of Macon, moved that the Bill be referred to the Committee on the Judiciary; and it was so ordered.

The consideration of the unfinished business was resumed, House Bill 280.

Mr. Latham, of Washington, moved to amend by adding the following proviso at the end of section 1, viz:

"*Provided*, That the County Court may, in its discretion, require the Sheriff of the county to give bond in such sum as the Court may deem just, for the faithful discharge of the duty hereby imposed."

Which was adopted; and

The Bill then passed its final reading and was ordered to be engrossed.

The Calendar of Bills on their second reading was taken up, and the following disposition made, viz:

House Bill 369, explanatory of the Act of Amnesty and Pardon: The substitute of the Committee, viz: House Bill 387, same title, was adopted, and, under a suspension of the rule, passed its several readings and ordered to be engrossed.

House Bill 227, for the relief of Executors, Administrators, &c. Tabled.

House Bill 238, to amend the Act of 1866, "to extend the time for the registration of deeds and other conveyances." Tabled.

Bill (S. 11—H. 242,) to amend chapter 58, Acts of 1866: Passed several readings and ordered to be enrolled.

House Bill 277, for the relief of purchasers of vacant lands in Macon county. Passed several readings and ordered to be engrossed,—the amendments recommended by the Committee having been first adopted.

Bill (S. 33,—H. 245) allowing compensation to Judges for holding Courts of Oyer and Terminer:

Mr. Autry moved to lay the same on the table; which did not prevail.

The Bill failed to pass its second reading.

On motion of Mr. Morton, the House adjourned until to-morrow, 10 o'clock.

[There was no Night-Session,—the Hall of the House having been granted, prior to the joint order, to the Ladies of the Memorial Association, for the evening.]

SATURDAY, FEBRUARY 23, 1867.

The House was called to order at 10 o'clock,—Mr. Kennan in the chair.

Prayer by the Rev. Dr. Smedes, of the Episcopal Church.

Mr. Whitfield, from the Committee on the Judiciary, reported adversely on

House Bill 137, to regulate assignments and protect creditors.

On motion of Mr. Whitfield, the Bill was made the special order for Monday, 25th, at 11 o'clock, A. M.

Mr. McKay, from the same Committee, to whom was referred House Bill 237, to give the County Court of Randolph jnrisdiction over the sale of real estate, for division among joint tenants and tenants in common, reported a substitute for the same, viz:

House Bill 406, to give the County and Superior Courts authority to decree a sale of land for partition in certain cases;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. McArthur, from the Committee on Corporations, reported favorably on

House Bill 388, to amend an Act of 1835, concerning the Howard Gap Turnpike Road;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Beasley asked and obtained leave to record his vote in favor of the Bill for the abolition of imprisonment for debt.

Leave of absence, until Tuesday next, was granted to Mr. Crawford, of Rowan.

Recommendations of magistrates for the Counties of Wayne, Chatham, Yadkin, Davidson, Sampson, Randolph, Moore and Mecklenburg, were submitted, approved and sent to the Senate for concurrence.

Mr. May introduced the following Resolution, viz:

Resolved, That a message be sent to the Senate, proposing that the two Houses of the General Assembly adjourn on

Monday, the 4th of March, at 6½ o'clock, A. M., to meet again on the 2nd Tuesday in August next, at 12 o'clock, M.

Mr. Blair moved to amend by striking out "the 4th of March," and inserting "the 28th of February," and striking out all after "A. M.," and inserting "*sine die*;" which did not prevail.

Mr. Lowe moved to amend by striking out all after the word "*Resolved*," and inserting:

"That, the Senate concurring, this General Assembly do adjourn *sine die* on the 4th of March next, at 6 o'clock, A. M."

And the question being thereon, it was decided in the affirmative,—Yeas 70, Nays 19.

Mr. Boyd demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Baker, Beasley, Black, Blair, Blythe, Boyd, Bowe, Bryson, Chadwick, Clement, Collins, Crawford, of Macon, Dargan, Davis, Davidson, Durham, Gambril, Garrett, Garris, Granbery, Guess, Harper, Henderson, Hodnett, Holderby, Houston, Hutchison, Jenkins, of Granville, Kelsey, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Logan, Lowe, Lutterloh, Martin, McArthur, McClammy, McGougan, McKay, McRae, Morehead, Neal, Patton, Peebles, Perry, of Carteret, Reinhardt, Rosebro, Rountree, Russ, Scoggin, Simpson, Smith, of Guilford, Stone, Sudderth, Trull, Turnbull, Umsted, Vestal, Walker, Waugh, Westmoreland, Whitfield, Wilson, of Forsyth, Wilson, of Perquimans, Williams, of Yancey and Woodard—70.

Those who voted in the negative were:

Messrs. Autry, Barden, Bright, Brown, Carson, Daniel, Everett, Galloway, Horton, of Watauga, Jones, Lee, Lyon, May, Moore, of Hertford, Morton, Scott, Williams, of Harnett, Williams, of Pitt, and Womble—19.

The resolution, as amended, was then adopted, and transmitted to the Senate for concurrence.

The following Resolutions and Bills were introduced, read, referred, or otherwise disposed of, as follows, viz:

By Mr. Daniel: Resolution (H. P. 127) for the relief of Jas. S. Snow, Sheriff of Halifax. Under a suspension of the rule, passed several readings and ordered to be engrossed.

From the Senate :

Bill (S.—,—H. 407) to authorize Wake County Court to borrow money, &c. Under a suspension of the rules passed several readings and ordered to be enrolled.

Bill (S. 16 —H. 408) to amend the Charter of the Raleigh and Gaston Rail Road. Referred to the Committee on Internal Improvements.

Resolution (S. 168—H. 409) in regard to the Cape Fear Navigation Company. Filed.

Bill (S. 223—H. 410) to repeal an Act "to amend the Charter of the Washington Toll Bridge Company."

Mr. Williams, of Pitt, moved that the same be referred to the Committee on Propositions and Grievances ; which did not prevail.

Under a suspension of the rule, the Bill passed its several readings and was ordered to be enrolled.

The Calendar of Private Bills on their third reading was taken up and the following dispositions made, viz :

Severally tabled :

Resolution (H. P. 110) in favor of Charles Byrd ; and

Bill (S. 82,—H. 114) to incorporate the Cleveland Springs Mineral Company.

Indefinitely postponed, on motion of Mr. Moore, of Hertford :

Bill (S. 17—H. 116) to incorporate the North Carolina Dental Association.

Severally passed and ordered to be engrossed :

House Bill 275, to incorporate the American Industrial Association of North Carolina;

Resolution (H. P. 78) in favor of Wm. Patterson, late Sheriff of Alamance; and

Bill (H. P. 122) to incorporate the Raleigh Memorial Association.

Bill (H. P. 124) in favor of the representatives of the late D. F. Bagley, &c., coming up, passed its second readings, and, under a suspension of the rule, being put upon its third,

Mr. Latham, of Washington, moved to amend by striking out the words and figures "for the year 1865;" which did not prevail.

The Bill then passed and was ordered to be engrossed.

Severally passed and ordered to be enrolled:

Bill (S. 95—H. 112) to incorporate the American Agricultural and Mining Company;

Bill (S. 104—H. 113) to incorporate the Wilmington Hook and Ladder Company;

Bill (S. 74—H. 115) to incorporate the Mecklenburg Female College;

Bill (S. 61—H. 394) to repeal an Act for the better regulation of the Western Turnpike Road;

Bill (S. 87—H. 117) to incorporate the Kittrells' Springs Female College;

Bill (S. 92—H. 118,) to set apart and make perpetual the McIntyre Cemetery in Cumberland county;

Bill (S. 92—H. 119,) to incorporate the town of Franklinsville;

Bill (S. 145—H. 120,) to authorize the sale of the Academy Lot in Elizabeth City;

Bill (S. 87—H. 125,) to establish the Edinborough Medical College, in Robeson county; and

Bill (S. 96—126,) to amend an Act to incorporate the Hillsboro' Military Academy.

Received a message from the Senate, announcing the passage of the following Resolutions, and asking the concurrence of the House, viz:

Resolved, That the joint rules be altered so as to permit any Bill, that has passed either House, written in a plain, legible hand, without any erasure, interlineation or amendment, to be transmitted to the other House as an Engrossed Bill.

Resolved, That, when necessary, the Speaker may employ additional Engrossing Clerks.

The House concurred and the Senate was informed thereof.

Received a message from the Senate, announcing the passage of House Bill 297, to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract, with an amendment, in which the concurrence of the House was asked.

The House concurred, and the Senate was informed thereof.

Received a message from the Senate, announcing its concurrence in the House amendment to Bill (S. 31—H. 292,) to protect property sold under execution from sacrifice.

Ordered to be enrolled.

On motion of Mr. Richardson, a message was sent to the Senate, proposing to rescind the joint order instituting night sessions, so far as this night is concerned.

The Senate subsequently concurred.

On motion of Mr. Blythe, House Bill 371, to secure Creditors, was made the Special Order for Monday, 25th, 12 o'clock, M.

On motion of Mr. Peebles, House Bill 318, to abolish Usury, was made the Special Order for Monday, 1 o'clock, P. M.

On motion of Mr. Latham, of Washington, Bill (S. 197—H. 386,) to aid the Williamston and Tarboro Rail Road, was made the Special Order for Monday evening, 8 o'clock.

The Calendar of Public Bills, on their 2nd reading, was taken up, and the following dispositions made, viz:

Severally tabled:

House Bill 247, to amend an Act "to prevent enticing servants from fulfilling their contracts and harboring them; and

House Bill 254, to tax fire-arms kept for any other purpose than military use.

Passed to a third reading:

House Resolution 257, in regard to testing the legality of the tax on Cotton.

Passed several readings and ordered to be engrossed:

House Bill 250, to amend section 6, chapter 90, Revised Code;

House Bill 370, to provide for the collection and payment into the Treasury of monies due by paying patients in the Insane Asylum;

House Bill 359, to authorize the consolidation of the securities of the State held by the Literary Board, and for other purposes; and

House Bill 251, to incorporate the Holston Annual Conference of the M. E. Church, South.

House Bill 252, giving to the County and Superior Courts authority to sentence criminals to work the public roads, coming up,

Mr. Logan moved to lay the same on the table; which did not prevail.

The Bill passed its second reading, and,

On motion of Mr. Whitfield, the rule was suspended, and the Bill passed its final reading, and was ordered to be engrossed.

On motion of Mr. Crawford, of Macon, the House adjourned until Monday morning, 10 o'clock.

MONDAY, FEBRUARY 25, 1867.

The House was called to order at the usual hour,—Mr. Kenan in the Chair.

Messrs. McClammy, McGougan, Morehead, Shelton and York were designated as the Committee on Enrolled Bills for the week.

Leave of absence was granted to Messrs. McNair and Turnbull.

The following Resolutions and Bills were introduced and disposed of, as stated, viz:

By Mr. Granbery: House Resolution 411, empowering the Treasurer to transfer stock owned by the State, in liquidation of its bonds. Filed.

By Mr. Trull: Resolution (H. P. 128,) in favor of Ann May.

On motion of Mr. Allen, laid on the table.

By Mr. Guess: Bill (H. P. 129,) authorizing the formation of the Durham North Carolina Industrial Association, in Orange county. Corporations.

From the Senate:

Bill (S. 232—H. 412,) to provide for taxing shad-nets;

Bill (S. P. 125—H. P. 130,) to incorporate Wiccacon Lodge, No. 240;

Bill (S. P. 159—H. P. 131,) to increase the Capital Stock of the Clarendon Bridge Company;

Bill (S. P. 122—H. P. 132,) to incorporate the Charlotte Water Works; and

Resolution (S. P. 123—H. P. 133,) in favor of James H. White;

All of which were placed on file.

By Mr. Waugh: House Resolution 413, in regard to soldiers who lost both eyes in the military service. Propositions and Grievances.

The Calendar of Bills on their second reading was taken up, and the following dispositions made, viz:

House Bill 260, for the relief of the people of North Carolina: Tabled, on motion of Mr. Martin.

House Bill 264, to amend section 9, chapter 104, Revised Code: The substitute recommended by the Committee, viz: House Bill 279, amendatory of an Act of 1866, to amend section 9, chapter 104, Revised Code, entitled "Roads, Ferries and Bridges," was adopted, and, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Bill (S. 146—H. 393,) prescribing the duties of Clerks in issuing marriage licenses: Passed 2nd reading, and, being put on third,

Mr. Lowe moved to amend by striking out "forty" cents, as the fee of Clerks, and inserting "twenty-five" cents; which did not prevail.

The Bill passed and was ordered to be enrolled.

House Bill 253, to authorize the Public Treasurer to negotiate a loan for the relief of the Treasury, and to establish the North Carolina Savings Bank:

Mr. McKay moved to amend by adding the names of "A. McLean, M. Patton, J. M. Leach, M. L. Wiggins and Seaton Gales" to the list of Commissioners, and filling the blanks with "six per cent," and "75 cents on the dollar," respectively; which prevailed.

Mr. Autry moved to lay the Bill on the table; which was decided in the affirmative,—Yeas 64, Nays 27.

Mr. Jenkins, of Gaston, demanded the Yeas and Nays.

Those who voted in affirmative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Boyd, Bowe, Brown, Carson, Clark, Clement, Crawford, of Macon, Daniel, Everett, Galloway, Garrett, Garris, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Houston, Hutchison, Jenkins, of Gaston, Jones, Latham, of Washington, Lee, Logan, Long, Lowe, Lyon, May, Moore, of Chatham, Morehead, Morton, Neal, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Sudderth, Trull, Umsted, Vestal, Walker, Westmoreland, Whitley, Wilson, of Forsyth, Williams, of Pitt, Williams, of Yancey, and Womble—64.

Those who voted in the negative were:

Messrs. Allen, Baker, Bright, Bryson, Chadwick, Collins, Davis, Durham, Gambril, Kelsey, Kenan, Kendall, Lutterloh, Martin, McArthur, McClammy, McGougan. McKay, McRae, Moore, of Hertford, Patton, Perry, of Carteret, Reinhardt, Waugh, Whitfield, Williams, of Harnett, and Woodard—27.

The hour having arrived for the consideration of the first Special Order, viz: House Bill 137, to regulate assignments and protect creditors,

Mr. Latham, of Washington, moved to strike out the 5th section.

Mr. Blair moved to lay the Bill and amendment on the table; and it was so ordered,—Yeas 60, Nays 27.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Black, Blair, Blythe, Bright, Bryson, Carson, Chadwick, Clark, Clement, Crawford, of Macon, Daniel, Davis, Davidson, Everett, Galloway, Gambril, Garrett, Granbery, Henderson, Holderby, Horton, of Watauga, Horton, of Wilkes, Jenkins of Gaston, Jones, Kendall, Latham, of Craven, Latham, of Washington, Lee, Logan, Long, Lyon, May, McArthur, McKay, McRae, Moore, of Chatham, Moore, of Hertford, Neal, Patton, Reinhardt, Richardson, Rogers, Rosebro, Rountree, Russ, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Sudderth, Vestal, Walker, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble and Woodard—60.

Those who voted in the negative were :

Messrs. Ashworth, Autry, Baker, Barden, Beasley, Boyd, Bowe, Brown, Collins, Durham, Garriss, Guess, Hinnant, Hodnett, Houston, Hutchison, Kenan, Lowe, Morton, Peebles, Perry, of Carteret, Trull, Umsted, Waugh, Whitfield, Whitley, and Wilson of Forsyth—27.

The consideration of the Calendar was resumed :

House Bill 267, to repeal an Act "to establish the rates of interest," ratified March 12th, 1866 : Postponed, and made the special order for Wednesday, 27th, 11½ o'clock, A. M.

House Bill 268, allowing debtors the privilege of paying their old debts in State Bank money, or its equivalent in current funds : Tabled, on motion of Mr. Whitley.

House Bill 273, relating to hunting on the Sabbath : Tabled, on motion of Mr. Whitfield.

House Bill 274, to incorporate the Rockingham and Henry Rail Road Company : Passed several readings and ordered to be engrossed.

On motion of Mr. Latham, of Washington, Bill (S. 232,—H. 412) to provide for taxing shad-nets, was made the special order for to-morrow, 12 o'clock, M.

Received a message from the Senate, announcing the passage of Bill (H. P. 104) to amend the Charter of Olin High School, with an amendment, in which the concurrence of the House was asked.

The House concurred, and the Senate was informed thereof.

Also, announcing concurrence in recommendations of magistrates transmitted from the House, except those for Chatham and Randolph.

Also, transmitting certain recommendations of Magistrates for Randolph County ; in which the House refused to concur.

Also, announcing Messrs. Hall, Cardwell and Jones as the Senate branch of the Committee on enrolled Bills (No. 1) for the week ; and Messrs. McCorkle, Matthews and Marshall as Committee No. 2.

The hour having arrived for the consideration of the second Special Order, viz : House Bill 371, to secure Creditors, the same was taken up ; when

Mr. Latham, of Craven, moved to lay the Bill on the table.

And the question being thereon, it was decided in the affirmative,—Yeas 49, Nays 37.

Mr. Russ demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Autry, Barden, Black, Bowe, Bright, Bryson, Clark, Collins, Daniel, Davis, Durham, Galloway, Granbery, Henderson, Hinnant, Holderby, Horton, of Wilkes, Jenkins, of Granville, Jones, Latham, of Craven, Latham, of Washington, Lee, Logan, Long, Lutterloh, May, McGougan, Moore, of Chatham, Moore, of Hertford, Morton, Neal, Perry, of Carteret, Scoggin, Simpson, Smith, of Duplin, Stone, Sudderth, Trull, Vestal, Walker, Waugh, Whitfield, Wilson, of Perquimans, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey and Womble—49.

Those who voted in the negative were:

Messrs. Baker, Beasley, Blair, Blythe, Boyd, Brown, Carson, Clement, Crawford, of Macon, Davidson, Gambril, Garrett, Garris, Guess, Hodnett, Horton, of Watauga, Houston, Hutchison, Jenkins, of Gaston, Kelsey, Kenan, Lowe, Lyon, Martin, Patton, Perry, of Wake, Reinhardt, Rogers, Rosebro, Rountree, Russ, Smith, of Guilford, Umsted, Westmoreland, Whitley, Wilson, of Forsyth and Woodard—37.

Received a message from the Senate, announcing the non-concurrence of that body in the House resolution to adjourn *sine die* on the 4th of March.

Also, announcing that the Senate had passed the following resolution, and asking the concurrence of the House therein, viz:

"*Resolved*, (the House concurring,) that the two Houses of the General Assembly adjourn on the 4th of March, at 6½ o'clock, A. M., to meet again the third Monday in August next, at 12 o'clock, M."

Mr. Crawford, of Macon, moved to amend, by striking out all after "6½ o'clock, A. M.;" which was decided in the negative,—Yeas 43, Nays 48.

Mr. Crawford demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messsrs. Allen, Baker, Boyd, Brown, Clement, Collins, Crawford of Macon, Davis, Davidson, Garrett, Garris, Granbery, Guess, Harper, Hodnett, Holderby, Horton of Watauga, Houston, Hutchison, Jenkins of Gaston, Kelsey, Kenan, Latham of Washington, Lowe, Martin, McArthur, McClammy, McGougan, McRae, Morehead, Patton, Peebles, Perry of Carteret, Reinhardt, Rosebro, Russ, Shelton, Smith of Guilford, Vestal, Whitley, Wilson of Forsyth, Wilson of Perquimans, and Woodard—43.

Those who voted in the negative were:

Messrs. Autry, Barden, Beasley, Black, Blair, B ythe, Bowe, Bright, Carson, Chadwick, Clark, Daniel, Durham, Everett, Galloway, Gambril, Henderson, Hinnant, Horton of Wilkes, Jenkins of Granville, Jones, Kendall, Latham of Craven, Logan, Lyon, Lutterloh, May, Moore of Chatham, Moore of Hertford, Morton, Neal, Perry of Wake, Richardson, Rogers, Rountree, Scoggin, Simpson, Smith of Duplin, Stone, Sudderth, Trull, Umsted, Walker, Waugh, Williams of Harnett, Williams of Pitt, Williams of Yancey, and Womble—48.

The question recurring on concurring in the Resolution of the Senate, it was decided in the affirmative,—Yeas 49, Nays 45.

Mr. Boyd demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Autry, Barden, Beasley, Black, Blair, Blythe, Bowe, Bright, Carson, Chadwick, Clark, Daniel, Durham, Everett, Galloway, Gambril, Garris, Henderson, Hinnant, Horton, of Wilkes, Jenkins, of Granville, Jones, Latham, of Craven, Logan, Lyon, Lutterloh, May, Martin, Moore, of Chatham, Moore, of Hertford, Morton, Neal, Perry, of Wake, Richardson, Rogers, Rountree, Scoggin, Simpson, Smith, of Duplin, Stone, Sudderth, Trull, Umsted, Waugh, Whitfield, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, and Womble—49.

Those who voted in the negative were:

Messrs. Allen, Ashworth, Baker, Boyd, Brown, Bryson, Clement, Collins, Crawford, of Macon, Davis, Davidson, Garrett, Granbery, Guess, Harper, Hodnett, Holderby, Horton, of Watauga, Houston, Hutchison, Jenkins, of Gaston, Kelsey, Kenan,

Kendall, Latham, of Washington, Lowe, McArthur, McClammy, McGougan, McRae, Morehead, Patton, Peebles, Perry, of Carteret, Reinhardt, Rosebro, Russ, Shelton, Smith, of Guilford, Vestal, Walker, Whitley, Wilson, of Forsyth, Wilson, of Perquimans, and Woodard—45.

The consideration of the Calendar was resumed:

Severally tabled:

House Bill 276, to subject the lands covered by Long Lake, in Craven County, to entry; and

House Bill 284, to re-enact section 9, chapter 42, Revised Code, entitled "Entries and Grants."

Severally passed and ordered to be engrossed:

House Bill 278, relating to Deeds of Trust and Mortgages;

House Bill 282, authorizing the Chairman of the County Court of Anson to sell certain lots in Wadesboro;

House Bill 283, extending the several terms of the County Courts of Anson;

House Bill 285, to authorize a public road from Shelby to the South Carolina line, and the construction of a toll-bridge and dam across Broad River; and

House Bill 287, to amend the Charter of the Western N. C. Rail Road.

The hour having arrived for the consideration of the remaining Special Order, viz: House Bill 318, to abolish Usury, the same was taken up; when

Mr. Latham, of Washington, moved to lay the same on the table; and it was so ordered,—Yeas, 55, Nays 31.

Mr. Martin demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Boyd, Bryson, Carson, Clark, Clement, Collins, Crawford, of Macon, Davidson, Galloway, Gambril, Garrett, Guess, Henderson, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Jenkins, of Granville, Kelsey, Latham, of Craven, Latham, of Washington, Logan, Lyon, May, McArthur, Moore, of Chatham, Morehead, Morton, Neal, Patton, Peebles, Rogers, Russ, Scoggin, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Trull, Umsted, Vestal,

Walker, Waugh, Wilson, of Perquimans, Williams, of Pitt, Williams, of Yancey, and Womble.

Those who voted in the negative were:

Messrs. Allen, Baker, Bright, Brown, Chadwick, Daniel, Davis, Durham, Granbery, Harper, Hutchison, Jenkins, of Gaston, Kenan, Kendall, Lee, Lowe, Martin, McGougan, McRae, Moore, of Hertford, Perry, of Carteret, Perry, of Wake, Reinhardt, Richardson, Rosebro, Rountree, Sudde th, Westmoreland, Whitley, Williams, of Harnett, and Woodard.

Mr. Peebles moved to reconsider the vote by which the foregoing action had been taken.

Mr. Waugh moved to lay that motion on the table; and it was so ordered.

Received a message fram the Senate, announcing the passage of the following engrossed Bill, and asking the concurrence of the House therein, viz:

Bill (S. 238—H. 414) in favor of Sheriffs.

Under a suspension of the rule, the Bill being placed on its second reading,

Mr. Latham, of Washington, moved to amend, by adding, after the word "Sheriffs," the words "and Tax Collectors;" which was adopted.

The Bill then passed its several readings and was transmitted to the Senate for concurrence in the amendment.

Mr. Holderby introduced a resolution, providing that, from and after to-day, there shall be no suspension of the rules, in order to take up specific Bills, but that Bills on the Calendar shall be considered in their regular order. Laid over one day under the rules.

The House took a recess until 7½ o'clock, P. M.

MONDAY, 7½ O'Clock, P. M.

Mr. McArthur, from the Committee on Corporations, reported favorably on

Bill (H. P. 129,) to incorporate the Durham North Carolina Industrial Association;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Received a message from the Senate, concurring in the House amendment to the Resolution (S. 238—H. 414,) in favor of Sheriffs.

Ordered to be enrolled.

Also, announcing that the Senate had passed the engrossed House Bill 199, to regulate taxation in the County Courts, with amendments, in which the concurrence of the House was asked.

The House concurred, and the Senate was informed thereof by message.

Mr. Martin moved that a message be sent to the Senate, proposing to rescind the joint order concerning adjournment; which, on motion of Mr. Clark, was laid on the table.

Mr. Bowe introduced a Resolution directing the Public Printer to complete the publication of the Laws and Journals, and the Secretary of State to transmit the same, together with the Ordinances of the Convention, without waiting for the adjourned session in August; which was adopted and transmitted to the Senate for concurrence.

Received a message from the Senate, announcing the passage of the following engrossed Bill, and asking the concurrence of the House therein, viz:

Bill (S. 171—H. 416,) to authorize the Comptroller to employ a Clerk; which,

Under a suspension of the rule, being placed on its second reading, failed to pass the same,—Yeas 11, Nays 72.

Mr. Waugh demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Baker, Collins, Crawford, of Macon, Harper, Holderby, Lutterloh, McKay, Neal, Patton, Perry, of Carteret, and Woodard—11.

Those who voted in the negative were:

Messrs. Allen, Ashworth, Blair, Blythe, Boyd, Bowe, Bright, Brown, Bryson, Carson, Chadwick, Clark, Clement, Daniel, Davis, Durham, Galloway, Gambril, Garrett, Granbery, Guess, Henderson, Hinnant, Hodnett, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jenkins, of Gaston, Jenkins, of

Granville, Jones, Kenan, Kendall, Latham, of Craven, Latham, of Washington, Logan, Long, Lowe, Lyon, May, Martin, McArthur, McClammy, McGougan, McRae, Moore, of Chatham, Moore, of Hertford, Morton, Perry, of Wake, Reinhardt, Rogers, Rosebro, Rountree, . uss, Scoggin, Scott, Shelton, Simpson, Smith, of Duplin, Smith, of Guilford, Stone, Teague, Trull, Umsted, Vestal, Walker, Waugh, Whitfield, Whitley, Wilson, of Forsyth, Williams, of Harnett and Womble—72.

The Calendar of Bills on their second reading was taken up and the following dispositions made, viz:

Severally passed and ordered to be engrossed:

House Bill 289, in regard to Standard Weights and Meas ures;

House Bill 293, to amend section 20, chapter 34, Revised Code;

House Bill 316, to amend section 6, chapter 40, Acts o 1866, concerning negroes, and persons of color, or of mixed blood; and

House Bill 317, to amend chapter 62, section 16, Revised Code.

The hour having arrived for the consideration of the special order, viz: Bill (S. 197,—H. 386,)to aid the Williamston and Tarboro Rail Road Company, the same was taken up, and,

Under a suspension of the rules, passed its several readings and was ordered to be enrolled.

The Calendar was resumed.

Severally tabled:

House Bill 300, to repeal an Ordinance of the Convention to prohibit the sale of spirituous liquors within one and a half miles of Company Shops;

House Bill 304, providing for a Mechanics' Lien Law;

House Bill 308, to change the mode of appointing Auctioneers for Wilmington, and House Bill 345, to change the mode of appointing Auctioneers, reported as a substitute from the Committee;

House Bill 314, to repeal an Act "to amend the Charter of Washington Toll Bridge Company";

House Bill 315, extending the jurisdiction of Justices of the Peace;

House Bill 319, to change the tenure of the office of Sheriff; and

House Bill 322, to tax writs, warrants, &c., in civil cases on debts contracted prior to May 1, 1865.

House Bill 298, to amend sections 1 and 3, chapter 10, Revised Code, coming up,

Mr. Harper offered a substitute for the same, viz:

House Bill 415, to change the mode of appointing Auctioneers:

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

House Bill 299, to enable Guardians and others to adjust their accounts, passed its several readings; but, subsequently,

On motion of Mr. Waugh, the vote, by which the Bill passed its final reading, was re-considered, and it was laid on the table.

Bill (S. 114,—H. 302) to extend the time for the return to the County Courts of lands to be sold for taxes, coming up, was, on motion of Mr. Perry, of Carteret, referred to the Committee on Finance.

House Bill 306, to change the location of the County site of Haywood County, coming up, passed its second reading.

Being read the third time,

Mr. Patton moved to amend by adding another section, as follows:

"*Be it further enacted*, That the citizens of Haywood County, voting for the removal of the town, shall pay to the owners of lots in Waynesville the damages they may sustain by such removal; and, in order to ascertain the voters for removal, the vote shall be *viva voce*. The damages to be ascertained by three Commissioners, to be appointed by the Judge of the Superior Court, at the first term of said Court after the voting of the people, if they decide to remove the town."

Which was not adopted; when

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

Bill (S. 91,—307,) to enable the city of Wilmington to provide for the payment of its debts, after being amended, on motion of Mr. Harper, passed its several readings, and was transmitted to the Senate for concurrence in the amendment.

On motion of Mr. Jenkins, of Granville, the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, February 26, 1867.

Prayer by the Rev. Mr. Atkinson, of the Presbyterian Church.

Mr. Waugh, from the Committee on Propositions and Grievances, reported favorably on

House Resolution, 413, with regard to soldiers who lost both eyes in the service.

Mr. Lutterloh, from the Committee on Internal Improvements, reported favorably on

Bill (S. 160,—H. 408,) to amend the Charter of the Raleigh and Gaston Rail Road.

Mr. McKay, from the Committee on the Judiciary, to whom was referred House Bill, 377, reported back a substitute for the same, viz:

House Bill 418, to give the County Courts exclusive original jurisdiction in all criminal cases in which they now have concurrent jurisdiction with the Superior Courts;

Which was placed on file.

Mr. Jenkins, of Granville, from the Committee on Education, to whom was referred a resolution of enquiry as to the expediency of borrowing a sufficient amount of money to revive the Common School system, reported adversely thereon.

Mr. Jenkins, from the same Committee, reported favorably on

Bill (S. 156,—H. 404,) to protect certain interests of the Common Schools;

Which, under a suspension of the rule, passed its several readings, and was ordered to be enrolled.

Bills of the titles named were introduced, read, referred, or otherwise disposed of, as follows, viz :

By Mr. Logan, House Bill 417, in favor of Sheriffs and Tax Collectors.

Mr. Logan moved for a suspension of the rule, in order to put the Bill on its several readings, which did not prevail.

On motion of Mr. Richardson, it was referred to the Committee on Finance.

From the Senate : Bill (S. 213,—H. 419,) to change the time of holding the Courts in the 7th Judicial District.—On motion of Mr. Whitfield, referred to the Committee on the Judiciary.

From the Senate : Bill (S. 176,—H. 420,) to secure advances for agricultural purposes. Same reference.

From the Senate : Bill (S. 176,—H. 432,) to consolidate the Chatham Rail Road and the Western Rail Road. On motion of Mr. Smith, of Duplin, referred to the Committee on Internal Improvements.

By Mr. McKay : House Bill 421, to incorporate the Cumberland Savings' Bank. Corporations.

By Mr. Morehead : Bill, (H. P. 134,) to incorporate the Cranbery Mining and Manufacturing Company. Filed.

By Mr. McKay : Resolution, (H. P. 135,) in favor of Churchill Perkins. Claims.

The resolution introduced by Mr. Holderby, on yesterday, concerning a suspension of the rules, was, on motion of Mr. McClammy, laid on the table.

On motion of Mr. Richardson, Resolution (S. 168—H. 409,) in regard to the Cape Fear Navigation Company, was made the Special Order for to-morrow, 11 o'clock.

A recommendation of magistrates for the county of Union was submitted, approved and sent to the Senate for concurrence.

Received a message from the Senate, announcing the concurrence of that body in the House amendment to the engrossed Bill to enable the city of Wilmington to provide for the payment of the debt of said city.

Ordered to be enrolled.

The Calendar of Bills on their second reading was taken up, and the following dispositions made, viz :

Passed several readings and ordered to be engrossed :

House Bill 350, to authorize a Special Court for Wilson county.

House Resolution 324, in regard to printing the Reports of Rail Road and other Companies ; and

House Bill 328, to authorize the County Court of Cumberland to appoint Inspectors of crude turpentine in Fayetteville.

Severally tabled :

House Bill 321, to appoint a special magistrate for Goldsboro ;

House Bill 325, in favor of Mount Pleasant Academy ;

House Resolution 333, to authorize the Public Treasurer to refund certain taxes overpaid by the Southern Express Company ;

House Bill 335, to protect the fishing interest on the coast of North Carolina ;

House Bill 336, to amend section 5, chapter 29, Revised Code, entitled "County Trustee ;"

House Bill 339, to make valid the acts of Justices of the Peace, that did so act during the war ; and

House Bill 340, for the encouragement of immigration, &c.

Bill (S. 12—H. 329,) to protect landlords against insolvent tenants, passed its several readings, under a suspension of the rule, and was ordered to be enrolled.

House Bill 327, for the relief of Executors, Administrators, Guardians, and others, and to extend the jurisdiction of Justices of the Peace, coming up on its second reading,

Mr. Guess offered an amendment ; whereupon,

On motion, the Bill, with the amendment, was referred to the Committee on the Judiciary.

House Bill 341, to amend section 21, chapter 34, Revised Code, coming up,

The substitute recommended by the Committee, viz; House Bill 349, for the protection of grape-growers, was adopted.

Being read the second time,

After debate,

The Bill was re-referred to the Committee on the Judiciary, on motion of Mr. Patton.

The resolutions, concerning the condition of the People, some days since introduced by Mr. Granbery, were, on motion of Mr. Patton, laid on the table.

The hour having arrived for the consideration of the Special Order, viz: (S. 232—H. 412,) to provide for taxing shad-nets,

Mr. Latham, of Washington, moved that the same be indefinitely postponed; and it was so ordered.

The Calendar was resumed:

Severally tabled:

House Bill 343, in regard to the Norfolk and Great Western Rail Road;

House Bill 348, for the protection of Guardians; and

House Bill 354, to allow maimed Confederate Soldiers to retail spirituous liquors without paying for license.

Severally passed and ordered to be engrossed:

House Bill 342, to repeal the Act of 1865-'6 to establish a Board of Commissioners of Navigation for Ocracoke and Hatteras, &c.;

House Bill 346, to authorize Courts of Law to grant relief in cases of lost negotiable bonds, &c.;

House Bill 351, to authorize the Chairman of Lenoir County Court to sell the old jail lot in Kinston; and

House Bill 352, to amend an Act to encourage the raising of sheep in Watauga and Ashe, ratified January 28, 1851.

House Bill 347, to empower the Supreme Court Judges to hold extra terms, was rejected on its second reading.

House Bill 389, to incorporate the Charlotte and Georgetown Rail Road, being read the second time,

Mr. Scoggin moved that the same be laid on the table.

Pending the consideration of which,

On motion of Mr. Allen, the House took a recess until 7½ o'clock, P. M.

TUESDAY, 7½ O'Clock, P. M.

Mr. Moore, of Hertford, introduced the following Resolution, viz:

Resolution (H. P. 136) in favor of Jas. W. Dunning, a disabled soldier; which was read.

On motion of Mr. McKay, the foregoing Resolution, together with all other Bills and Resolutions at present on the Calendar relating to disabled soldiers, was referred to a Special Committee of five.

Whereupon, the Speaker designated Messrs. McKay, Moore, of Hertford, Waugh, Sudderth, and Crawford, of Macon, as said Committee.

The Calendar of Bills on their second reading was taken up and the following action had, viz:

House Resolution 399, in favor of the Attorney General, being put on its second reading, failed to pass the same.

Whereupon, Mr. Houston moved to re-consider the vote; and the motion prevailed.

Mr. Clark then moved to amend by striking out "$300," and inserting "$100."

Mr. Houston moved to amend the amendment by striking out "$100" and inserting "$200;" which was not adopted.

The original amendment was then lost; and the Resolution passed its second reading.

Under a suspension of the rule, being read the third time, it passed the same,—Yeas 52, Nays 30.

Mr. Lutterloh demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Baker, Bowe, Bright, Bryson, Chadwick, Collins, Crawford of Macon, Daniel, Davis, Durham, Foard, Gambril, Granbery, Guess, Harper, Henderson, Hinnant, Holderby, Horton of Watauga, Horton of Wilkes, Hutchison, Jenkins of Granville, Kenan, Kendall, Latham of Craven,

Latham of Washington, Lyon, Martin, McClammy, McGougan, McKay, McRae, Moore of Hertford, Morehead, Neal, Patton, Peebles, Perry of Carteret, Reinhardt, Richardson, Rogers, Rosebro, Rountree, Russ, Smith of Duplin, Smith of Guilford, Walker, Waugh, Whitfield, Whitley, and Woodard—52.

Those who voted in the negative were:

Messrs. Ashworth, Blair, Blythe, Brown, Clark, Clement, Galloway, Garrett, Garris, Hodnett, Houston, Jenkins of Gaston, Jones, Logan, Lowe, Lutterloh, May, Moore of Chatham, Morrisett, Scoggin, Shelton, Simpson, Stone, Sudderth, Teague, Trull, Umsted, Williams of Harnett, Williams of Yancey, and Womble—30.

Ordered to be engrossed.

Severally tabled:

House Bill 356, concerning creditors; and

House Bill 372, for the protection of landlords.

Rejected:

House Bill 358, to authorize the County Courts of Perquimans to elect County officers.

Passed several readings and ordered to be engrossed:

House Bill 355, to stay executions in Courts of Record;

House Bill 360, to provide for keeping up a public road near Sampson mountain; and

House Bill 367, to amend the Act, ratified December 23, 1864, to authorize attachments against Corporations.

Bill (S. 148,—H. 385) to amend the Charter of the Wilmington Railway Bridge Company, coming up, the amendment recommended by the Committee on Internal Improvements was adopted, and the Bill then passed its several readings, and was sent to the Senate for concurrence in the amendment.

Mr. Hodnett (by leave) introduced the following Resolution, viz:

Resolution (H. P. 137) in favor of Wm. Sanders, a disabled soldier;

Which, on motion, was referred to the Select Committee just raised.

Mr. Durham, from the Committee on the Judiciary, reported favorably on

Bill (S. 213,—H. 419) to change the time of holding Courts in the 7th Judicial District.

On motion of Mr. Durham, House Bill 377, to confine original jurisdiction of all crimes and misdemeanors, below capital felonies, to the Courts of Pleas and Quarter Sessions, was taken from the Calendar and considered.

The substitute of the Judiciary Committee, viz: House Bill 418, to give the County Courts original jurisdiction, in all criminal cases in which they now have concurrent jurisdiction with Superior Courts, was adopted. And,

Being put upon its second reading,

Mr. Patton moved to amend by striking out the word "original," and inserting the word "concurrent," in lieu thereof; which did not prevail.

Mr. Morehead moved to amend by inserting, at the end of section 1, the words "except cases of felony and trespass *vi et armis*."

Mr. Blair moved to lay the Bill on the table; and the question being thereon, it was decided in the negative,—Yeas 32, Nays 46.

Mr. Jones demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Blair, Bryson, Carson, Clark, Clement, Davis, Foard, Garrett, Harper, Henderson, Holderby, Horton, of Watauga, Hutchison, Jenkins, of Gaston, Kendall, Long, Lowe, Lyon, Morton, Neal, Patton, Rountree, Perry, of Carteret, Scott, Shelton, Teague, Umsted, Vestal, Whitley, Williams, of Pitt, and Williams, of Yancey—32.

Those who voted in the negative were:

Messrs. Allen, Baker, Black, Blythe, Bowe, Brown, Chadwick, Collins, Crawford, of Macon, Daniel, Durham, Galloway, Gambril, Guess, Hinnant, Hodnett, Horton, of Wilkes, Houston, Jones, Kenan, Latham, of Craven, Latham, of Washington, Lo an, Lutterloh, May, Martin, McClammy, McRae, Moore, of Hertford, Morehead, Morrissett, Peebles, Reinhardt, Richardson, Rosebro, Russ, Scoggin, Simpson, Smith, of Guilford, Stone, Sudderth, Walker, Waugh, Whitfield, Womble and Woodard—46.

Pending discussion on the amendment,

On motion of Mr. Latham, of Craven, the House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, FEBRUARY 27, 1867.

Mr. McArthur, from the Committee on Corporations, reported back, asking to be discharged from its further consideration;

House Bill 421, to incorporate the Cumberland Savings Bank.

Mr. Lutterloh, from the Committee on Internal Improvements, reported favorably on

Bill (S. 175—H. 422) to consolidate the Chatham and Western Rail Roads.

Mr. Harper, from the Committee on Finance, reported adversely on

House Bill 417, in favor of Sheriffs and Tax Collectors.

And favorably on

Bill (S. 114—H. 302) to extend the time for the return to the County Courts of the lands to be sold for taxes.

Mr. Harper, from the same Committee, to whom was referred a Memorial of the Fayetteville and Florence Rail Road Company, reported the same back, and asked to be discharged from its further consideration; which was so ordered.

Mr. Perry, of Carteret, from the Committee on Claims, reported back, asking to be discharged from its further consideration,

Resolution (H. P. 135) in favor of C. Perkins.

Mr. McKay, from the Committee on the Judiciary, reported unfavorably on

House Bill 380, for the relief of such debtors as have executed deeds of trust or mortgages; and

House Bill 327, for the relief of Executors, Administrators, Guardians, and others, and to extend the jurisdiction of Justices of the Peace.

And favorably on

Bill (S. 176—H. 420) to secure advances for agricultural purposes; and

House Bill 119, concerning Dormant Judgments.

Mr. Whitfield, from the same Committee, to whom was referred

House Bill 349, for the protection of grape-growers,

Reported back a substitute for the same and recommended its passage, viz:

House Bill 424, for the protection of fruits and vegetables. Filed.

Mr. May moved that a message be sent to the Senate, proposing to rescind the joint order for holding night sessions; which did not prevail.

Bills and Resolutions were introduced and disposed of, as stated, viz:

By Mr. Harper: House Bill 423, supplemental to an Act to incorporate the North-Western Rail Road. Filed.

By Mr. Granbery: Resolution (H. P. 138) in favor of Jesse B. Lee, late Sheriff of Currituck.

On motion of Mr. Granbery, the rule was suspended and the Resolution put upon its second reading,

When Mr. May moved to lay the same on the table; which did not prevail.

On motion, the Resolution was referred to the Committee on Propositions and Grievances.

From the Senate:

Bill (S. 187,—H. 425,) to incorporate the Colored Educational Society of North Carolina; filed

Bill (S. 226,—H. 426,) to authorize the Justices of the Court of Pleas and Quarter Sessions of Robeson County to appoint a special magistrate; filed.

Resolution, (S. 211,—H. 428) concerning wounded and disabled soldiers; filed.

Bill (S. 26,—H. 428) to amend sec. 3, ch. 7, Revised Code; filed

Bill (S. P. 169,—H. P. 139) for the relief of the County Court Clerk of Beaufort County; filed.

Bill (S. 224,—H. 429) explanatory of an Act "to change the jurisdiction of the Courts and the rules of pleading therein." Passed second reading, and then referred to the Judiciary Committee.

Bill (S. 228—H. 430,) to authorize the Mayors or Chief Magistrates of incorporated towns and cities to enforce collection of fines and penalties; Filed.

Bill (S. 173,—H. 432,) to harmonize and give through freight and travel on the various Rail Road lines in the State. Referred to the Committee on Internal Improvements.

By Mr. Harper: House Bill 431, to amend the Act for the collection of Revenue, ratified March 12, 1866. Under a suspension of the rule, passed several readings and ordered to be engrossed.

Mr. Latham, of Washington, moved to re-consider the vote by which House Bill 358, to authorize the County Courts of Perquimans to elect County officers, was rejected on its second reading, last night; which motion prevailed.

Mr. Waugh moved to amend, by adding the following proviso at the end of the Bill, viz:

"*Provided*, That the provisions of the Bill shall not apply to Clerks or Sheriffs."

Which was adopted.

Mr. Jones moved further to amend by adding "Pasquotank," after "Perquimans," and Mr. Latham, by adding "Washington," after "Pasquotank;" which were severally adopted.

And the bill passed its several readings and was ordered to be engrossed.

On motion of Mr. Horton, of Watauga, the vote by which House Bill 352, to amend an Act to encourage the raising of sheep in Watauga and Ashe, ratified January 28, 1851, had passed its final reading, was re-considered, and the same was replaced on file.

The consideration of the unfinished business of the last session of the House was taken up, viz:

House Bill 418, to give the County Courts exclusive original jurisdiction in all criminal cases, in which they now have concurrent jurisdiction with the Superior Court.

The pending question being on the amendment offered by Mr. Morehead, the same was rejected.

Mr. Crawford, of Macon, moved to amend by the addition of the following section, viz :

"*Be it further enacted*, That the provision of this Bill shall not extend to the Counties of Macon, Clay, Cherokee, Jackson, Haywood, Buncombe, Caldwell, Stanly, Forsythe, Brunswick, McDowell, Gaston, Davidson, Perquimans, Lincoln, Alexander, Halifax, Watauga, Moore, Davis, Carteret, Columbus, Rockingham, Lenoir, Cabarrrus, Madison, Chatham, Granville, Bladen, Wayne, Harnett, Jones, Yancey and Mitchell."

Mr. Clark moved to amend the amendment by striking out all after the enacting clause and inserting :

"That this Act shall only apply to the Counties of Cleveland, Rockingham and Washington ;"

Which was not adopted.

The amendment prevailed ; when

Mr. Jenkins, of Gaston, moved to lay the Bill on the table.

And the question thereon was put and decided in the negative,—Yeas 46, Nays 52.

Mr. Jenkins demanded the Yeas and Nays.

Those who voted in the affirmative :

Messrs. Ashworth, Autry, Baker, Barden, Black, Blair, Boyd, Bright, Bryson, Carson, Clark, Clement, Daniel, Everett, Foard, Garrett, Garris, Godwin, Henderson, Horton, of Watauga, Jenkins of Gaston, Jenkins of Granville, Jones, Kelsey, Long, Lowe, Lyon, McArthur, McGougan, Morehead, Morton, Neal, Patton, Perry of Carteret, Richardson, Rountree, Scott, Shelton, Sudderth, Umsted, Vestal, Whitley, Wilson, of Perquimans, Williams of Harnett, Williams of Yancey, and Woodard—46.

Those who voted in the negative were :

Messrs. Allen, Beasley, Blythe, Bowe, Brown, Chadwick, Collins, Crawford of Macon, Davis, Durham, Farrow, Galloway, Gambril, Granbery, Guess, Harper, Hinnant, Hodnett, Horton of Wilkes, Houston, Kenan, Latham of Craven, Latham of Washington, Lee, Logan, May, Martin, McClam-

my, McKay, McRae, Moore of Chatham, Moore of Hertford, Morrisett, Peebles, Perry of Wake, Reinhardt, Rogers, Rosebro, Russ, Scoggin, Simpson, Smith of Duplin, Smith of Guilford, Stone, Teague, Trull, Walker, Waugh, Westmoreland, Whitfield, Wilson of Forsyth, and Williams of Pitt—52.

The Bill, as amended, passed its several readings and was ordered to be engrossed.

The hour having arrived for the consideration of the second Special Order, viz: House Bill 267, to repeal an Act "to establish the rates of interest," ratified March 12, 1866,

Mr. Boyd moved that the same be laid on the table; and it was so ordered.

On motion of Mr. Richardson, Resolution (S. 168—H. 409,) in regard to the Cape Fear Navigation Company, which had been made the first Special Order for this day, but which had been superseded by the unfinished business, was taken up.

Mr. McKay moved to amend by inserting, after the word "information," the words "in the Superior Court of Cumberland;" which was adopted.

Mr. McKay moved further to amend by adding the following, at the end of the Resolution, viz:

"*Whereas*, The State is a joint owner with individuals in the Capital Stock of the Cape Fear Navigation Company, and interested in defending the Company: Therefore,

Be it further resolved, That the Public Treasurer be, and he is hereby, instructed to employ counsel to defend the interest of the State in the suit hereby authorized to be brought, and to pay the amount agreed on out of any money in the Treasury not otherwise appropriated."

Which was adopted.

Mr. McKay moved to lay the Resolution on the table; which did not prevail.

The Resolution, as amended, then passed its second reading; and, under a suspension of the rule, being read the third time,

Mr. McKay offered a substitute for the same, entitled a "Bill to amend the Charter of the Cape Fear Navigation Company;" which was not adopted.

Mr. Kenan moved to strike out the additional section, offered by Mr. McKay, which was incorporated in the Resolution on its second reading,

And the question being, "Shall the section stand?" it was decided in the negative.

So the motion prevailed; and

The Resolution then passed its third reading and was sent to the Senate for concurrence in the amendment.

On motion of Mr. Whitfield, Bill (S. 213—H. 419,) to change the time of holding the Courts in the 7th Judicial District, was made the Special Order for this evening, 8 o'clock.

On motion of Mr. Jenkins, of Gaston, Resolution(S.P. 123—H. P. 133,) in favor of James H. White, was taken up and considered; and, under a suspension of the rule, it passed its several readings and was ordered to be enrolled.

Received a message from the Senate, announcing that that body had rejected the following House Bills, viz:

(143.) To convert the debt due the State from the Atlantic and North Carolina Rail Road into Capital Stock.

(32.) To amend section 30, chapter 54, Revised Code, entitled "Guardian and Ward." And

(47.) Concerning the County site of Clay County.

Also, a message announcing the concurrence of the Senate in the House amendment to the Bill to amend the Charter of the Wilmington Railway Bridge Company.

Ordered to be enrolled.

Also, concurring in the recommendations of magistrates for Union County, and those for Franklin, heretofore transmitted and ordered to lie on the table.

Also, announcing the passage, by the Senate, of House Bill 286, to secure the better drainage of the low lands on Lower Creek, in Caldwell County, with amendments, in which the concurrence of the House was asked.

The House concurred, and the Senate was informed thereof by message.

Also, announcing the passage, by the Senate, of House Bill 262, to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields

Rail Road Company, with an amendment, striking out sections 1, 2 and 3, and altering the title so as to read "A Bill to authorize the subscription of lands, bonds and stocks to the Cheraw and Coalfields Rail Road."

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

On motion of Mr. Martin, the House took a recess until 7½ o'clock, P. M.

WEDNESDAY, 7½ O'Clock, P. M.

Mr. Rosebro, from the Committee on Propositions and Grievances, reported favorably, with an amendment, on

Bill (H. P. 138) in favor of Jessee B. Lee, late Sheriff of Currituck.

Mr. McKay, from the Committee on the Judiciary, reported favorably, with an amendment, on

Bill (S. 284—H. 429) explanatory of the "Act to change the jurisdiction of the Courts and the rules of pleading therein."

The amendment was adopted, and, under a suspension of the rule, the Bill passed its final reading, and was transmitted to the Senate for concurrence in the amendment.

Mr. McKay, from the Select Committee to whom was referred certain Resolutions (H. 413 and H. P. 136) in reference to disabled soldiers, reported an additional resolution, to come in at the end of House 413,—the said resolution to be in lieu of all others on the same subject.

The report was adopted, and House Resolution 413, thus amended, under a suspension of the rules, passed its second reading, when

Mr. Blythe moved to amend by striking out the word "Confederate;" which did not prevail.

The Resolution passed its final reading, and was ordered to be engrossed.

Mr. Hodnett moved to take up Resolution (H. P. 137) in favor of Wm. Sanders; and the motion prevailed.

The Resolution failed to pass its second reading.

The hour having arrived for the consideration of the Special Order, viz: (S. 213,—H. 419) to change the time of holding the Courts in the 7th Judicial Circuit,

The same passed its several readings and was ordered to be enrolled.

The following Resolutions were introduced, (by leave,) and, under a suspension of the rule, they passed their several readings and were ordered to be engrossed, viz:

By Mr. Morehead: House Resolution 433, to authorize the Governor to employ counsel in certain cases; and

By Mr. Durham: Resolution (H. P. 140) in favor of Jas. M. Neal, former Sheriff of McDowell.

The Calendar of Bills on their second reading was taken up, and the following action had, viz:

House Bill 119, concerning Dormant Judgments: Failed to pass second reading; but

On motion of Mr. Kenan, the vote was re-considered: when

Mr. Granbery moved to lay the Bill on the table. Not carried.

Mr. Waugh moved for its indefinite postponement; which did not prevail.

Under a suspension of the rule, the Bill passed its several readings and was ordered to be engrossed.

Bill (S. 114—H. 302) to extend the time for the return to the County Courts of the lands to be sold for taxes: Passed several readings and ordered to be enrolled.

House Bill 327, for the relief of Executors, Administrators, Guardians, and others, and to extend the jurisdiction of Justices of the Peace: Tabled.

House Bill 352, to amend an Act "to encourage the raising of sheep in Watauga and Ashe," ratified January 28, 1851: Amended, so as to embrace within its provisions the counties of Henderson, Transylvania, Macon, Madison and Haywood, and, thus amended, passed and ordered to be engrossed.

Bill (S. 139—H. 375) to establish a State Penitentiary: Laid on the table, on motion of Mr. McKay.

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

THURSDAY, February 28th, 1867.

Mr. Lutterloh, from the Committee on Internal Improvements, reported favorably on

Bill (S. 173—H. 432) to harmonize and give through freight and travel on the various Rail Road lines in the State.

Received a message from the Senate, recommending a list of magistrates for Stokes County; which was concurred in and the Senate informed thereof.

Mr. Scoggin introduced the following Resolution, prefaced by a preamble, viz:

"*Resolved*, That it is the sense of the House that we accept, in good faith, the Act recently passed by the Congress of the United States, for the purpose of re-organizing the rebel States, and will use every effort to carry out the same upon a true and loyal basis."

Mr. Hutchison offered a substitute for the same, providing for a submission of the question of Convention to the people, and instructing the Judiciary Committee to report a Bill to that effect.

Mr. Morehead moved to amend the amendment, by inserting, after the word "people," the words "without regard to color."

Mr. May moved to lay the Resolution and amendments on the table; and,

The question thereon was put and decided in the negative,—Yeas 6, Nays 85.

Mr. Blair demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Autry, Collins, May, Martin, Turnbull, and Williams, of Martin—6.

Those who voted in the negative were:

Messrs. Allen, Ashworth, Beasley, Black, Blair, Blythe, Boyd, Bowe, Brown, Bryson, Carson, Chadwick, Clark, Clement, Crawford, of Macon, Crawford, of Rowan, Daniel, Davis, Durham, Everett, Farrow, Foard, Galloway, Gambril, Garrett, Garris, Godwin, Granbery, Guess, Harper, Henderson, Hinnant, Hodnett, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Kenan, Latham, of Craven, Lee, Logan, Long, Lowe, Lyon, Lutterloh, McArthur, McClammy, McKay, McRae, Moore, of Chatham, Moore, of Hertford, Morehead, Morton, Morrissett, Neal, Patton, Peebles, Perry, of Wake, Reinhardt, Richardson, Rogers, Rosebro, Rountree, Russ, Scoggin, Scott, Shelton, Smith, of Guilford, Stone, Sudderth, Teague, Umsted, Vestal, Waugh, Whitfield, Whitley, Wilson, of Forsyth, Williams, of Harnett, Williams, of Pitt, Williams, of Yancey, Womble and Woodard—85.

Mr. Richardson moved that the whole subject be referred to the Committee on Federal Relations.

And it was so ordered, —Yeas 68, Nays 25.

Mr. Blair demanded the Yeas and Nays.

Those who voted in the affirmative were :

Messrs. Allen, Autry, Baker, Boyd, Bowe, Brown, Chadwick, Clark, Clement, Collins, Crawford of Macon, Crawford of Rowan, Daniel, Davis, Durham, Foard, Galloway, Gambril, Garris, Granbery, Guess, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Houston, Hutchison, Kelsey, Kenan, Latham of Craven, Lee, Long, Lowe, Lutterloh, May, Martin, McArthur, McClammy, McKay, McRae, Moore of Hertford, Morehead, Morrisett, Neal Patton, Peebles, Perry, of Carteret, Perry of Wake, Reinhardt, Richardson, Rogers, Rosebro, Russ, Shelton, Smith of Guilford, Stone, Sudderth Turnbull, Umsted, Waugh, Westmoreland, Whitfield, Whitley, Williams of Harnett, Williams of Martin, Williams of Pitt, and Womble—68.

Those who voted in the negative were :

Messrs. Ashworth, Beasley, Black, Blair, Blythe, Bryson, Carson, Garrett, Godwin, Hinnant, Horton of Wilkes, Jenkins of Gaston, Jenkins of Granville, Logan, Lyon, Moore of

Chatham, Morton, Rountree, Scoggin, Teague, Trull, Vestal, Wilson of Forsythe, Williams of Yancey, and Womble—25.

On motion of Mr. Moore, of Hertford, the Committee were requested to report by, and their report was made the Special Order for, the third Monday in August next.

Mr. Whitfield moved to reconsider the vote by which Bill (S. 139—H. 375,) to establish a State Penitentiary, had been laid on the table last evening.

Mr. Hutchison moved to lay that motion on the table; which did not prevail.

The motion to reconsider was then adopted; when

Mr. Hutchison moved to lay the Bill on the table; which did not prevail.

Mr. Logan moved that the Bill be indefinitely postponed.

And the question thereon was put and decided in the negative—Yeas 38, Nays 51.

Mr. Logan demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Blythe, Bowe, Bryson, Carson, Clark, Crawford, of Macon, Durham, Everett, Farrow, Galloway, Gambril, Garris, Granbery, Henderson, Hodnett, Hutchison, Jenkins, of Gaston, Jenkins, of Granville, Kenan, Logan, Lutterloh, May, McArthur, McClammy, McKay, McRae, Morehead, Perry, of Carteret, Reinhardt, Richardson, Russ, Vestal, Waugh, Whitfield, Whitley, Williams, of Harnett, and Womble—38.

Those who voted in the negative were:

Messrs. Ashworth, Autry, Baker, Beasley, Black, Blair, Boyd, Brown, Chadwick, Clement, Crawford, of Rowan, Daniel, Davis, Foard, Garrett, Godwin, Guess, Harper, Hinnant, Holderby, Horton, of Watauga, Horton, of Wilkes, Houston, Kelsey, Latham, of Craven, Lee, Long, Lowe, Lyon, Moore, of Chatham, Moore, of Hertford, Morton, Morrissett, Neal, Patton, Peebles, Perry, of Wake, Rogers, Rountree, Scott, Shelton, Smith, of Guilford, Stone, Sudderth, Teague, Trull, Umsted, Wilson, of Forsyth, Williams, of Pitt, Williams, of Yancey and Woodard—51.

On motion of Mr. Whitley, the House took a recess until $7\frac{1}{2}$ o'clock, P. M.

THURSDAY, 7½ O'CLOCK, P. M.

Received a message from the Senate, announcing the concurrence of that body in the House amendments to

Bill (S. 224—H. 429) explanatory of an Act, entitled an "Act to change the jurisdiction of the Courts and the rules of pleading therein;" and

Resolution (S. 168—H. 409) in regard to the Cape Fear Navigation Company;

Both of which were ordered to be enrolled.

Also, a message announcing the passage, by the Senate, with amendments, of

House Bill 97, restoring to married women their common law right of Dower; and

House Bill 330, for the relief of Executors and Administrators,

And asking the concurrence of the House in the same.

The House concurred and the Senate was informed thereof.

Also, transmitting recommendations of magistrates for the County of Wayne; which were concurred in by the House.

The consideration of the unfinished business of the morning, viz: Bill (S. 139—H. 375) to establish a Penitentiary, was taken up.

Mr. Latham, of Craven, moved that the Bill be postponed until the third day of next session; and it was so ordered.

Mr. Davis, from the Committee on the Judiciary, to whom was referred a Resolution of instruction to ascertain and report the indebtedness of the State, not incurred for war purposes, submitted a report thereon, at length, and recommended the adoption of the following Bill, viz:

House Bill 434, relating to debts contracted during the war;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed.

Mr. Davis, from the same Committee, reported back, asking, for reasons stated, to be discharged from its further consideration,

Resolution (H. P. 70) in favor of W. L. Steele.

Mr. Long introdeced a Resalution, proposing to continue the Joint Select Comm ttee to investigate the affairs of the North Carolina Rail Road, and providing, further, for the addition to said Committee of two members from each House; which was adopted, and transmitted to the Senate for concurrence.

On motion of Mr. Hutchison, House Bill 169. to amend the Act "to incorporate the North Carolina Rail Road Company,'' was made the special order for to-morrow, 12 o'clock, M.

The following Resolutions and Bills were introduced, read, referred, or otherwise disposed of, viz :

By Mr. McKay: House Resolution, 435, to authorize the President and Directors of the Literary Fund to employ counsel to defend the suit directed to be instituted against the Cape Fear Navigation Company.

The rule was suspended, on motion of Mr. McKay, and the Resolution, being put on its second reading, failed to pass the same.

By Mr. Durham : House Resolution 436, in relation to the remains of dead soldiers.

Mr. Durham moved to suspend the rule and put the Resolution on its several readings ; which did not prevail.

The Resolution was referred to the Committee on Finance.

From the Senate :

Bill (S. P. 176,—H. P. 142.) to appoint Commissioners to improve the land from Jno. Allen's to Blue Ridge Mounta n; and

Resolution (S. P. 178,—H. P. 143,) in favor of the Joint Select Committee on the affairs of the North Carolina Rail Road Company.

Both of which, under a suspension of the rule, passed their several readings and were ordered to be enrolled.

Received a message from the Senate, announcing the passage, with amendments, of the following engrossed Bills, viz :

House Bill 246, to amend the charter of the Fayetteville and Florence Rail Road Company ; and

House Bill 368, in relation to Weights and Measures,

And asking the concurrence of the House in the same.

The House concurred, and the Senate was informed thereof.

Also, transmitting a recommendation of magistrates for Chatham County; which was not concurred in.

The Calendar of Bills, on their second reading, was taken up, and the following action had, viz:

House Bill 265, to amend the Act of 1856, in relation to the bridge across Notla River:

Mr. Crawford, of Macon, offered a series of amendments, when

On motion of Mr. Bryson, the Bill, with the proposed amendment, was re-referred to the Committee on Cherokee Lands.

Bill (S. 41,—H. 391.) to repeal part of Section 14, chapter 26, Revised Code: On motion of Mr. Perry, of Carteret, referred to the Committee on Finance.

House Bill 380, for the relief of such debtors as have executed deeds of trust, &c.: Tabled.

House Bill 381, to amend an act of 1861, "To locate, lay off and establish a road from Statesville to Wilksboro:" Passed several readings and ordered to be engrossed.

Bill (S. 47,—H. 392,) to incorporate the North Carolina Land and Immigration Company: Passed several readings, and

Under a suspension of the rule, being placed on its third,

Mr. Morton moved to amend by inserting, at the end of Section 5, the words: "*Provided*, That said Bonds shall not be issued for less than $100." Which was adopted.

The Bill then passed and was ordered to be sent to the Senate for concurrence in the amendment.

Bill (S. 158,—H. 397) to grant amnesty and pardon to females: Passed several readings and ordered to be enrolled.

Bill (S. 176,— H. 420,) to secure advances for agricultural purposes: Passed several readings and ordered to be enrolled.

On motion of Mr. Martin, the House adjourned until to-marrow morning, 10 o'clock.

FRIDAY, March 1, 1867.

Prayer by the Rev. Dr. Smedes, of the Episcopal Church.

Mr. Moore, of Chatham, asked permission to record his vote against the Resolution, adopted at the first meeting of the Legislature, non-ratifying the Constitutional amendment, proposed as Article XIV.

Objection was made and leave was not granted.

Mr. Harper, from the Committee on Finance, reported favorably on

Bill (S. 41—H. 391) to repeal part of section 14, chapter 26, Revised, Code.

Recommendations of magistrates for the Counties of Wake, Johnston, Surry and Cleveland, were submitted, approved and sent to the Senate for concurrence.

The following Bills, &c., were introduced, read, referred, or otherwise disposed of, as follows, viz:

By Mr. Holderby: House Bill 437, submitting the question of a Penitentiary to the people. Under a suspension of the rule, passed several readings and ordered to be engrossed.

By Mr. Autry: House Bill 438, to incorporate the Clinton Savings Bank. Filed, and made the Special Order for this evening, at 8 o'clock.

By Mr. Latham, of Craven: Bill (H. P. 144) to incorporate the Neuse and Trent River Ferry Company. Passed several readings and ordered to be engrossed.

By Mr. Richardson: House Bill 439, to empower the Treasurer and Secretary of State to administer oaths in matters pertaining to the Revenue. Passed several readings and ordered to be engrossed.

From the Senate:

Bill (S. P. 181—H. 440) to authorize the Courts of Pleas and Quarter Sessions of Wake County to re-form their financial system. Filed.

Bill (S. P. 180—H. P. 145) to incorporate the Keystone Publishing Company, in Raleigh: Passed several readings and ordered to be enrolled.

Bill (S. 258—H. P. 146) to allow the representatives of W. E. Mann, deceased, late Sheriff of Pasquotank, to collect

arrears of taxes. Passed several readings and ordered to be enrolled.

Bill (S. 256—H. 441) amendatory of the Act to change the jurisdiction of the Courts, &c. Filed.

By Mr. Holderby: House Bill 442, to call a State Convention. On motion of Mr. Holderby, referred to the Committee on Federal Relations, and made the Special Order for this evening, at 9 o'clock.

The hour having arrived for the consideration of the Special Order, viz: House Bill 169, to amend the Act to incorate the N. C. R. R. Co.,

The further consideration of the same was, on motion of Mr. Latham, of Craven, postponed until the next session of this General Assembly.

On motion of Mr. Boyd, Bill (S. 99—H. 401) in regard to repairs on the Executive Mansion, was made the Special Order for this evening, 8½ o'clock.

Received a message from the Senate, announcing its refusal to concur in the House Resolution concerning the Committee of investigation into the affairs of the North Carolina Rail Road; but transmitting a Resolution, proposing to continue the same Committee, as already raised.

The House concurred.

Also, transmitting a list of magistrates for the County of Person; which was concurred in.

Also, announcing the concurrence of the Senate in the recommendations of Justices for the Counties of Wake, Johnston and Surry.

Also, announcing its concurrence in the House amendment to the Bill (S. 47—H. 392) to incorporate the North Carolina Land and Immigration Company.

Ordered to be enrolled.

The Calendar of Bills, on their second reading, was taken up, and the following dispositions made, viz:

House Bill 389, to incorporate the Charlotte and Georgetown Rail Road: Passed second reading, and, being put on its third,

On motion of Mr. Bryson, it was re-referred to the Committee on Internal Improvements.

House Bill 349, for the protection of grape-growers: The substitute of the Committee, viz: House Bill 424, for the protection of fruits and vegetables, was adopted, and, being placed on its second reading,

Mr. Blair moved that it be laid on the table; which did not prevail.

Mr. Durham moved to amend by striking out all the article specified in the Bill, except "grapes; which was not adopted.

Mr. Farrow moved that the Bill be indefinitely postponed.

And the question thereon was put and decided in the negative—Yeas 29, Nays 47.

Mr. Martin demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Beasley, Black, Blair, Blythe, Boyd, Bryson, Carson, Crawford of Macon, Durham, Farrow, Garrett, Godwin, Henderson, Hinnant, Holderby, Horton of Watauga, Horton of Wilkes, Jenkins of Gaston, Martin, Moore of Hertford, Perry of Wake, Rountree, Teague, Vestal and Waugh—29.

Those who voted in the negative were:

Messrs. Allen, Baker, Barden, Bowe, Brown, Chadwick, Clark, Clement, Collins, Crawford of Rowan, Daniel, Davis, Foard, Guess, Harper, Hodnett, Houston, Hutchison, Kelsey, Kenan, Lee, Long, Lowe, Lutterloh, May, McClammy, McKay, Moore of Chatham, Morehead, Patton, Peebles, Perry of Carteret, Reinhardt, Richardson, Russ, Scott, Shelton, Smith of Guilford, Stone, Turnbull, Umsted, Westmoreland, Whitfield, Whitley, Williams of Harnett, Williams of Pitt, and Williams of Yancey—47.

Mr. Williams, of Pitt, moved to amend by striking out the words "apples and peaches; which did not prevail.

Mr. Williams, of Harnett, moved to amend by striking out the particular fruits specified after the word "grapes," and inserting, in lieu thereof, the words "and other fruits."

Mr. Waugh moved to lay the amendment on the table; which was not agreed to.

The amendment did not prevail.

Mr. Waugh moved to exempt from the operations of the Bill the county of Surry; Mr. Bryson, that of Jackson; Mr. Garrett, that of Haywood; Mr. Sudderth, Burke; Mr. Black Moore; Mr. Carson, Alexander; Mr. Crawford, Macon; Mr. Morton, Stanly; Mr. Blythe, Henderson and Transylvania; Mr. Williams, Yancey and Mitchell, and Mr. Durham, Cleveland; all of which amendments did not prevail.

Mr. Durham moved to amend, by inserting, at the end of the Bill, the following proviso, viz:

"*Provided*, That no person shall be convicted under the provisions of this Act, unless it is shown, on trial, that the owner of the stolen property shall have given public notice, at three or more public places in the county, to all persons whatever to keep off his premises."

And the question being thereon, it was decided in the negative—Yeas 26, Nays 50.

Mr. Martin demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Autry, Black, Blair, Blythe, Brown, Bryson, Carson, Crawford, of Macon, Durham, Farrow, Gambril, Garrett, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Kelsey, Martin, Morton, Morrissett, Neal, Teague, Vestal, Waugh and Whitfield—26.

Those who voted in the negative were:

Messrs. Allen, Ashworth, Baker, Barden, Boyd, Bowe, Clark, Clement, Collins, Crawford, of Rowan, Davis, Foard, Granbery, Guess, Harper, Henderson, Hodnett, Holderby, Houston, Hutchison, Kenan, Latham, of Craven, Long, Lowe, Lutterloh, May, McClammy, Moore, of Chatham, Moore, of Hertford, Morehead, Patton, Peebles, Perry, of Carteret, Perry, of Wake, Reinhardt, Richardson, Rountree, Russ, Scott, Shelton, Smith, of Guilford, Stone, Sudderth, Turnbull, Umsted, Westmoreland, Whitley, Williams, of Harnett, Williams, of Pitt, and Williams, of Yancey—50.

The Bill then passed its second reading, and,

Under a suspension of the rule, being placed on its third, it passed the same and was ordered to be engrossed,—Yeas 47, Nays 27.

Mr. Durham demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Allen, Ashworth, Baker, Barden, Beasley, Boyd, Bowe, Clark, Clement, Collins, Crawford, of Rowan, Davis, Foard, Granbery, Guess, Harper, Henderson, Hodnett, Holderby, Houston, Hutchison, Kenan, Long, Lowe, Lutterloh, May, McClammy, McKay, Moore, of Chatham, Morehead, Patton, Peebles, Perry, of Carteret, Reinhardt, Richardson, Russ, Scott, Shelton, Smith, of Guilford, Stone, Turnbull, Umsted, Westmoreland, Whitfield, Whitley, Williams, of Harnett, and Williams, of Pitt—47.

Those who voted in the negative were:

Messrs. Black, Blair, Blythe, Brown, Bryson, Carson, Crawford, of Macon, Durham, Farrow, Gambril, Garrett, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Martin, Moore, of Hertford, Morton, Morrissett, Neal, Perry, of Wake, Sudderth, Teague, Vestal, Waugh, and Williams, of Yancey—27.

Whereupon, the following protest was allowed to be entered on the Journals of the House, viz:

"We believe that this Bill will be an engine in the hands of bad men to oppress those who are honest; and we protest against its passage:

(Signed,)

W. G. B. Garrett,	P. Durham,
James Blythe,	T. D. Bryson,
D. A. Jenkins,	H. M. Waugh,
T. M. Vestal,	J. G. Crawford,
L. C. Morton,	J. M. Carson,
E. B. Teague,	B. R. Hinnant,
William Horton,	R. S. Perry."

Severally tabled:

House Bill 411, empowering the Treasurer to transfer certain stock owned by the State, in liquidation of its bonds;

House Bill 417, in favor of Sheriffs and Tax Collectors; and

House Resolution 332, directing re-reporting and re-publication of Winston's Reports.

Passed several readings and ordered to be engrossed:

House Bill 421, to incorporate the Cumberland Savings Bank; and

House Bill 423, supplemental to an Act to incorporate the North Western Rail Road Company.

Passed several readings and ordered to be enrolled:

Bill (S. 201—H. 403,) for the assignment of certain rooms in the Capitol;

Bill (S. 200—H. 402,) in regard to Burke Square, and other public property;

Bill (S. 41—H. 391,) to repeal part of section 14, chapter 26, Revised Code; and

Bill (S. 78—H. 395,) to amend chapter 42, Private Laws of 1866.

Resolution (S. 83—H. 396,) in regard to re-printing the Reports of the Supreme Court, coming up,

Mr. Perry, of Carteret, moved to lay the same on the table; which did not prevail.

Mr. Perry moved to amend by inserting the word "re-reporting" before the word "re-printing;" which was adopted.

Mr. Perry moved to amend, further, by striking out "$50" in the last section, and inserting "300;" which did not prevail.

The Resolution passed its second reading, and, under a suspension of the rule, being placed on its third,

Mr. Durham moved to strike out the word "re-reporting."

Mr. Jenkins, of Gaston, moved to lay the Resolution and amendment on the table; and it was so ordered.

Received a message from the Senate, announcing that the Hon. M. E. Manly, having resigned the position of Speaker of that body, the Hon. Joseph H. Wilson had been elected to supply the vacancy.

Bill (S. 175—H. 422,) to consolidate the Chatham and Western Rail Roads, being taken up,

Mr. McKay moved to amend, by striking out the word "Coalfields," whenever it occurs, and inserting the words "Yadkin Valley."

Mr. Morehead moved that the further consideration of the Bill be postponed until the Tuesday following the 3rd Monday in August; and it was so ordered.

Bill (S. 160—H. 408,) to amend the Charter of the Raleigh and Gaston Rail Road Company, passed its second reading; when

The House took a recess until 7½ o'clock, P. M.

FRIDAY, 7½ O'Clock, P. M.

A recommendation of magistrates for the county of Onslow was submitted, approved and sent to the Senate for concurrence.

Mr. Patton, from the Committee on Internal Improvements, reported favorably, with amendments, on

House Bill 389, to incorporate the Charlotte and Georgetown Rail Road Company.

The amendments were adopted, and, under a suspension of the rule, the Bill passed its several readings and was ordered to be engrossed.

Mr. Crawford, from the Committee on Cherokee Lands, reported favorably, with amendments, on

House Bill 265, to amend the Act of 1866, in relation to the bridge across Notla river.

The amendments were adopted, and, under a suspension of the rule, the Bill passed its several readings and was ordered to be engrossed.

On motion of Mr. May, Bill (S. 256—H. 441,) amendatory of the Act to change the jurisdiction of the Courts, &c., was taken up.

The Bill passed its second reading, and, being read the third time,

Mr. Crawford, of Macon, moved to amend by adding the following section, viz:

"*Be it further enacted*, That all laws, and clauses of laws, heretofore enacted, imposing penalties upon Clerks and Sheriffs for failing to discharge any of the duties imposed

upon them in civil cases, be and the same are hereby repealed."

Which was not adopted.

Mr. Morehead moved that the Bill be referred to the Judiciary Committee; which did not prevail.

Mr. Patton moved to amend the ratifying clause by striking out "ten days' and inserting "twenty days." Lost.

Mr. Durham moved to amend the ratifying section, by striking out all after the enacting clause, and inserting:

"That this Act shall take effect and be in force from and after the expiration of ten days from the date of its ratification."

Mr. Houston moved to lay the amendment on the table.

And the question thereon was put and decided the negative—Yeas 35, Nays 42.

Mr. Houston demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Baker, Beasley, Boyd, Bryson, Carson, Clement, Collins, Crawford of Macon, Crawford of Rowan, Davis, Garrett, Granbery, Harper, Hodnett, Horton of Watauga, Houston Hutchison, Kenan, Long, Lowe, Martin, McClammy, Morehead, Patton, Peebles, Perry of Carteret, Reinhardt, Russ, Shelton, Smith of Guilford, Sudderth, Teague, Turnbull and Whitley—35.

Those who voted in the negative were:

Messrs. Autry, Barden, Black, Blair, Blythe, Bowe, Chadwick, Clark, Daniel, Durham, Farrow, Foard, Freeman, Gambril, Godwin, Guess, Henderson, Hinnant, Holderby, Horton of Wilkes, Jenkins of Granville, Kelsey, Latham of Craven, Lee, Lyon, Lutterloh, May, McKay, Moore of Hertford, Morton, Morrisett, Neal, Perry of Wake, Rountree, Scott, Stone, Umsted, Vestal, Waugh, Whitfield, Williams of Harnett, and Williams of Yancey—42.

The amendment was then adopted.

Mr. Peebles moved further to amend the Bill, by adding the following proviso at the end thereof, viz:

"*Provided*, That the provisions of this Act shall not apply to debts or matters *in contractu*, created since May 1, 1865."

Which was adopted.

And the Bill then passed its final reading—Yeas 44, Nays 34.

Those who voted in the affirmative were :

Messrs. Ashworth, Autry, Barden, Black, Blair, Blythe, Bowe, Chadwick, Clark, Daniel, Durham, Farrow, Foard, Freeman, Gambril, Godwin, Guess, Henderson, Hinnant, Holderby, Horton, of Wilkes, Jenkins, of Granville, Kelsey, Latham, of Craven, Lee, Lyon, Lutterloh, May, Moore, of Hertford, Morton, Morrisett, Neal, Perry, of Wake, Rountree, Scott, Stone, Turnbull, Umsted, Vestal, Waugh, Whitfield, Williams, of Harnett, Williams, of Martin, and Williams, of Yancey—44.

Those who voted in the negative were :

Messrs. Allen, Baker, Beasley, Boyd, Bryson, Carson, Clement, Collins, Crawford, of Macon, Crawford, of Rowan, Davis, Garrett, Granbery, Harper, Hodnett, Horton, of Watauga, Houston, Hutchison, Kenan, Long, Lowe, Martin, McClammy, Morehead, Patton, Peebles, Perry, of Carteret, Reinhardt, Russ, Shelton, Smith, of Guilford, Sudderth, Teague, and Whitley—34.

Ordered to be sent to the Senate for concurrence in the amendments.

The hour having arrived for the consideration of the first Special Order, viz : House Bill 438, to establish the Clinton Savings Bank, the same passed its several readings and was ordered to be engrossed.

On motion of Mr. Russ, Bill (S. 181—H. 440) to authorize the Courts of Pleas and Quarter Sessions of Wake County to re-form their financial system, was taken up.

The Bill was amended, on motion of Mr. Russ ; and, having passed its several reading, was sent to the Senate for concurrence in the amendment.

Received a message from the Senate, announcing the adoption of an Engrossed Resolution, viz :

Resolution (S. 257—H. 443) proposing a National Convention.

Mr. Jenkins, of Granville, moved to lay the same on the table.

And the question thereon was put and decided in the negative,—Yeas 17, Nays 57.

Mr. Jenkins, of Granville, demanded the Yeas and Nays.

Those who voted in the affirmative were:

Messrs. Ashworth, Autry, Barden, Beasley, Black, Blair, Blythe, Garrett, Hinnant, Jenkins of Granville, Lyon, Morton, Perry of Carteret, Rountree, Teague, Vestal and Williams of Yancey—17.

Those who voted in the negative were:

Messrs. Baker, Boyd, Bowe, Bryson, Carson, Chadwick, Clark, Clement, Collins, Crawford of Macon, Crawford of Rowan, Daniel, Davis, Durham, Foard, Gambril, Godwin, Granbery, Guess, Harper, Henderson, Hodnett, Holderby, Horton of Watauga, Horton of Wilkes, Houston, Hutchison, Kelsey, Kenan, Latham of Craven, Long, Lowe, Lutterloh, May, Martin, McClammy, McKay, Moore of Hertford, Morehead, Morrisett, Neal, Patton, Peebles, Perry of Wake, Reinhardt, Russ, Scott, Shelton, Smith of Guilford, Stone, Sudderth, Turnbull, Umsted, Waugh, Whitfield, Whitley, and Williams of Harnett—57.

The resoultion was then adopted and ordered to be enrolled.

The hour having arrived for the consideration of the second special order, viz: Bill (S. 199—H. 410) in regard to repairs on the Executive Mansion, the same was read, when

Mr. Blair moved to amend by striking out "$5000" and inserting "$300;" which did not prevail.

The Bill passed its second reading, and, being read a third time,

Mr. Bryson moved to amend, by striking out "$5000;" which was not adopted.

The Bill was ordered to enrolment.

On motion of Mr. Granbery,

Resolution (H. P. 138) in favor of Jesse B. Lee, late Sheriff, &c., was taken up; and the amendments of the Committee being adopted, it passed its several readings and was ordered to be engrossed.

Mr. McKay offered the following Resolutions, viz:

"*Resolved*, That the Joint Resolution, by which the two Houses of the General Assembly have agreed to adjourn on Monday, the 4th of March, to meet again in August next, be and the same is hereby rescinded.

Be it further Resolved, That the General Assembly will adjourn on Monday, the 4th of March, at 6 o'clock, A. M., to meet again at any time his Excellency, the Governor, by and with the advice and consent of his Council, may deem it necessary, to take action in reference to calling a Convention of the people of the State to consider our Federal Relations."

Mr. Blair moved that the Resolutions be laid upon the table; which did not prevail.

The Resolutions were then adopted, and ordered to be sent to the Senate for concurrence.

On motion, the House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, March 2, 1867.

Received a message from the Senate, concurring in the recommendation of Justices of the Peace for the County of Cleveland.

Also, announcing the passage by the Senate of the engrossed Resolution (H. P. 140) in favor of James M. Neal, with amendments, in which the concurrence of the House was asked.

The House concurred and the Senate was informed thereof.

Also, announcing the concurrence of the Senate in the House amendment to Bill (S. 256,—H. 441) amendatory of the Act to change the jurisdiction of the Courts, &c.

Ordered to be enrolled.

The Calendar of Bills on their third reading was taken up, and the following dispositions made, viz:

Bill (S. 98,—H. 213) concerning the maintenance of Bastard Children. Ordered to enrolment.

Bill (S. 160,—H. 408) to amend the Charter of the Raleigh and Gaston Rail Road Company:

Mr. Davis moved to amend, by striking out the words "own not less than ten shares of stock," and inserting, in lieu thereof, the words, " be a stockholder."

Which was adopted; and

The Bill passed and was sent to the Senate for concurrence in the amendment.

House Resolution 257, in relation to testing the legality of the Cotton tax: Tabled, on motion of Mr. Whitfield.

The Calendar of Bills, &c., on their second reading was taken up.

Tabled:

Resolution (H. P. 70) in favor of W. L. Steele; and

Resolution (H. P. 135) in favor of C. Perkins.

Ordered to be engrossed and sent to the Senate:

Bill (H. P. 134) to incorporate the Cranbery Mining and Manufacturing Company.

Passed several readings and ordered to be enrolled:

Bill (S. P. 125,—H. P. 130) to incorporate Wiccacon Lodge, 240, A. Y. M.;

Bill (S. 159—H. P. 131) to incorporate the Capital Stock of Clarendon Bridge Company;

Bill (S. P. 122—H. P. 132) to incorporate the Charlotte Water Works;

Bill (S. P. 169—H. P. 139) for the relief of the County Court Clerk of Beaufort County;

Bill (S. 187—H. 425) to incorporate the Colored Educational Society of North Carolina;

Bill (S. 226—H. 426) to authorize the Justices of the Courts of Pleas and Quarter Sessions of Robeson County to appoint a special magistrate;

Resolution (S. 211—H. 427) concerning wounded and disabled soldiers;

Bill (S. 219—H. 428) to amend section 3, chapter 7, Revised Code;

Bill (S. 228—H. 430) to authorize the Mayors, &c., of incorporated towns and cities to enforce the collection of fines, &c.; and

Bill (H. 173—H. 431) to harmonize and give through freight and travel on the various Rail Road lines in the State.

Received a message from the Senate, announcing the refusal of that body to concur in the House Resolution proposing to rescind the joint order to adjourn on Monday next, to meet again in August, &c.

Also, announcing the passage, by the Senate, of Bill (H. P. 80) to incorporate the National Loan and Trust Company, with amendments, in which the concurrence of the House was asked.

The House concurred, and the Senate was informed thereof.

Also, announcing the passage of Bill (H. P. 89) to incorporate the Neuse River Ferry Company, with amendments, in which the concurrence of the House was asked.

The House concurred and the Senate was informed thereof.

Mr. Harper introduced a Resolution, viz :

House Resolution 444, to authorize the publication of the Botany of North Carolina, by the Rev. M. A. Curtis ;

Which, under a suspension of the rule, passed its several readings and was ordered to be engrossed and sent to the Senate.

Mr. Waugh moved to take from the table House Resolution 332, directing the re-reporting and re-publication of Winston's reports; which motion prevailed.

The Resolution passed its second reading, and, being placed on its third,

Mr. Foard moved that its further consideration be postponed until the next session ; which was so ordered.

Received a message from the Senate, transmitting the following engrossed Bill and Resolution, and asking the concurrence of the House therein, viz :

Bill (S. P. 185—H. P. 147) to authorize the County of Cumberland and the town of Fayetteville to issue bonds in payment of their indebtedness ; and

Resolution (S. P. 186—H. P. 148) in favor of the Hon. David Outlaw ;

Both of which, under a suspension of the rule, passed their several readings and were ordered to be enrolled.

Mr. Davis introduced the following Resolution, viz :

"*Resolved*, That the thanks of this House are due, and are hereby tendered, to the Hon. R. Y. McAden, for the impartial,

able and efficient manner in which he has discharged the duties of his office, as Speaker of the House of Commons."

Which was unanimously adopted.

Whereupon, the Speaker made his acknowledgments to the House in a feeling and suitable manner.

Mr. Whitfield offered the following Resolution, which was unanimously adopted, viz :

"*Resolved*, That the thanks of the House be unanimously tendered to the Chief and Assistant Clerks for the efficient and capable manner, in which they have discharged their duties."

On motion of Mr. Patton, the House took a recess until 1 o'clock, P. M

ONE O'CLOCK, P. M.

Received a message from the Senate, announcing its concurrence in the amendments to

Bill (S. P. 181—H. 440,) to authorize and empower the County Court of Wake to reform its judicial system ;

And to

Bill (S. 160—H. 408,) to amend the Charter of the Raleigh and Gaston Rail Road Company.

Ordered to be enrolled.

Received the following Engrossed Bills from the Senate :

Bill (S. 35—H. 445,) to repeal that portion of an Act, passed at the session of 1865-'6, which relates to persons committed for fines and costs of criminal prosecution. Tabled, on motion of Mr. Bryson.

Bill (S. P. 158—H. P. 149,) to incorporate Crane's Creek Lodge, No. 213, F. and A. M., in Moore county. Passed several readings and ordered to be enrolled.

Bill (S. P. 177—H. P. 150,) to establish a free Ferry across Pamlico River, opposite the town of Washington: Passed several readings and ordered to be enrolled.

Bill (S. P. 279—H. 446,) to establish a Board of Regents for the Male Colleges of North Carolina. Passed second reading, and, under a suspension of the rule, being read the third time,

Mr. Kenan moved that it be referred to the Committee on Education; which was so ordered.

Received a message from the Senate, announcing the passage of House Bill 231, to incorporate the Flat Swamp, Lock's Creek and Evans' Creek Canal Company, with an amendment, in which the concurrence of the House was asked.

The House concurred, and the Senate was informed thereof.

Mr. Holderby offered the following Resolution, viz:

Resolved, That the thanks of this House are due, and are hereby tendered, to the Clergy of this city, for their ministrations in the House during the present session.

Which was unanimously adopted.

On motion of Mr. Blair, a message was sent to the Senate, proposing to rescind the joint order requiring the holding of night sessions.

The Senate subsequently concurred.

Mr. McKay, by leave, introduced the following Bill:

House Bill 447, supplemental to, and explanatory of, an Act to abolish imprisonment for debt;

Which, under a suspension of the rule, passed its several readings, and was engrossed and sent to the Senate.

On motion of Mr. Crawford, of Rowan, the House adjourned until Monday morning, 5 o'clock.

MONDAY, March 4, 1867.

The Speaker announced the ratification of a number of enrolled Bills.

Received a message from the Senate announcing that, the hour having arrived, it was ready to execute the joint order in regard to adjournment.

Whereupon, the Speaker announced that the House of Commons would adjourn until the third Monday in August, 1867.

R. Y. McADEN,
Speaker.

Seaton Gales,
Clerk,

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