HOUSE JOURNAL,

1844-45.
At a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday, the eighteenth day of November, in the year of our Lord one thousand, eight hundred and forty-four, and in the sixty-ninth year of the Independence of the United States of America—being the day appointed by Law for the meeting of the General Assembly, the following Members of the House of Commons appeared, exhibited their credentials, and were qualified according to Law, viz:

Anson County—Jonathan Trull, James M. Waddill.
Ashe—Benjamin C. Calloway.
Beaufort—Edward Stanly, Frederick Grist.
Bertie—Wm. W. Cherry, Lewis Bond.
Bladen—Heman H. Robinson.
Brunswick—Henry H. Watters.
Buncombe—John A. Fagg, John Thrash.
Burke—Benjamin Burgin.
Cabarrus—Caleb Philer, Thos. H. Robinson.
Caldwell—William Dickson.
Camden—Caleb Barco.
Carteret—David W. Whitehurst.
Caswell—Calvin Graves, James K. Lea.
Chatham—Daniel Hackney, John H. Haughton, John S. Guthrie.
Cherokee—George W. Hayes.
Chowan—Robert T. Paine.
Cleveland—James Y. Hamrick.
Columbus—Nathan L. Williamson.
Cumberland—Duncan Shaw, Benj. F. Atkins.
Currituck—John B. Jones.
Davidson—Benton C. Doughtit, Chas. L. Payne.
Davie—G. A. Miller.
Duplin—Isaac C. Kelly, James G. Dickson.
Edgecomb—Joshua Barnes, Robert R. Bridgers.
Franklin—Wm. K. Martin, James Collins.
Gates—Reddick Gatling.
Granville—Jonathan M. Stone, James T. Littlejohn.
Greene—James G. Edwards.
Guilford—Wm. Doak, Wm. McLean, Jno. A. Smith.
Hastings—Bat. F. Moore, Sterling H. Gee.
Haywood—Joseph Keener.
Henderson—John Clayton.
Hertford—Jacob Sharpe.
Hyde—Wilson Credle.
Iredell—Rufus Reid, Wm. Emerson, Wm. H. George.
Johnston—Jesse Adams, Lumsford Richardson.
Jones—William Foy.
Lenoir—Jesse Jackson.
Macon—Thomas J. Roane.
Martin—Wm. T. Woodward.
Montgomery—Calvin J. Cochran.
Moore—Donald Street.
Nash—Wm. D. Harrison.
Northampton—John B. Odom, David A. Barnes.
Onslow—Edward W. Sanders.
Orange—John B. Leathers, Loftin K. Pratt, Giles Mebane, Chesley F. Faucett.
Perginmons—Thomas Wilson.
Person—John W. Cunningham.
Pitt—Henry F. Harris, Churchill Perkins.
Randolph—Alfred Brewer, Zebedee Rush.
Richmond—Neill McNair.
Robeson—Neill Regan, John McNeill.
Rockingham—Peter Seales, Robt. P. Williamson.
Rowan—John B. Lord, John W. Ellis.
Rutherford—William E. Mills, Toliver Davis.
Sampson—John R. Beaman, David Murphy.
Stanly—Francis Locke.
Tyrrell—Silas Davenport.
Wake—James M. Mangum, Gaston H. Wilder, James B. Shepard.
Washington—David C. Gwynther.
Wayne—Curtis H. Brogden, Elias Barnes.
Wilkes—Jesse A. Gamble, Alexander Church.
Yancey—Samuel Fleming.
A quorum, consisting of a majority of the whole number of Members being present,

Mr. Mills moved that Edward Stanly be appointed Speaker;
And on motion of Mr. J. B. Jones, the name of Calvin Graves was added to the nomination.

The House thereupon proceeded to vote, and upon calling the Roll, the following Members voted for Mr. Stanly, viz.:

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<thead>
<tr>
<th>Messrs. Trull,</th>
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<td>Waddill,</td>
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<td>R. T. Paine,</td>
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<td>Miller,</td>
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<td>Littlejohn,</td>
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<td>Clayton,</td>
<td>Gambill,</td>
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<td>Sharp,</td>
<td>Church,— 63.</td>
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</table>
Those who voted for Mr. Graves, are


Mr. Edward Stanly having received a majority of the whole number of votes, was declared duly elected. When he was conducted to the Chair by Messrs. Mills and J. B. Jones, and made his acknowledgements to the House in an appropriate address.

Mr. Mills moved that the House proceed to the election of Principal Clerk.

Mr. Cherry nominated for the appointment, Charles Manly, of Wake County.

And on motion of Mr. Scales, the name of L. H. Marsteller, of New Hanover, was added to the nomination.

The House thereupon proceeded to vote as follows:
FOR MR. MANLY.

| Messrs. Speaker, | Messrs. Credle, |
| Trull, | Reid, |
| Waddill, | Emerson, |
| Calloway, | George, |
| Grist, | Adams, |
| Cherry, | Foy, |
| Bond, | Roane, |
| Watters, | Cochran, |
| Fagg, | Street, |
| Thrash, | Odom, |
| Burgin, | D. Barnes, |
| Phifer, | Leathers, |
| T. H. Robinson, | Pratt, |
| Wm. Dickson, | Mebane, |
| Barco, | Faucett, |
| Whitehurst, | Ehringhaus, |
| Hackney, | T. Wilson, |
| Haughton, | Harris, |
| Guthrie, | Perkins, |
| Hayes, | Brower, |
| C. L. Payne, | Rush, |
| Washington, | McNair, |
| Prentiss, | Lord, |
| Douthit, | Mills, |
| R. T. Paine, | Davis, |
| Miller, | Locke, |
| Littlejohn, | Poindexter, |
| Doak, | Golding, |
| McLean, | Puryear, |
| Smith, | Brown, |
| Moore, | Davenport, |
| Gee, | Guyther, |
| Keener, | Gambill, |
| Clayton, | Church.—69. |
| Sharp, | |

FOR MR. MARSTELLER.

| Messrs. H. Robinson, | Messrs. Dunn, |
| Graves, | Kirk, |
| Lea, | Harrison, |
| Hamrick, | Nixon, |
Mr. Manly having received a majority of the whole number of votes, was declared duly elected, and entered upon the duties of the office.

Mr. Poindexter moved that James R. Dodge, of Surry, be appointed Assistant Clerk.

And on motion of Mr. Waddill, the name of Jno. D. Cameron, of Cumberland, was added to the nomination.

The House voted as follows:

FOR MR. DODGE.

Messrs. Speaker,
Trull,
Calloway,
Grist,
Cherry,
Bond,
Watters,
Fagg,

Messrs. Emerson,
George,
Adams,
Foy,
Jackson,
White,
Rankin,
Roane,
FOR MR. CAMERON.

Messrs. Waddill, Graves, Lea, Hamrick, R. P. Williamson, Shaw, Atkins, Jones, J. Barnes, Bridgers, Martin, Gatling,

Messrs. Kirk, Street, Nixon, McIntyre, D. Barnes, Sanders, Cunningham, McNeill, Scales, Ellis, Beaman, Murphy,
FOR MR. P. BUSBEE.

Messrs. H. Robinson,        Messrs. Harrison,
Kelly,                      Regan,
J. G. Dickson,              E. Barnes.—7.
Collins,

Mr. Dodge having received a majority of the whole number of votes, was declared duly elected.

And thereupon, the House adjourned until to-morrow morning 10 o’clock.

TUESDAY, NOV. 19, 1844.

On motion of Mr. Guthrie, the House proceeded to the appointment of a Principal Door-keeper.

On motion of Mr. R. T. Paine, Samuel J. Finch was nominated for the appointment.
And on motion of Mr. Graves, the name of James Page was added to the nomination.

The Roll was called, and the following Members voted for

MR. FINCH.

Messrs. Speaker,
Adams,
D. A. Barnes,
Barco,
Bond,
Brower,
Brown,
Burgin,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davis,
Davenport,
W. Dickson,
Douthit,
Doak,
Emerson,
Fagg,
Faucett,
Fleming,
Foy,
Gee,
George,
Golding,
Guthrie,
Grist,
Guyther,
Hackney,
Haughton,
Hayes,
H. F. Harris,
Keener,

Messrs. Leathers,
Littlejohn,
Lord,
Locke,
Mebane,
Miller,
Mills,
Moore,
McNair,
McLean,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Pointdexter,
Pratt,
Prentiss,
Puryear,
Reid,
T. H. Robinson,
Roane,
Rush,
Sharpe,
Smith,
Thrash,
Trull,
Waddill,
Watters,
Washington,
Whitehurst,
T. Wilson,
Gambill,
Ehringhaus.—69.
The following voted for

**MR. PAGE.**

<table>
<thead>
<tr>
<th>Messrs. Atkins,</th>
<th>Messrs. Martin,</th>
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<tr>
<td>J. Barnes,</td>
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<td>H. Robinson,</td>
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<td>Sanders,</td>
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<td>Hamrick,</td>
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<td>Hawkins,</td>
<td>Stone,</td>
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<td>Jackson,</td>
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<td>Jones,</td>
<td>Taliaferro,</td>
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<td>Kelly,</td>
<td>R. P. Williamson,</td>
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<tr>
<td>Kirk,</td>
<td>N. L. Williamson,</td>
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<td>Lea,</td>
<td>Wilder,</td>
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<td>Lemmond,</td>
<td>N. Wilson.—44.</td>
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Mr. Finch having received a majority of the whole number of votes, was declared duly elected.

Mr. Tod R. Caldwell, one of the Members representing the County of Burke, was qualified and took his seat.

Mr. T. Wilson moved that the House do now vote for an Assistant Door-keeper.

The motion prevailed, and the following persons were nominated for the place:


The House voted as follows:
FOR MR. ANDERSON.

Messrs. Atkins
E. Barnes,
J. Barnes,
Beanan,
Bridgers,
Brame,
Brogden,
Caldwell,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmond,
Lord,
Mangum,
Mitchell,
Murphy,
McIntyre,
McNeil,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shepard,
Shaw,
Taliafero,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Wilder.—45.

FOR MR. LOVELL.

Messrs. D. A. Barnes,
Brown,
Burgin,
Calloway,
Church,
W. Dickson,
Douthit,
Ehringhaus,
Emerson,
Gambill,
George,

Messrs. Golding,
Hayes,
Miller,
Mills,
McNair,
Phifer,
Poindexter,
Puryear,
Roane,
Sharp.—21.
FOR MR. MOORE.

Messrs. Speaker, Adams, Bond, Credle, Davenport, Fagg, Foy, Guthrie, Grist, Guyther,


FOR MR. HINSHAW.

Messrs. Brower, Cochran, Davis, Hackney, Locke, T. H. Robinson,

Messrs. Rush, Street, Thrash, Waddill, White.—11.

FOR MR. GILLESPIE.

Messrs. Clayton, Doak, Jackson, McLean, C. L. Payne,


FOR MR. CHEEK.

Messrs. Faucett, Haughton, Leathers,

Messrs. Mebane, Pratt.—5.

FOR MR. JONES.

Messrs. Barco, Collins, Gee, Keener,

No person having received a majority of the whole number of votes, the House, on motion of Mr. Clayton, voted again as follows:

FOR MR. ANDERSON.

Messrs. Atkins, E. Barnes, J. Barnes, Beaman, Brame, Brogden, Collins, Cunningham, J. G. Dickson, Dunn, Edwards, Ellis, Fleming, Gatling, Graves, Hamrick, Harrison, Hawkins, Jones, Kelly, Kirk, Lea,

Messrs. Lemmond, Martin, Mangum, Mitchell, Murphy, McIntyre, McNeill, Nixon, Rankin, Regan, Reinhardt, Richardson, H. Robinson, Sanders, Scales, Shepard, Shaw, Taliaferro, White, N. L. Williamson, R. P. Williamson, Wilder.—44.

FOR MR. LOVELL.

Messrs. D. A. Barnes, Bridgers, Brown, Burgin, Calloway, Caldwell,

Messrs. George, Golding, Hayes, Lord, Mills, McNair,
FOR MR. MOORE.

Messrs. Speaker,
Adams,
Barco,
Bond,
Credle,
Davenport,
Fagg,
Guthrie,
Grist,
Guyther,
Harris,
Jackson,

Messrs. Leathers,
Moore,
Miller,
Odom,
R. T. Paine,
Perkins,
Pratt,
Prentiss,
Trull,
Washington,
Whitehurst,
T. Wilson.—24.

FOR MR. HINSHAW.

Messrs. Brower,
Clayton,
Cochran,
Davis,
Hackney,
Haughton,

Messrs. Locke,
T. H. Robinson,
Rush,
Street,
Thrash,
Waddill.—12.

FOR MR. GILLESPIE.

Messrs. Doak,
McLean,
C. L. Payne,

Messrs. Smith,
Watters.—5.
No one having received a majority of the whole number of votes, the House, on motion of Mr. Puryear, voted a third time as follows; the name of Mr. Gillespie having been withdrawn:

FOR MR. LOVELL.


FOR MR. MOORE.

Messrs. Speaker, Adams, Barco, Messrs. Jackson, Leathers, Mangum.
Bond, Credle, Davenport, Foy, Gee, Guthrie, Grist, Guyther, Hackney, Haughton, H. F. Harris,


FOR MR. ANDERSON.

Messrs. E. Barnes, Beaman, Brame, Collins, Cunningham, J. G. Dickson, Dunn, Edwards, Ellis, Fleming, Gatling, Graves, Hamrick, Harrison, Hawkins, Kelly,

Messrs. Kirk, Lea, Lemmond, Martin, Mitchell, Murphy, McIntyre, Rankin, Regan, Richardson, H. Robinson, Sanders, Shaw, Taliaferro, Wilder.—31.

FOR MR. JONES.

Messrs. Littlejohn, Reinhardt, Stone,

Messrs. N. Wilson, T. Wilson.—5.

FOR MR. HINSHAW.

Messrs. Brower, Cochran,

No person having received a majority of the votes, Mr. Haughton moved that the House proceed immediately to vote again for this officer.

The motion was agreed to, and the names of Messrs. Anderson, Hinshaw, and Jones were withdrawn from the nomination; and the House voted as follows:

**FOR MR. LOVELL.**

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<tr>
<th>Messrs. Atkins,</th>
<th>Messrs. Littlejohn,</th>
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<td>E. Barnes,</td>
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<td>Hayes,</td>
<td>Smith.</td>
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Mr. Lovell having received a majority of the whole number of votes, was declared duly elected Assistant Door-keeper.

Mr. Moore moved that the Rules of Order of the last House of Commons be deemed and held in force until others are adopted.

On motion of Mr. Puryear,

Resolved, That a Committee of five be appointed, to prepare Rules of Order for the government of this House the present Session.
On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, informing that body of the organization of this House; and that the Commons are now ready to co-operate with that House, in the despatch of business.

On motion of Mr. T. Wilson,
The House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, NOV. 20, 1844.

Under the Resolution of yesterday, the Speaker appointed the following Committee on Rules of Order, viz: Messrs. Putyear, Mills, Moore, Graves and J. Barnes.

Mr. Moore, on behalf of said Committee, reported in part, recommending the adoption of the following Rule of Order, viz:

Six standing Committees shall be appointed, viz: A Committee on Claims, a Committee on Propositions and Grievances, a Committee on Education, a Committee on Agriculture, a Committee on Internal Improvement, and a Committee on Privileges and Elections. Each of said Committees shall consist of eleven members—one from each Electoral District; to be appointed by the Members from the Counties composing said District.

The report was concurred in, and the Rule adopted; and the House, in pursuance thereof, proceeded to the appointment of the Standing Committees, as follows:
CLAIMS.—Consisting of

Messrs. T. Wilson,  Messrs. Haughton,  Clayton.
Harrison,  Mebane,  # #
Hawkins,  Miller,  # #
Brogden,  Phifer,  
McNair,  Reid,  # #

PROPOSITIONS AND GRIEVANCES.

Messrs. Jones,  Messrs. Lord,  
Davenport,  Locke,  
Littlejohn,  Graves,  
Adams,  Scales,  
H. Robinson,  White,  
Fagg.  # #

EDUCATION.

Messrs. Cherry,  Messrs. Guthrie,  Mills.
Harris,  Cunningham,  
Shepard,  C. L. Payne,  
J. G. Dickson,  Waddill,  
Watters,  Caldwell,  

AGRICULTURE.

Messrs. Bond,  Messrs. Street,  Roane.
Grist,  Doak,  
Collins,  Golding,  
Jackson,  T. Robinson,  
Murphy,  W. Dickson,  # #
INTERNAL IMPROVEMENT.

Messrs. Ehringhaus,
Guyther,
Moore,
Washington,
Regan,

Messrs. Brower,
McLean,
Puryear,
Kirk,
Church,
Fleming.

MESSRS. ERHINGHAUS, 
GUYTHER, 
MOORE, 
WASHINGTON, 
REGAN,

Messrs. Barco,
J. Barnes,
Martin,
Foy,
McIntyre,

Messrs. Atkins,
Faucett,
Taliaferro,
Dunn,
Ellis,
Keener.

PRIVILEGES AND ELECTIONS.

On motion, the House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Nov. 21, 1844.

The House met in pursuance of adjournment, and on motion, adjourned until to-morrow morning 10 o'clock.

FRIDAY, Nov. 22, 1844.

The House met in pursuance of adjournment, and on motion, adjourned until to-morrow morning 11 o'clock.
The Speaker announced the appointment of the following Committees:

**COMMITTEE ON THE JUDICIARY.**


**COMMITTEE ON PRIVATE BILLS.**


**COMMITTEE OF FINANCE.**

Messrs. Mills, Cherry, Poindexter, Mebane, Messrs. Haughton, Atkins, Ellis, Jones.

**COMMITTEE ON THE LIBRARY.**

Messrs. Guthrie, Ellis, and R. P. Williamson.

Mr. Puryear, from the Committee heretofore appointed to prepare and report Rules of Order for the government of the House, and for conducting the business thereof, made a Report.
The Report was read and concurred in, and the following, adopted as the

RULES AND ORDER

OF CONDUCTING BUSINESS IN

THE HOUSE OF COMMONS.

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House, on the preceding day, shall have adjourned; shall immediately call the members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say, Aye:" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall rise from their seats; and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side of the question, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side of the question, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.
6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day unless the House shall otherwise direct.

9. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker or some member of the House; and the range of pillars in front of the Speaker’s Chair shall be considered the bar of the House.

12. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

13. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of. All elections by the House shall be viva voce, unless there be but one nominee, in which case appointments may be made on motion; and on such elections, the roll shall be called a second time for absentees before the result is announced.

OF DECORUM AND DEBATE.

14. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

15. When the Speaker shall call a member to order, he shall sit down; as also he shall when called to order by another member,
unless the Speaker decide the point of order in his favor. By leave of the House, the member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands, but by permission of the House. Any member may appeal from the decision of the Chair; and if, upon the appeal, the decision be in favor of the member called to order, he may proceed. If otherwise, he shall not, except by leave of the House; and if the case, in the judgment of the House, require it, he shall be liable to its censure.

16. When two or more members rise at the same time, the Speaker shall name the member to speak.

17. No member shall speak more than twice on the same question, without leave of the House.

18. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up or walk out or across the House; nor when a member is speaking, entertain private discourse, stand up, or pass between him and the Chair.

19. No member shall vote on any question, touching his right to a seat in the House, or on the passage of any private bill or resolution in the event of which he is immediately and directly interested, or in cases where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

20. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

21. When a motion is made and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn before a decision or amendment.

24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.
25. A motion to adjourn shall always be in order, except when the House is voting, or some member speaking, and shall be decided without debate.

26. When a question is postponed indefinitely, the same shall not be acted upon again during the Session.

27. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

28. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

29. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

30. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

31. No Bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House or sent to the Senate until the time for re-consideration shall have elapsed.

32. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

33. No member shall be called upon for words spoken in the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

34. Any twenty members, including the Speaker, shall be authorized to compel the attendance of absent members.

35. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

36. Any member may excuse himself from serving on any Committee at the time of his appointment, if he is a member of two Standing Committees.
37. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted, upon motion, to vote.

38. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two-thirds of the House shall be required.

COMMITTEES.

39. Six standing Committees shall be appointed at the commencement of the session, viz: A Committee on Claims, a Committee on Propositions and Grievances, a Committee on Education, a Committee on Agriculture, a Committee on Internal Improvement, and a Committee on Privileges and Elections. Each of said Committees shall consist of eleven members—one from each Electoral District; to be appointed by the Members from the Counties composing said District. In addition to the above standing Committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the Committee on Private Bills.

40. A select standing Committee, consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the Committee on the Judiciary."

41. Select Committees shall consist of five members. It shall be the duty of the person first named on any Committee to cause the members of the Committee to convene when necessary, and when so convened, they shall appoint some one of their number Chairman.

42. In forming a Committee of the whole House, the Speaker shall leave his chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

43. 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 preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

44. 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.

45. 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 times of speaking.

46. In a Committee of the whole House, a motion that the Committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

47. Every bill shall be introduced by motion for leave, or by order of the House on the report of a Committee.

48. 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 the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

49. Upon the second reading of the bill, the Speaker shall state it as ready for commitment or amendment.

50. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two-thirds of the members present.

51. 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.

52. 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 said repealing bill, unless required by one-third of the House.

53. When a bill has been once rejected, no other of the same purport shall be introduced again during the session.

54. The Clerk of the House shall be deemed to continue in office until another is appointed.

EDWARD STANLY,
Speaker of the House of Commons.

By order,
CHARLES MANLY, Clerk.
Received from the Senate a message, informing of the organization of their body, by the appointment of Burgess S. Gai-ther, of Burke, as Speaker, Thos G. Stone, Clerk, Perrin Busbee, Clerk Assistant, and James M. Page and Patrick McGowan as Door-keepers; and that they are now ready to proceed to the despatch of the public business.

Mr. Waddill presented the following Resolution:

Resolved, That John McNeill, Esq. one of the sitting members from the County of Robeson, has not the necessary qualifications required by the Constitution of this State, to entitle him to a seat on this floor. Be it therefore Resolved, That his seat be, and the same is hereby vacated.

The said Resolution was read, and on motion of Mr. Waddill, referred, together with sundry documents and affidavits accompanying, to the Committee on Privileges and Elections.

On motion of Mr. Th. Wilson,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee, to be composed of two members on the part of each House, whose duty it shall be to wait upon His Excellency, Gov. Morehead, and inform him of the organization of both branches of the Legislature, and of their readiness to receive any communication he may wish to make.

Received from the Senate a message, concurring in the proposition, and informing that Messrs. Elliott and Cameron form the Committee on the part of the Senate.

Ordered that Messrs. Th. Wilson and Lea compose said Committee on behalf of the Commons.

Mr. R. T. Paine presented the following Resolution, which was read and adopted:

Resolved, That a Select Committee, to consist of seven members, be appointed, to enquire if any and what amendments are necessary to the 123d Chapter of the Acts of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property, and that said Committee report by Bill or otherwise.

Said Committee consists of Messrs. R. T. Paine, Whitehurst, Credle, Watters, Nixon, Sanders, and J. B. Jones.
On motion of Mr. Mills,

Resolved, That a message be sent to the Senate, proposing to print in pamphlet form, the Constitution of the United States, the Constitution of this State, the Rules of Order of the Senate and House of Commons, and the Joint Rules of both Houses; one copy for each member of the Assembly—one copy for each of the Clerks of the two Houses, and ten copies for the State Library.

The Report of the Comptroller of Public Accounts on the fiscal operations of the Treasury Department, was laid before the House, And on motion of Mr. Lord,

Resolved, That a message be sent to the Senate, proposing to print in pamphlet form, the Comptroller's Report for the fiscal year ending 1st Nov. 1843; one copy for each member, &c.

Mr. Regan presented a Resolution in favor of Jno. Sinclair and Mr. Fleming;

A Resolution in favor of Thomas Wilson.

These Resolutions were read the first time, passed, and referred to the Committee on Claims.

Mr. Th. Wilson, from the Joint Select Committee appointed to wait upon His Excellency, the Governor, reported that the Committee had discharged their duty, and were authorized to say, that the Governor would, on Monday next at 12 o'clock, make a communication in writing to the General Assembly.

On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing that the two Houses do proceed immediately to the election of three Engrossing Clerks.

The proposition was agreed to, and the following persons were nominated for the appointment, viz:


A message from the Senate, concurring in this proposition, and informing that Messrs. Albright and Drake compose their branch of the Committee to superintend the election.
Ordered that said Committee on behalf of the Commons, consist of Messrs. Caldwell and Scales.
The House proceeded to vote.

FOR MR. T. S. CLARK.

Messrs. Speaker,
Adams,
J. Barnes,
Credle,
Edwards,
Foy,
Grist,
Harris,
Jackson,

Messrs. Kelly,
Moore,
Perkins,
Prentiss,
Shepard,
Washington,
Watters,
Whitehurst,

FOR MR. WADDELL.

Messrs. Speaker,
D. A. Barnes,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Credle,
Doak,
Ehringhaus,
Emerson,
Faucett,
Foy,
Gambill,
Gee,
George,
Guthrie,
Guyther,

Messrs. Hackney,
Haughton,
Hayes,
Leathers,
Littlejohn,
Locke,
Mebane,
Mills,
Moore,
Odom,
R. T. Paine,
Pratt,
Puryear,
Roane,
Sharp,
Smith,
Street,
Trull,
Waddill,
Watters.—40.

FOR MR. CAMERON.

Messrs. Speaker,
D. A. Barnes,
J. Barnes,

Messrs. McNair,
McNeill,
Odom,
FOR MR. WALKER.

Messrs. Adams,
Bond,
Davenport,
Grist,
Guyther,

Messrs. Kelly,
Perkins,
Smith,
T. Wilson.—9.

FOR MR. SIMMONS.

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brame,
Bridgers,
Cherry,
Cochran,
Collins,
Davenport,
Ellis,
Gee,
Haughton,
Jones,
Littlejohn,

Messrs. Locke,
Martin,
Moore,
McLean,
Odom,
Phifer,
Regan,
H. Robinson,
Sharpe,
Stone,
Watters,
Whitehurst,
N. L. Williamson,
N. Wilson,
T. Wilson.—30.

FOR MR. HOLDERBY.

Messrs. Brame,
Brown,
Calloway,
Church,
Collins,
Crede,
Cunningham,

Messrs. Mebane,
Miller,
Mitchell,
McIntyre,
McLean,
Nixon,
C. L. Payne,
W. Dickson, Poindexter,  
Doak, Puryear,  
Emerson, Rankin,  
Pagg, Reinhardt,  
Faucett, Richardson,  
Gatling, Roane,  
Golding, Scales,  
Graves, Smith,  
Grist, Taliafero,  
Hamrick, Thrash,  
Hayes, Trull,  
Kirk, White,  
Lea, R. P. Williamson.—41.  
Lord,  

FOR MR. LUMSDEN.  
Mr. Brogden.  

FOR MR. J. CLARK.  
Messrs. Brown, Messrs. Lord,  
Clayton, Miller,  
Ellis, C. L. Payne,  
Emerson, Phifer,  
Gamblill, Poindexter,  
Golding, Puryear,  
Guyther, Reid,  
H. F. Harris, Reinhardt,  
Hayes, T. H. Robinson,  
Keener, Whitehurst.—21.  
Kirk,  

FOR MR. NELSON.  
Messrs. Cherry, Messrs. Shepard,  
Murphy, Washington,  
Prentiss, N. Wilson.—6.  

FOR MR. FOREST.  
Mr. Mitchell.
FOR MR. RUSS.

Messrs. Burgin, Caldwell, Davis, W. Dickson, Doak, Dunn, Ehringhaus, Fagg, Faucett, Gee, Guthrie, Hamrick, Harrison, Keener, Leathers,

Messrs. Lemmond, Littlejohn, Mangum, Martin, Mebane, Mills, McLean, McNair, C. L. Payne, Pratt, Rankin, Sanders, Stone, White, N. Wilson.—30.

FOR MR. THOMAS.

Messrs. Atkins, E. Barnes, J. Barnes, Beaman, Brame, Bridgers, Brogden, Collins, Cunningham, J. G. Dickson, Dunn, Edwards, Ellis, Fleming, Galling, Graves, Hamrick, Harrison, Jackson, Jones, Kelly, Kirk, Lea,

FOR MR. McCUMMEN.

Messrs. Atkins,
E. Barnes,
Beaman,
Brower,
Cochran,
J. G. Dickson,
Foy,
Locke,
Murphy,
McIntyre,

FOR MR. POTTER.

Messrs. Atkins,
Barco,
Cochran,
Davenport,

Messrs. McNair,
McNeill,
R. T. Paine,
Prentiss,
Richardson,
Rush,
Street,
Washington,
R. P. Williamson.—20.

FOR MR. LEWIS.

Messrs. Barco,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Davis,
Wm. Dickson,
J. G. Dickson,
Douthit,
Fagg,
Fleming,
Gambill,
Gatling,

FOR MR. GUNTER.

Messrs. Beaman,
Guthrie,
Huckney,
Haughton,

Messrs. Harris,
Nixon,
Perkins,
Sanders.—9.

Messrs. George,
Golding,
Jackson,
Keener,
Lord,
Miller,
Mills,
R. T. Paine,
Phifer,
Reid,
Roane,
T. Robinson,
Thrash.—27.

Messrs. Pratt,
Rush,
Waddill.—7.
Mr. Caldwell, from the Committee appointed to superintend this election, reported that no one had received a majority of the whole number of the votes of the two Houses, and that there was no election.

The report was concurred in, and on motion of Mr. Haughton,

Ordered, That a message be sent to the Senate, proposing another vote immediately, for Engrossing Clerks.

Received from the Senate a message, concurring in this proposition, and informing that Messrs. Thompson, (of Bertie,) and Walker form their branch of the Committee.

Ordered that Messrs. R. T. Paine and Brogden compose said Committee on behalf of this House.

The House then voted as follows:

FOR MR. THOMAS.

Messrs. Atkins, E. Barnes, J. Barnes, Beaman, Brame, Bridgers, Brogden, Collins, Cunningham, Messrs. Mangum, Martin, Mitchell, Murphy, McIntyre, McNeill, Nixon, Rankin, Regan,
FOR MR. WADDELL.

Messrs. Speaker, Adams, Barco, D. A. Barnes, Bond, Brower, Brown, Burgin, Caldwell, Calloway, Cherry, Church, Clayton, Cochrane, Credle, Davenport, Doak, Ehringhaus, Emerson, Davis, Faucett, Foy, Gambill, Gatling, Gee,

FOR MR. HOLDERBY.

Messrs. Adams, Brown, Church, Collins, Cunningham, W. Dickson, Doak, Dunn, Emerson, Faucett, Gatling, Golding, Graves, Grist, Guyther, Hamrick, Harrison, Hayes, Kirk, Lea, Leathers, Lemmond, Lord,


FOR MR. CAMERON.

Messrs. Speaker, Atkins, D. A. Barnes, J. Barnes, Bridgers, Cunningham, J. G. Dickson,

Messrs. Locke, Murphy, McNair, McNeill, Nixon, Odom, H. Robinson,
Edwards, Ellis, Foy, Graves, Harris, Kelly, Lea, Scales, Sharp, Shaw, Street, Trull, Waddill, Watters.—28.

FOR MR. T. S. CLARK.


FOR MR. SIMMONS.

FOR MR. J. CLARK.

Messrs. Atkins,
Brown,
Calloway,
Davenport,
Douthit,
Dunn
Ellis,
Emerson,
Davis,
Gambill,
George,
Guyther,
Harris,

FOR MR. WALKER.

Mr. Credle.

FOR MR. LEWIS.

Messrs. Barco,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Davis,
W. Dickson,
Douthit,
Floming,
Gambill,
George,
Houghton,
Hayes,

Jackson,
Keener,
Lord,
Miller,
Mills,
Mitchell,
McIntyre,
Nixon,
Phifer,
Roane,
T. H. Robinson,
Thrash,
Whitehurst.—27.

FOR MR. DRAKE.

Messrs. E. Barnes,
Beaman,

Messrs. Haynes, Mangum,
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<tr>
<th>FOR MR. RUSS.</th>
<th>FOR MR. McCRUMMEN.</th>
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<tr>
<td>Messrs. E. Barnes, Brane, Brogden, Brower, Clayton, Davis, Douthit, Ehringhaus, Hackney,</td>
<td>Messrs. Leathers, Littlejohn, Mangum, Martin, Mebane, Mills, McNair, R. T. Paine, C. L. Payne, Pratt, Roane, Reinhardt, Sanders, Shepard, Stone, Thrash, White, N. Wilson.—36.</td>
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Mr. Paine, from the Committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election.

The report was concurred in.

Received from the Senate a message, proposing another vote be had immediately for these officers, and informing that Messrs. Lindsay and Holmes form their branch of the Committee to superintend the election.

The message was agreed to.

The names of Messrs. Lumsden, Gunter, Walker, McCrummen, and Forest, were withdrawn from the nomination, and Messrs. Shepard and Guyther appointed a committee on behalf of the House of Commons to superintend the voting.

The House voted as follows:

**FOR MR. WADDELL.**

Messrs. Speaker, Adams, Barco, D. A. Barnes, Bond, Brower, Brown, Burgin, Caldwell, Calloway, Cherry,

Messrs. Haughton, Hayes, Leathers, Littlejohn, Locke, Mebano, Mills, Moore, McLean, McNair, Odom,

FOR MR. THOMAS.

Messrs. Atkins, 
E. Barnes, 
J. Barnes, 
Beaman, 
Brame, 
Brogden, 
Collins, 
Cunningham, 
J. G. Dickson, 
Dunn, 
Edwards, 
Ellis, 
Fleming, 
Gatling, 
Hamrick, 
Harrison, 
Jackson, 
Jones, 
Kelly, 
Kirk, 
Lea, 
Leemond, 
Mangum,

FOR MR. CAMERON.

Messrs. Atkins, 
D. A. Barnes, 
J. Barnes, 
Beaman, 
Bridgers, 
Brower, 
Cochran, 
Credle, 
Cunningham, 
J. G. Dickson,

Messrs. Martin, 
Mitchell, 
Murphy, 
McIntyre, 
McNeill, 
Nixon, 
Rankin, 
Regan, 
Reinhardt, 
Richardson, 
H. Robinson, 
Sanders, 
Scales, 
Shaw, 
Stone, 
Taliafero, 
Thrust, 
White, 
Wilder, 
N. L. Williamson, 
R. P. Williamson, 
N. Wilson.—45.
Edwards, Edwards, Richardson, Richardson, 
Ellis, Richardson, 
Fleming, Rush, 
Foy, Sanders, 
Grist, Scales, 
Hackney, Shaw, 
Harris, Street, 
Kelly, Trull, 
Kirk, Waddill, 
Lea, Washington, 
Locke, Watters, 
Mebane, Wilder.—44.

FOR MR. J. CLARK.

Messrs. Speaker, 
Bridgers, 
Brown, 
Davenport, 
Douthit, 
Dunn 
Ellis, 
Emerson, 
Fagg, 
Gambill, 
Guthrie, 
Guyther, 
Hackney, 
Harris, 
Lemmond, 
Lord, 
Miller, 
Phifer, 
Poindexter, 
Prentiss, 
Puryear, 
Reid, 
Roane, 
Washington, 
White, 
Whitehurst.—26.

FOR MR. T. S. CLARK.

Messrs. Speaker, 
Adams, 
Atkins, 
D. A. Barnes, 
J. Barnes, 
Bond, 
Bridgers, 
Credle, 
Edwards, 
Littlejohn, 
Lord, 
Moore, 
Murphy, 
McLean, 
Perkins, 
Prentiss, 
Richardson, 
Smith,
Foy, 
Grist, 
Harris, 
Jackson, 
Jones, 
Kelly, 

Street, 
Waddill, 
Washington, 
Watters, 
Whitehurst, 

FOR MR. RUSS.

Messrs. E. Barnes, 
Brame, 
Brogden, 
Caldwell, 
Calloway, 
Cherry, 
Clayton, 
Cochran, 
Collins, 
Davis, 
Doak, 
Ehringhaus, 
Faucett, 
Fleming, 
Foy, 
Gee, 
Guthrie, 
Harrison, 
Jones, 
Kirk,

Messrs. Leathers, 
Littlejohn, 
Locke, 
Mangum, 
Martin, 
Mebane, 
Miller, 
Mills, 
McNeill, 
R. T. Paine, 
C. L. Payne, 
Pratt, 
Prentiss, 
Regan, 
Rush, 
Sharp, 
Shaw, 
Stone, 
Wilder, 
N. Wilson.—40.

FOR MR. DRAKE.

Messrs. E. Barnes, 
Beaman, 
Brogden, 
Brower, 
Davis, 
Ehringhaus, 

Messrs. Mangum, 
T. Robinson, 
Rush, 
Shepard, 
Taliafero, 
N. L. Williamson.—12.
Mr. Shepard, from the Committee of Election of Engrossing Clerks, reported that Maurice Q. Waddell had received a majority of the votes for Engrossing Clerk, and is therefore elected; and that there is no election as to the others.

Which report was concurred in by the House.

On motion, leave of absence from the service of the House from and after this day until Wednesday next, was granted to Mr. Mebane.

On motion, the House adjourned until Monday morning 10 o'clock.
Monday, Nov. 25, 1844.

The House met pursuant to adjournment.

A report from W. Hill, Secretary of State, was received and read, and on motion of Mr. Poindexter, ordered to be sent to the Senate.

On motion of Mr. Clayton,

Ordered, That a message be sent to the Senate, proposing to go into an immediate election for two Engrossing Clerks; and informing them that the name of Jeremiah Clark is withdrawn from the nomination.

Received from the Senate a message, concurring in this proposition, and informing that Messrs. Drake and Forest are withdrawn from the nomination; and that Messrs. Smith and Exum form the Committee on the part of the Senate, to attend to said election.

Ordered, that Messrs. Guthrie and Nixon superintend said election on the part of this House.

The House then proceeded to vote as follows:

FOR MR. LEWIS.

**FOR MR. SIMMONS.**

| Messrs. Atkins, D. A. Barnes, Bridgers, Brower, Cochran, Cunningham, Ehringhaus, Ellis, Grist, Guthrie, Hackney, Harris, Haughton, Leathers, Locke, Lord, Murphy, |

**FOR MR. CAMERON.**

| Messrs. Brame, Brower, |

**FOR MR. HOLDERBY.**

| Messrs. Hayes, Jackson, |
| Messrs. Brame, Brower, |
FOR MR. T. S. CLARK.

Messrs. Speaker,
Adams,
Atkins,
Barco,
D. A. Barnes,
Bond,
Cherry,
Credle,
Davenport,
Doak,
Edwards,
Ehringhaus,
Foy,
Grist,
Guyther,

FOR MR. THOMAS.

Messrs. E. Barnes,
J. Barnes,

Messrs. Mangum,
Martin,
Mr. Guthrie, from the Committee, reported that no one had received a majority of the whole number of votes, and that there was no election.

Which report was concurred in.

Mr. Adams, of Johnston, introduced a Bill to make Real Estates assets.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

On motion of Mr. Cherry,
Ordered, That a message be sent to the Senate, proposing to ballot on to-morrow at 11 o'clock, for a Solicitor of the First Judicial Circuit, and informing that the name of David Outlaw is in nomination for the office.

Received from the Senate a message, concurring in this proposition.

Received from His Excellency, John M. Morehead, the Governor of the State, by his Private Secretary, Mr. Pryor Reynolds, the following communication.

Which was read, and on motion of Mr Caldwell, ordered to be sent to the Senate, with a proposition that Ten copies be printed for each member.

Mr. Wilson moved that Five copies be printed instead of Ten.

Which motion did not prevail.

Received from the Senate a message, refusing to concur with this House in printing Ten copies, and proposing to print Five copies for each member of the Legislature.

Which proposition of the Senate was concurred in.

MESSAGE OF

HIS EXCELLENCY, JOHN M. MOREHEAD,

TO THE

GENERAL ASSEMBLY

OF NORTH CAROLINA,

At the commencement of the Session of 1844.

Gentlemen of the Senate
and of the House of Commons:

Your biennial return to the seat of Government for the purposes of legislation, as the representatives of a free and happy people, is always an occasion of interest to the patriot, and one of gratitude to Him, whose kind Providence directed our fathers in the paths
of political wisdom, and cast our lots in this favored and happy land. May we not hope for a continuance of the same favors, by walking in the same paths, and devoutly asking of Him that guidance and purity of purpose which will lead to wholesome and wise legislation.

Many subjects of importance will engage your attention, but whether you deem this a proper time to act upon all of them, is a matter for your deliberate consideration.

PUBLIC FINANCES.

The condition of the Public Treasury should especially engage your attention. The appropriations made at the session before the last, to discharge the debt due for building the Capitol, so far exhausted the public fund, that it was insufficient to meet the current expenses of the government; and the Public Treasurer was directed to borrow of the Literary and Internal Improvement Boards what money might be needed to meet those expenses.

Reference to his report to the last Legislature and to his monthly settlements with the Comptroller, will show the amount of the Literary fund used by him, and the amount that was kept on hand for his use; as it was deemed better that the State should use these funds, than go elsewhere to borrow.

The current expenses of the State and the long session of the last Legislature, left the public Treasury, at its rise, nearly or quite exhausted, except as to the funds belonging to the Boards.

The last Legislature, aware of the condition of the Treasury, and, being called upon to make provision to meet the payment of $50,000 of the Bonds of the Wilmington and Raleigh Rail Road falling due in Jan. 1843, and endorsed by the State, directed the Literary Board to redeem those Bonds; and, finding it necessary likewise to make provision to meet the interest falling due on the bonds of the Raleigh and Gaston Rail Road Company, endorsed by the State, and to raise funds to meet the current expenses of the State until the taxes of 1843 should be paid into the Treasury, authorized the public Treasurer to borrow the sum of $50,000 from one of the Boards or of the Banks of the State; and, being likewise desirous to do something for the relief of the people, it directed the Literary Board to loan out its funds. At the time these requirements of the Board were made, it had less than $50,000 in the Treasury, about $100,000 in bonds upon individuals, and the balance of its funds in stocks and permanent securities.
The Literary Board, desirous to meet that high confidence manifested by the Legislature in their financial skill, pressed collections, and with the cash in hand redeemed the $50,000 of Rail Road bonds; and by the assistance of the funds of the Board of Internal Improvement, and those the Literary Board had been able to pay into the Treasury, the public Treasurer has been enabled to meet all demands at the Treasury, without borrowing elsewhere, notwithstanding $50,000 of the bonds of the Wilmington and Raleigh Rail Road, which fell due in January, 1844, endorsed by the State, had to be paid by the Treasurer.

The Literary Board did not believe that it was intended by the Legislature that its stocks and other securities should be sold to raise a fund to be loaned to the people; and however much the Board regretted the disappointment so many were destined to experience (for applications for loans were very numerous,) it was unable to avoid it and render the State, to which the Board owed its first duty, that aid which it needed.

It is evident, upon the slightest reflection, how embarrassing it is to the Boards charged with the management of the Literary and Internal Improvement funds, to be required to hold those funds subject to the requirements of the Public Treasury, and to be prevented from investing them in some profitable and permanent investment, whereby a large amount of interest is lost.

I therefore recommend that ample and permanent provision be made to supply the Public Treasury, and that whatever interest ought justly to be due to the two Boards, upon their funds kept in the Treasury for the public service, be paid over to the Literary Board, to go into the distribution fund for the use of "Common Schools."

RAIL ROADS.

As the embarrassments of the Treasury arise in part from the connection of the State with our Rail Roads, it becomes a matter of absorbing interest to devise the means whereby their usefulness to the public may be continued, and the State at the same time sustain no detriment on account of her liabilities for these Roads.

The difficulties under which these Roads labor, arise from their indebtedness for their construction. The Wilmington and Raleigh Rail Road, including the sea route to Charleston, cost some two millions of dollars, while the stock paid in amounted to about thirteen hundred and fifty thousand dollars only, leaving the balance of the cost of construction a debt against the corporation, the in-
terest of which absorbs a large portion of its receipts. So of the Raleigh and Gaston Rail Road. It cost about one million, five hundred thousand dollars, while its stock paid in was only about six hundred and fifty thousand dollars, leaving the balance of its cost of construction a debt against the corporation, the interest of which absorbs all its receipts, after defraying the current expenses.

To aid these corporations, the State, under acts of the Legislature, passed for the purpose, endorsed for the latter $800,000 dollars of its bonds, none of which are yet due; and for the former $300,000 of its bonds, half of which have fallen due and been paid or redeemed—$50,000 by the corporation itself; $50,000 have been redeemed by the Literary Board, as directed by the Legislature; $50,000 have been paid by the Public Treasurer; and $50,000 continues to fall due each succeeding January, until all fall due; to meet which, the Legislature must make provision in the event the corporation fails to pay.

To secure the State against any loss upon these endorsements, deeds of mortgage have been executed, as required by the acts, upon all the property and effects of these Roads. It is respectfully submitted to your wisdom to adopt such course, in relation to these Roads, as will secure the public interest.

In regard to the Wilmington and Raleigh Rail Road, it should be remembered that the State is owner of $600,000 of its capital stock; and, therefore, whatever course may be pursued, as to the State’s liability upon its endorsement, due regard should be had to this stock; that it may be protected as far as possible, without involving the State in further difficulties. And further, the State being the principal Stockholder in the corporation, her honor requires that its debts should be paid, without any reference whatever to her mere legal liabilities. She holds a large portion of the stock—she holds the Road, steamboats and all its effects of value, under mortgage to indemnify her—and creditors must rely mainly on the liberality of the State to permit them to get their money from the corporation.

It is believed, from the success attending the operations of this Road, notwithstanding its heavy losses by fire and at sea, that if indulged for a few years, it will be able to meet all its liabilities, and extricate itself from debt, and appreciate the value of its stock.

This indulgence, it is believed, may be easily given without any further risk to the State.
Already the Literary Board holds of the Bonds of this corporation, endorsed by the State as before stated, $50,000; the State Treasurer holds $50,000 more, paid for by him out of the funds of the same Board lying in the Treasury; and the Literary Board, by collecting in its debts, will be enabled to take up the other bonds, or, at least, the larger part of them, as fast as they fall due. And I doubt not the corporation would promptly pay the interest to procure indulgence on the principal, whereby it will be enabled to meet other liabilities which press, and sometimes embarrass, its operations.

The Literary Fund should be in safe and certain investments. What safer or more certain investments could this fund have, than in these bonds? Safe, because the State is security, and has a mortgage upon property, costing over two millions of dollars, to secure their payment; certain, because they yield semi-annually three per cent. interest; which does not fluctuate like the dividends of Bank Stock.

Should this course be adopted, the Board will be aided and relieved; the Literary Fund will have a safe and certain investment; and the State will be no further involved.

Whether you will adopt this or some wiser course, is submitted to your consideration. But whatever course is pursued, ample provision should be made to sustain the credit of the State, in every possible contingency.

In regard to the Raleigh and Gaston Rail Road, this work too was constructed, as before stated, mostly upon credit—the balance due for its construction, after exhausting the whole of the stock subscribed, amounting to a sum much larger than the whole stock.

This corporation having failed in January, 1848, to pay the interest due on its bonds endorsed by the State, the Public Treasurer promptly paid it, and preserved the faith of the State, and has continued to do so ever since. The amount thus paid will appear from his report.

A Bill in Equity has been filed according to the requirements of the acts authorizing the endorsement, to sequester the profits of the Road to indemnify the State—and a receiver has been appointed. It is believed that the receipts of this Road for years to come will be insufficient to keep it in repair and pay the interest upon its debt; consequently its debt must continue to increase. It is, therefore, respectfully submitted whether it would not be better for the Stockholders, the State, and the public, that the Road and its effects should be disposed of under the mortgages; so that
whether it falls into the hands of the State or into the hands of a
new set of Stockholders, incorporated for the purpose—it may be
disembarrassed; for little doubt is entertained, that with even its
present prospects, it will not only keep itself in repair, but will
yield besides a considerable income.

Should you determine to take this course, such steps should be
adopted as will be best calculated to enhance the value of the pro-
PERTY. This course is due to the State to protect her against her liabil-
ities—it is due to those individuals who voluntarily entered
into bonds to the amount of $500,000, to indemnify the State
against her endorsement; and it is due to the Stockholders to
make the property, if possible, bring more than the amount of the
debts due from the corporation: so that the stock may not be an en-
tire loss.

And, in connection with this subject, I will respectfully refer
you to the message submitted by myself to the last Legislature,
relative to effecting a communication by Rail Road between this
Road and the several Rail Roads which terminate at Weldon, and
to constructing a Turnpike from Raleigh westward. These two
improvements would greatly enhance the utility and value of the
Raleigh and Gaston Rail Road, and I doubt not, would cause it to
bring a much higher price.

Since the adjournment of the last Legislature, a portion of the
Portsmouth and Roanoke Rail Road, within the limits of this
State, was torn up and rendered impassable, by an individual
claiming it as a purchaser, at a sale made under an execution against
the corporation, whereby the travel and transportation on the road
were for a time obstructed. The legality of the course pursued by
the purchaser has undergone judicial investigation, and the matter
is now pending before the Supreme Court.

It is not my design to express or intimate an opinion as to the
propriety or legality of the course pursued by the purchaser.

The interest which Stockholders have in a corporation created
for the public use and convenience, should be subject to their debts;
and the property held by such corporation should be liable to its
debts; but this interest and property should be reached by the
creditor in such way as not to put the public to inconvenience, de-
sROY the franchise, and defeat the object had in view by the Le-
gislature in its creation. If there be no law to enable creditors to
reach the interests of Stockholders and the property of corpora-
tions, without detriment to the public, such a law should be passed
as will enable creditors to secure their debts, and at the same
time, secure to the public the benefit and convenience intended by creating the corporation.

INTERNAL IMPROVEMENTS.

Upon the subject of Internal Improvements, I respectfully in-vite your intention to the suggestions made in my message to the last Legislature. And, in addition to those suggestions, I will add that few rivers in the South are more susceptible of improvement for navigable purposes, and at a small expense, than the rivers in the lower part of our State.

It is true that for a portion of the year they are deficient in depth of water for navigation; but that may be easily remedied by the construction of dams and locks at those parts of the rivers where the water is of insufficient depth, as there is always water enough to keep the dams filled. There being but little descent in those rivers after leaving the great falls, usually found near the commencement of the alluvial region, but few dams would be requisite to make them permanently navigable.

Take the Cape Fear, for instance—I am not informed as to the descent of its channel below Fayetteville; but beginning at that point on the river which can, at all stages of the water, be reached by steamboats from Wilmington—and I think it very probable that a half dozen dams with locks of ten feet lift each, would render the river at all times navigable for steamboats to Fayetteville.

With a permanent steamboat navigation from our excellent port of Wilmington, to Fayetteville, and a good Turnpike from thence to some navigable point on the noble Yadkin, who can estimate the vast advantages to the State?

Take the Neuse—already has a steamboat ascended it, in its present unimproved condition, as far as Smithfield, within twenty-eight miles of Raleigh.

It is said, by those better acquainted with the river than myself, to be at all times navigable from Newbern to, or within a short distance of Waynesborough, some fifty miles distant from Raleigh. Allowing a foot or two descent in every mile necessary to give to any stream a current, can doubt be entertained that eight or ten dams with locks of ten feet lift each, would give permanent steamboat navigation to the immediate vicinity of Raleigh?

Again, the course of this river in some places is extremely cir-cuitous: after winding about for miles it returns to within a very short distance of its own channel. Across the isthmus at those
points of approximation, short navigable canals might be cut, with
locks at their lower terminations,—thus at once avoiding the ex-
 pense of any dam—shortening the navigation, and overcoming
whatever ascent there might be in the natural channel.

This improvement would give permanent steamboat navigation
from Newbern to any point on the Neuse to which it might be
carried; and the facility of navigation would be greatly increased
by deadening the current and making it equal to slack water nav-
igation. Boats of burthen could be easily towed by steamboats, or
propelled by other power.

Immediately connected with this improvement of the Neuse, is
another subject of importance altogether worthy of consideration.

Our Harbor of Beaufort is believed to be equal, if not superior
to any other on our coast, south of the Chesapeake.

In my last message, I drew the attention of the Legislature to
the propriety of pressing upon the attention of Congress the ne-
cessity of making a ship channel from Pamlico Sound to this Har-
bor, as well as the necessity and utility of opening a ship channel
at or near Nag's Head, between the Albemarle Sound and the At-
lantic Ocean.

I now invite your attention, likewise, to those subjects with a
recommendation that you press their consideration upon the atten-
tion of the General Government.

But to the connection between the navigation of the Neuse and
Beaufort Harbour—whatever connection there may be between
Beaufort Harbour and Pamlico Sound, the freight boats on the
Neuse cannot avail themselves of its benefit.

Such craft as will navigate the river cannot live in stormy wea-
ther in the wide waters of the Neuse below Newbern, and of the
Pamlico Sound. The river boats, therefore, will have to put their
cargoes aboard of larger craft at Newbern to be taken to Beaufort.
This transhipment it is desirable to avoid, and it is more than pro-
bable it can be avoided.

The section of country between Newbern and Beaufort, a dis-
tance of some forty or fifty miles, is comparatively a plain, but lit-
tle elevated above the Neuse at Newbern, or the Ocean at Beau-
fort, with a soil admirably adapted to the purposes of constructing
canals. A canal may be cut from Beaufort to some point on the
Trent and Neuse at or near Newbern, so as to avoid any wide
waters that might make the navigation dangerous, and the river
boats be locked into this canal, and thus deliver their cargoes from
the upper country direct on ship board in one of the best Harbors of the Union.

The practicability of this improvement is unquestionable, if there be streams between these two points of sufficient magnitude and elevation to serve for feeders to the canal. Upon this point I am not informed; but if there be not such streams, there is ample water of sufficient elevation in lakes Ellis and Long Lake to answer the purpose, which, by some additional expense, might be brought to the canal to supply it.

With good navigation from Beaufort to the vicinity of Raleigh, and a good Turnpike or Rail-road westward from that point, who can estimate its vast importance to this State? Whether this improvement be practicable, and what will be its cost, can be easily ascertained. The science of engineering is no longer an occult science, and its application no longer a mystic art. It is already reduced, in our country, to a common practical science of every day application.

Surveys and estimates can be made, and responsible persons can be found ready to undertake any enterprise and guarantee its execution for a stipulated sum. To undertake now a work of Internal Improvement is not, as heretofore, taking a leap in the dark. We only have to look before we leap, and then we can ascertain certainly what will be the result.

No doubt is entertained that a similar system of improvements by dams and locks upon the Tar and Roanoke rivers, will greatly improve their navigation.

For constructing the dams and locks no material can be cheaper and stronger than our longleaf pine, well weighed down with stone; and its durability, when constantly kept wet, sufficient for all practical purposes.

The views expressed in relation to these improvements are made rather with a hope that they may attract public attention and elicit public enquiry, than with the expectation that you will take any action upon the matter at this time, further than, it may be, to institute some inquiry to obtain information.

I have but little to add to the suggestions I made to the last Legislature relative to improvements in the middle and western parts of the State. They want good roads. Give them facility in getting to good markets, and their energy and industry will supply them with all they need.
THE ELECTION.

I was duly notified by the Sheriff of Davidson, of the death of the Hon. Charles Brummell, a member elect of that county to the House of Commons; and by the Sheriff of Csxwell, of the death of the Hon Levi Walker, a member elect from that county to the House of Commons; and by the Sheriff of Greene, of the death of the Hon. James Harper, a member elect from that county to the House of Commons; and by the Sheriff of Johnston, of the death of the Hon. Ransom Sanders, the Senator elect of that county to the present Legislature.

Writs of election have been issued to fill these vacancies. This extraordinary mortality among the members elect of the Legislature, so short a time, too, after their election, and the death of a distinguished citizen, late a candidate for the office of Governor of our State, and the death of several other candidates either during or immediately after their canvass, seem to appeal to you with great force upon the propriety of altering the time of holding the elections.

It is proper that candidates for public favor should have an opportunity of visiting and seeing those whose confidence they seek; and that the voters should have the opportunity of judging of their qualification.

But these opportunities should be afforded them at a time of the year when the heat and diseases of summer do not endanger their lives. It is likewise true that some of our citizens in the lower Counties are deprived of their votes. They are driven from the low country by the fear of disease before the election, and dare not return to vote at the time at which it is now held. It is, therefore, respectfully recommended that the day of holding the elections, for the future, be some time in the months of June or July.

THE JUDICIARY.

The Bench of our Supreme Court has been deprived of one of the brightest ornaments that ever adorned it, and North Carolina of one of her noblest and most cherished sons, in the death of William Gaston, late one of the Associate Justices of that Court. He was emphatically "a good man and a great Judge." His place was supplied by the Governor and Council by the appointment of the Hon. Frederick Nash, of Hillsborough, one of the Judges of the Superior Courts, to that Bench. The Hon. David F. Caldwell, of Salisbury, was in like manner appointed to the Bench.
of the Superior Court to fill the vacancy occasioned by the resignation of Judge Nasu. Their commissions expire with the termination of your session. It will be your duty, therefore, to fill both vacancies.

The offices of Solicitor for three of the Judicial districts are vacant. It devolves on you to fill them.

**AGRICULTURE.**

While provision is made in our colleges and schools for the instruction of our youth preparatory to their entering into the learned professions, little or no effort is made to prepare them for that most useful of all pursuits, *Agriculture*. Should any generous youth desire to become a scientific Agriculturist and an intelligent, practical farmer, no provision is made for his instruction in any of our schools or colleges. Indeed, so little intellect is employed in our Agriculture, that our youth rather deem it a reflection upon their minds to engage in it, and look upon it as a pursuit only worthy of the slave or the hind who is as ignorant as the brute he drives. This impression should be removed. What pursuit can be more interesting, more intellectual? The mightiest minds are lighting up the path of the Agriculturist by their extraordinary discoveries in Chemistry. A Dana, a Johnson, a Liebig and others are looking into the arena of nature and revealing her wonderful secrets to the husbandman.

Agriculture to a cultivated mind ceases to be a laborious and stupid pursuit, followed only because it provides the necessaries of life. It has become an intellectual pursuit, worthy of the most fastidious taste or exalted mind.

I therefore recommend that an Agricultural professorship be added to our University; or, if it be deemed better, that an Agricultural School be established, where Agriculture may be taught as a science, and where a model farm may be attached, and the science be practically illustrated and applied to use.

And I likewise recommend an Agricultural, Geological and Mineralogical survey of the State.

No State in the Union presents more interesting geological formations, or a greater variety of soils and productions, than ours. Such surveys, made by a man of science, would add much useful information to our present knowledge of the State, and would doubtless greatly aid the cause of Agriculture.

A scientific mineralogical survey, skilfully made, and reported in terms and language within the comprehension of miners and
persons of ordinary education, would greatly aid the mining operations of our State—an interest becoming well worthy of legislative attention. Now ignorance gropes in the dark in search of metals and minerals, never found in the formations where the search is made: then the light of science would point out the localities where search might be made with every probability of success. I believe the same amount of money could not be so usefully applied in any other way as in procuring these surveys.

STATISTICS.

In every civilized country it has been found useful to obtain as much statistical information as possible. This subject has been greatly neglected. Who can tell or even make a rational guess as to the quantity of the various productions of our State—the number of acres in cultivation, the number of domestic animals, the extent of our manufacturing, mechanical and mining operations? Yet it is believed all this information might be obtained with little trouble or expense through the aid of our County Courts. I therefore recommend the subject to your attention.

COMMON SCHOOLS.

All the Counties in this State have adopted the Common School system, except Edgecomb and Rowan. If it be proper, and for the interest of the State, that the children of the other Counties should be educated, it is equally proper that the children of these two Counties should receive similar advantages.

The net annual income of the Literary Fund distributed in March and September amounted to the sum of $92,027 71.

The Schools have gone generally into operation; but there is yet want of system in their management. It is believed nothing would aid the success of these Schools more than the appointment of an efficient State Agent, well versed in the subject of Common Schools, whose duty it should be to travel over the State, visit the Counties, see, advise and direct the superintendents and School Committees in the discharge of their duties, and use his influence to awaken a lively interest in the success of popular education.

The Literary Board will, during your session, give a report more in detail as to the operations of the system, management and condition of the funds, accompanied by such remarks and suggestions as it will be deemed expedient and proper to make; to which I respectfully refer you for further information.
ASYLUMS.

For more than a century and a quarter the Legislature of this State has been engaged in making laws for the benefit of that class of its citizens which least needed aid, while the helpless and afflicted children of misfortune, are almost wholly disregarded.— Although we possess a large fund applied to the purposes of general education, no provision whatever is made whereby the deaf and dumb and blind, those most needing its aid, are benefitted. The facility with which they can be taught is truly surprising. And when we reflect that it is believed that the deaf mutes, without education, have no just idea of a Supreme Being; that neither they nor the blind can read the word of salvation without instruction, and the great ease with which both can be taught to read it, is it not wonderful that any Christian community should delay a moment to make provision for their instruction?

Again: no provision is made for their maintenance and support, except what is to be found in the poor laws. Many of them, if educated and instructed in useful employments, would be able to maintain themselves and enjoy life as rational creatures. Without these advantages, we often find them huddled together within the confines of a loathsome Poor House, doomed to while away a miserable existence in wretchedness to themselves, and at an increased expense to those whose duty it is to make for them more ample provision.

The condition of the insane merits your earnest attention.— Many of them might be restored to themselves and to their usefulness, if an asylum were provided, where skilful and experienced managers could have the supervision and control of the patient.— There those, whose cases were hopeless, might likewise receive the care and attention their condition required. I therefore most earnestly recommend that ample provision be made for the education of the deaf, dumb and blind; for the restoration of the insane, if practicable, and for the comfortable sustenance of all.

It may be said this is not a propitious time to undertake so great a work. A century has passed, and the time has not come.— Another may pass, and it still may not come. If a bounteous Providence were to withhold his favors from us, so long as we withhold ours from his afflicted children, how quickly would we make that propitious time arrive! Now is the time. You have only to will it, and it is done. The means are at your command. That miserly constituent who grudgingly yields the little portion which
he would be required to contribute towards so good a work, deserves not the showers and sunshine of Heaven, and need not hope for a blissful futurity. Without the aid of your branch of the government, gentlemen, that unfortunate class may bid farewell to hope, and welcome despair.

PENITENTIARY.

For years past the subject of changing our Criminal Code by the establishment of the Penitentiary System, has engaged public attention. Doubtless you are aware of the wishes of your constituents upon the subject, and will fully comply with them. I am satisfied that criminals often escape conviction from a humane feeling in the jury—and their unwillingness to subject the offender to severe and ignominious corporal punishment. And if a criminal be convicted, the present mode of punishment is but illly calculated to reform him or benefit the State. Solitary confinement and hard labor are wholesome remedies for desperate moral diseases.

It is believed that the adoption of the system would be good economy: the profits arising from the labor of criminals would exceed the expense of carrying the criminal law into execution, and it would be an admirable system to apply the proceeds arising from the punishment and correction of vice and idleness to the Common School fund, to aid in the moral and intellectual cultivation of our youth. It would be rearing the beautiful and delicate flower of Virtue out of the fetid hot-bed of Vice.

HISTORY.

As long as the American Union shall endure, so long will the History of the establishment of American Independence be a subject of deep interest to every Patriot. The Revolutionary history of this State is fraught with incidents of the deepest interest, and does honor to our patriotic sires. While another State boasts of being the cradle of Liberty, North Carolina alone can boast of possessing its birth-place. It was on her soil, on the 20th of May 1775, that her sons reared the standard of Liberty, boldly declared their independence of the British Crown, and declared themselves "a free and independent people," "a sovereign and self-governing association." We are wholly unworthy such illustrious descent, if we neglect to preserve by all means in our power, the history of the gallant deeds by which they sustained that declaration.
The Index to the Colonial Documents of our State, printed by order of the last Legislature, to which I refer you, shows that very important historical information relative to this State, may be obtained from the Archives of the British Government. Access to these Archives has been generously tendered by that Government to this State; and permission granted to take copies of any documents we desire. It is believed that an Agent, well qualified for the purpose, can be found who will proceed to England and procure such copies as may be deemed useful, for a sum but little exceeding the expenses of the trip and pay to clerks for making the copies. It is submitted to you whether it is not due to ourselves to send such an agent.

CHEROKEE BONDS.

The debt due to the State for the purchase of Cherokee lands is but little reduced in amount by collections—an evidence of the difficulty of raising money in that region.

When we look at the difficulties, incident to new settlements, which the debtors who reside in the extreme Western Counties have to encounter, their remoteness from market, and their destitution of good roads, we are not surprised that large payments are not made.

The lands sold for a good price: besides other security, the State holds the titles until the purchase money is paid: The lands are increasing in value by settlement. Good policy, therefore, dictates that such indulgence should be extended to these debtors as will eventually secure the payment of the debt, and induce them to remain among us as useful citizens.

THE CAPITOL.

I deem it scarcely necessary to call your attention to the Public Square and the Capitol. They are before you; the propriety of putting a suitable enclosure around the Square is too obvious to require from me any recommendation.

It is bad economy, after laying out a half million of dollars in a building that does honor to the State, to withhold the small amount necessary to enclose and protect it.

THE SWAMP LANDS.

No sale of the Swamp Lands drained by the State have been yet made. An attempt was made to effect a sale in 1841, shortly
after the drainage of a portion of the land, but the general pecuniary embarrassment which then prevailed, caused but little attention to be paid to the sales; and the few bids made were so low, that the Board did not deem it proper to accept them. No attempt to sell has been since made, because the Board deemed the times unpropitious, and believed the lands to be daily increasing in value by the decomposition of the vegetable matter, greatly hastened by the draining.

PUBLIC LANDS.

To make such public improvements and to erect such charitable Institutions as we need, the State must have money. To raise funds for such use by taxation, would be burthensome to the citizens. It seems to me no fund can more appropriately belong to the States than that arising from the sales of the public lands, and that that fund can be in no way applied more advantageously than in the improvement of the social and natural condition of the States.

There can be no further use for withholding the fund from the States, under pretence that it is needed for the use of the General Government. The present Tariff will raise an amount amply sufficient to meet all the exigencies of the General Government, economically administered: and we now have some assurance that the Tariff will continue uninterrupted, and the protective policy become firmly established. Indeed, so thoroughly convinced have the people become, that the doctrine of Free Trade, whatever it may be in theory, is in practice a mere humbug, that in the late contest for the Presidency, no candidate appeared advocating that doctrine—both the rival candidates advocating the principle of protection. Now is the time to press for a distribution of this fund. Indeed, its distribution should at all times be pressed. It appears to me surprising that any one should hesitate on the subject. The sum received by this State, under the distribution ordered under General Jackson’s administration, (although one-fourth of the sum ordered was never received,) amounts to more than the whole land and poll tax paid into the Treasury of North Carolina for the last twenty years. So large a sum cannot be annually expected from that source; but a sum that would greatly aid this State might be relied on with certainty. I, therefore, respectfully direct your attention to the subject.

With the present year, by a constitutional provision, closes my official connexion with the Government of North Carolina. In
retiring from the Executive Chair, I shall carry with me but one regret, and that is, that your department of the Government did not assign to me, during my administration, the execution of some work of great and permanent public utility, whereby, in the faithful and zealous performance of the duty, I might manifest to the people of North Carolina the profound gratitude which I feel to them for the confidence they have reposed in me, and for the kindness with which my official acts have been received by them.

Wishing you, gentlemen, a session of pleasantness to yourselves and of usefulness to your constituents,

I remain your Fellow-Citizen
and obedient servant,

JNO. M. MOREHEAD.

Executive Office, Nov. 19, 1844.

Mr. Moore moved that a message be sent to the Senate, proposing to go into an election immediately for two Engrossing Clerks, and informing them that the name of Mr. Simmons is withdrawn from the nomination; and that Messrs. Graves and Davenport form our branch of the Committee to superintend the election.

Received from the Senate a message, concurring in this proposition, and informing that Messrs. Stallings and McMillan form their branch of said Committee.

Whereupon, the House proceeded to vote as follows:

FOR MR. LEWIS.

Messrs. Speaker,
Barco,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,

Messrs. Golding, Guyther, Hackney, Haughton, Hayes, Keener, Miller, Mills, McLean, R. T. Paine,
FOR MR. CAMERON.

Messrs. Adams, Atkins, D. A. Barnes, Beaman, Bond, Brogden, Cochran, Cunningham, J. G. Dickson, Doak, Ehriinghaus, Ellis, Foy, Grist, Harris, Haughton, Jones, Kelly, Leathers, Locke, Lord, Moore,

Messrs. Murphy, McIntyre, McNair, McNeill, Odom, Perkins, Phifer, Pratt, Regan, Reid, H. Robinson, T. Robinson, Rush, Sharp, Shaw, Street, Trull, Waddill, Washington, Watters, Wilder, N. L. Williamson.—44.

FOR MR. THOMAS.

Messrs. Atkins, E. Barnes, Beaman, Braine,

Messrs. Mangum, Martin, Mitchell, Murphy,
FOR MR. T. S. CLARK.

Messrs. Speaker,
Adams,
Barco,
D. A. Barnes,
Bond,
Bridgers,
Cherry,
Credle,
Davenport,
Edwards,
Ehringhaus,
Foy,
Gee,
Grist,
Guyther,

FOR MR. RUSS.

Messrs. E. Barnes,
Caldwell,
Cochran,

Messrs. Harris,
Jackson,
Keener,
Kirk,
Moore,
Nixon,
Odom,
R. T. Paine,
Perkins,
Prentiss,
Sanders,
Washington,
Whitehurst,
Collins, Davis, Faucett, Gee, Guthrie, Harrison, Leathers, Lemmond, Littlejohn, Locke, Mangum, Pratt, Prentiss, Roane, Sharpe, Shepard, Smith, Stone, Street, Waddill, N. Wilson.—27.

FOR MR. HOLDERBY.


Mr. Graves, from the Committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.
A message from the Senate proposing to raise a joint Committee consisting of two on the part of each House, to prepare Joint Rules of Order for the government of the intercourse between the two Houses during the present Session.

The proposition was concurred in, and Messrs. Guthrie and Wilder appointed said Committee on behalf of the Commons.

Mr. Moore introduced a Bill, to amend the Revised Statutes concerning Executions.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Moore introduced a Bill, to amend the 9th Section of the Revised Statutes, entitled an Act concerning the Comptroller.

Which was read the first time and passed, and referred to the Committee on Finance.

Received from the Senate a message, proposing to go immediately into another election for two Engrossing Clerks, and informing that Messrs. Bogle and Eaton form their branch of the Committee on said election.

The proposition was agreed to, and Messrs. Poindexter and Sanders were appointed said Committee on behalf of the Commons.

The House voted as follows:

FOR MR. LEWIS.

Messrs. Speaker,
Barco,
D. A. Barnes,
Broder,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Davenport,
Davis,
W. Dickson,
Douthit,
Emerson,
Pagg,
Fleming,

Messrs. Hackney,
Haughton,
Hayes,
Jackson,
Keener,
Lord,
Miller,
Mills,
Odom,
R. T. Paine,
Phifer,
Puryear,
Rankin,
Reinhardt,
Roane,
T. Robinson,
Rush,
Sanders,
Gambill, Thrash,
Galling, Waddill,
George, White,
Golding, N. Wilson.—45.
Guyther,

FOR MR. HOLDERBY.

Messrs. Beaman, Messrs. Mangum,
Brame, Martin,
Brown, Miller,
Burgin, Mitchell,
Calloway, McIntyre,
Church, McLean,
Collins, McNair,
Cunningham, McNeill,
J. G. Dickson, C. L. Payne,
Doak, Poinderter,
Douthit, Pratt,
Dunn, Puryear,
Emerson, Rankin,
Faucett, Regan,
Gambill, Reid,
Gatling, Roane,
George, H. Robinson,
Golding, Sanders,
Graves, Scales,
Guthrie, Sharpe,
Hamrick, Shepard,
Harrison, Smith,
Hayes, Stone,
Jones, Taliaferro,
Kirk, Trull,
Lea, N. L. Williamson,
Lemmond, R. P. Williamson.—55.
Locke,

FOR MR. T. S. CLARK.

Messrs. Speaker, Messrs. Harris,
Adams, Jackson,
Atkins, Jones,
BARCO,
Bond,
Bridgers,
Credle,
Davenport,
Edwards,
Ehringhaus,
Fagg,
Foy,
Gee,
Grist,
Guyther,

Keener,
Littlejohn,
Moore,
Perkins,
Prentiss,
Shepard,
Street,
Washington,
Watters,
Whitehurst,
Wilder.—29.

FOR MR. CAMERON.

Messrs. Adams,
Atkins,
D. A. Barnes,
Beaman,
Bond,
Bridgers,
Brogden,
Brower,
Caldwell,
Cherry,
Clayton,
Cochran,
Credle,
Cunningham,
W. Dickson,
J. G. Dickson,
Doak,
Ehringhaus,
Ellis,
Faucett,
Fleming,
Foy,
Graves,
Grist,
Guthrie,
Hackney,
Harris,
Harrison,

Messrs. Mitchell,
Moore,
Murphy,
McIntyre,
McLean,
McNair,
McNeill,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Praet,
Regan,
Reid,
Reinhardt,
H. Robinson,
T. Robinson,
Rush,
Scales,
Sharp,
Shaw,
Smith,
Street,
Taliafero,
Thrash,
Trull,
Waddill,
FOR MR. RUSS.

Messrs. E. Barnes, Cochran, Collins, Davis, Edwards; Gee, Hamrick, Leathers, Littlejohn,  
Messrs. Mangum, Martin, Mills, Poindexter, Prentiss, Shaw, Stone, N. Wilson.—17.

FOR MR. THOMAS.

Messrs. E. Barnes, Brame, Brogden, Dunn,  
Messrs. Ellis, Kelly, Murphy.—7.

Mr. Poindexter, on behalf of this Committee, reported that Mr. Cameron had received a majority of the whole number of votes, and that he was duly elected; and that no other person in nomination had received a majority.

The report was concurred in.

Received a message from the Senate, proposing to go into an election on to-morrow at twelve o'clock, for a Solicitor in the Sixth Judicial Circuit.

The proposition was agreed to.

A message from the Senate, agreeing to the proposition of this House, to print the Report of the Comptroller of the State, for the fiscal year ending Nov. 1st, 1843.
On motion of Mr. Wilson,

Resolved, That the Clerks be instructed to furnish each of the Standing Committees of this House with a copy of the Revised Statutes of the State, and of the Acts of the last Session of the Legislature: And that the Chairman of these Committees deposit said Books, at the close of the Session, with the Public Librarian.

Mr. Fleming presented a petition in favor of J. W. Garland, Clerk of Yancy County Court.
Which was read and laid on the table.
The resignation of Louis D. Wilson, as Justice of the Peace for the County of Edgecomb, was presented, read and accepted.
Mr. Mills presented a petition in favor of the Justices of the Peace of Haywood County.
Which was read, and referred to the Committee on Propositions and Grievances.

Tuesday, Nov. 26, 1844.

Received from the Senate the following message:

In Senate, Nov. 26, 1844.

Mr. Speaker: The Senate have this morning unanimously passed the following Resolutions, in which they respectfully ask the concurrence of the House of Commons:

Resolved, That the Senate have heard with deep regret of the death of Jno. L. Foreman, one of its members from the County of Pitt; that they sincerely sympathise with his bereaved family and their friends,
in the heavy affliction which has been brought upon them by this dispensation of Divine Providence; and as a tribute of respect to his memory, the members of this body will wear crape on the left arm during the remainder of the Session.

Resolved, That a message be sent to the House of Commons, informing that body of the melancholy event, asking them to unite with the Senate in paying the last honors to the deceased, and in raising a Joint Select Committee of four from each House, whose duty it shall be to superintend the funeral ceremonies.

Messrs. Joyner, Boyden, Wilson and Cameron form the Senate's branch of the Committee, under the foregoing Resolutions.

B. S. GAITHER, Speaker of the Senate.

By order,

T. G. STONE, Clerk of the Senate.

The message was read, and on motion of Mr. Harris, seconded by Mr. Washington, the Resolutions and propositions embraced therein were unanimously agreed to, and Messrs. Perkins, Bridgers, Washington, and Shepard, were appointed a Committee on behalf of the Commons, to co-operate with the Committee on the part of the Senate.

Mr. Shepard, on the part of this Committee, made a verbal report that the two Houses would assemble on to-morrow at 9 o'clock, and form a procession from the late residence of the deceased, to the limits of the City.

And thereupon, on motion of Mr. Washington, the House adjourned until Thursday morning at 10 o'clock.

THURSDAY, NOV. 28, 1844.

On motion of Mr. Poindexter,

Ordered, That a message be sent to the Senate, proposing to vote
again immediately for one Engrossing Clerk, and informing that the name of Mr. Jno. P. Russ is withdrawn from the nomination; and that Messrs. Nixon and Keener form the Committee on behalf of this House, to superintend the election.

Received a message from the Senate, concurring in this proposition, and informing that Messrs. Worth and Stowe form their branch of the Committee.

The House then proceeded to vote as follows:

**FOR MR. HOLDERBY.**

| Messrs. Beaman, | Messrs. Martin, |
| Messrs. Brame, | Messrs. Mebane, |
| Messrs. Brower, | Messrs. Mitchell, |
| Messrs. Brown, | Messrs. McIntyre, |
| Messrs. Cochran, | Messrs. McLean, |
| Messrs. Collins, | Messrs. McNair, |
| Messrs. Cunningham, | Messrs. McNeill, |
| Messrs. Doak, | Messrs. Poindexter, |
| Messrs. Douthit, | Messrs. Pratt, |
| Messrs. Dunn, | Messrs. Purycar, |
| Messrs. Ellis, | Messrs. Rankin, |
| Messrs. Emerson, | Messrs. Regan, |
| Messrs. Faucett, | Messrs. Reid, |
| Messrs. Golding, | Messrs. Richardson, |
| Messrs. Graves, | Messrs. Roane, |
| Messrs. Guthrie, | Messrs. H. Robinson, |
| Messrs. Hackney, | Messrs. Scales, |
| Messrs. Hamrick, | Messrs. Sharpe, |
| Messrs. Harrison, | Messrs. Shaw, |
| Messrs. Hawkins, | Messrs. Shepard, |
| Messrs. Hayes, | Messrs. Smith, |
| Messrs. Jones, | Messrs. Street, |
| Messrs. Kirk, | Messrs. Taliaferro, |
| Messrs. Lea, | Messrs. Trull, |
| Messrs. Leathers, | Messrs. White, |
| Messrs. Lemmond, | N. L. Williamson, |
| Messrs. Locke, | R. P. Williamson, |
| Messrs. Lord, | N. Wilson.—57. |
| Messrs. Mangum, | |
FOR MR. LEWIS.

Messrs. Barco,
D. A. Barnes,
J. Barnes,
Brogden,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Davis,
W. Dickson,
J. G. Dickson,
Fagg,
Fleming,
Gambill,

Messrs. Gatling,
George,
Haughton,
Keener,
Kelly,
Miller,
Mills,
Nixon,
R. T. Paine,
Phifer,
Reinhardt,
T. Robinson,
Rush,
Thrash,
Waddill.—30.

FOR MR. T. S. CLARK.

Messrs. Speaker,
Adams,
Atkins,
Bond,
Bridgers,
Credle,
Davenport,
Edwards,
Ehringhaus,
Foy,
Gee,
Grist,
Guyther,

Messrs. Harris,
Jackson,
Littlejohn,
Moore,
Murphy,
Odom,
Prentiss,
Washington,
Watters,
Whitehurst,
Wilder,
T. Wilson.—25.

Mr. Nixon, from the Committee appointed to conduct this election, reported that Mr. Holderby had received a majority of the whole number of votes, and that he was duly elected.

The report was concurred in.

Mr. Scales presented the following Resolution:

Resolved, That the Clerk of this House be directed to furnish each member thereof with one copy of the Indexes to Colonial Documents, relative to North Carolina.
Which was read and laid on the table.

Mr. Poindexter presented a Resolution in favor of Leonard Ziglar.
Which was read the first time and passed, and referred, together with the accompanying papers, to the Committee on Claims.
On motion, leave of absence from the service of the House, from and after this day till Monday next, was granted to Mr. C. L. Payne.
On motion of Mr. D. A. Barnes,

Ordered, That a message be sent to the Senate, proposing to go into an election immediately, for a Solicitor in the first Judicial Circuit, and informing that the name of David Outlaw is in nomination.

Received from the Senate a message, agreeing to this proposition, and informing that Messrs. Cowper and Pasteur form their branch of the Committee to conduct this election.
Ordered that Messrs. Cherry and Jones form said Committee on the part of this House.
The House then voted as follows:

FOR MR. OUTLAW.

Messrs. Speaker, Messrs. Kelly, Adams, Kirk, Atkins, Lea, Barco, Leathers, E. Barnes, Lemmond, D. A. Barnes, Littlejohn, J. Barnes, Locke, Beaman, Lord, Bond, Mangum, Brame, Martin, Bridgers, Melbane, Brogden, Miller, Brower, Mills, Brown, Mitchell, Buring, Moore, Burgin, Murphy, Caldwell, McIntyre, Calloway, McLean, Cherry,
Church, Church, 
Clayton, Clayton, 
Cochran, Cochran, 
Collins, Collins, 
Credle, Credle, 
Cunningham, Cunningham, 
Davenport, Davenport, 
Davis, Davis, 
W. Dickson, W. Dickson, 
J. G. Dickson, J. G. Dickson, 
Doak, Doak, 
Douthit, Douthit, 
Dunn, Dunn, 
Edwards, Edwards, 
Ehringhaus, Ehringhaus, 
Ellis, Ellis, 
Emerson, Emerson, 
Fagg, Fagg, 
Faucett, Faucett, 
Fleming, Fleming, 
Foy, Foy, 
Gambill, Gambill, 
Gatling, Gatling, 
Gee, Gee, 
George, George, 
Golding, Golding, 
Graves, Graves, 
Grist, Grist, 
Guthrie, Guthrie, 
Guyther, Guyther, 
Hackney, Hackney, 
Hamrick, Hamrick, 
Harris, Harris, 
Harrison, Harrison, 
Haughton, Haughton, 
Hawkins, Hawkins, 
Hayes, Hayes, 
Jackson, Jackson, 
Jones, Jones, 
Keener, Keener, 
McNair, McNair, 
McNeill, McNeill, 
Nixon, Nixon, 
Odom, Odom, 
R. T. Paine, R. T. Paine, 
Phifer, Phifer, 
Poindexter, Poindexter, 
Pratt, Pratt, 
Prentiss, Prentiss, 
Puryear, Puryear, 
Rankin, Rankin, 
Regan, Regan, 
Reid, Reid, 
Reinhardt, Reinhardt, 
Richardson, Richardson, 
Roane, Roane, 
H. Robinson, H. Robinson, 
T. Robinson, T. Robinson, 
Rush, Rush, 
Sanders, Sanders, 
Scales, Scales, 
Sharpe, Sharpe, 
Shaw, Shaw, 
Shepard, Shepard, 
Smith, Smith, 
Stone, Stone, 
Street, Street, 
Taliafero, Taliafero, 
Thrash, Thrash, 
Trull, Trull, 
Waddill, Waddill, 
Washington, Washington, 
Watters, Watters, 
White, White, 
Whitehurst, Whitehurst, 
Wilder, Wilder, 
N. L. Williamson, N. L. Williamson, 
R. P. Williamson, R. P. Williamson, 
N. Wilson, N. Wilson, 

Mr. Cherry, on behalf of the Committee to conduct this election, reported that Mr. Outlaw had received a majority of the whole number of votes, and that he was duly elected.
The Report was concurred in.

Received from the Senate a message, proposing to go into an election at 12 o'clock this day, for a Solicitor in the Sixth Judicial Circuit.

The proposition was agreed to, and Messrs. Puryear and Kirk were appointed a Committee to superintend the election.

A message from the Senate, informing that the following gentlemen are nominated for the office, viz:

Haywood W. Guion, Hamilton C. Jones, James R. Dodge, and James W. Osborne;

And also informing that Messrs. Woodfin and Biggs form their branch of the Committee on this election.

The House voted as follows, viz:

FOR MR. GUION.

Messrs. Speaker,
Caldwell,
Davis,
W. Dickson,
Ehringhaus,
Faucett,
Foy,
Hamrick,

Messrs. Jackson,
Leathers,
Mebane,
Mills,
Pratt,
Prentiss,
Washington,
Watters.—16.

FOR MR. JONES.

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Bridgers,
Brogden,
Brower,
Calloway,
Cherry,
Cochran,

Messrs. Mangum,
Martin,
Mitchell,
Moore,
Murphy,
McIntyre,
McNair,
McNeill,
Nixon,
Odom,
R. T. Paine,
Poindexter,
Rankin,

FOR MR. DODGE.


FOR MR. OSBORNE.

Mr. Puryear, on behalf of the Committee appointed to conduct this election, reported that Hamilton C. Jones had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

On motion of Mr. Poindexter,

Ordered, That a message be sent to the Senate, proposing that the two Houses do hold a session this afternoon, at 4 o'clock, for the purpose of electing a Secretary of State, and nominating for the office, William Hill, Esq. the present incumbent.

A message from the Senate agreeing to this proposition, and informing that Messrs. Tayloe, and Thompson, of Wake, form their branch of the Committee to superintend the election.

The petition in favor of J. W. Garland, Clerk of Yancy County Court, was called up by Mr. Fleming, and referred to the Committee on Propositions and Grievances.

Mr. Moore presented the Resolutions following, viz:

Resolved, That so much of the Governor's Message as relates to the Public Finances, be referred to the Joint Select Committee of Finance.

That so much thereof as relates to Internal Improvement, be referred to the Committee on Internal Improvement.

That so much thereof as relates to Elections, be referred to the Committee on Privileges and Elections.

That so much as relates to the Judiciary, be referred to the Committee on the Judiciary.

That so much thereof as relates to Agriculture, be referred to the Committee on Agriculture.

That so much thereof as relates to Common Schools, be referred to the Committee on Education.

And that so much thereof as relates to Common Schools and Swamp Lands, be referred to the Committee on Education.

These Resolutions were read and adopted.

Mr. Moore also presented the following Resolutions:

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of four, on the part of each House, to whom shall be referred so much of the Governor's Message, as relates to the Rail Roads and their financial connexion with the State.
Also, to raise a Joint Select Committee of three, on the part of each House, to whom shall be referred so much of said message as relates to an Asylum for the Insane and Deaf and Dumb.

Also, to raise a Committee of three, on the part of each House, to whom shall be referred so much of said message as relates to a Penitentiary.

And proposing also, to raise a Joint Select Committee of three, on the part of each House, to whom shall be referred so much of said message as relates to the enclosing of the Capitol Square.

These Resolutions were read and adopted.

On motion of Mr. Hayes,

Resolved, That so much of the message of His Excellency, the Governor, as relates to Cherokee Land Bonds, be referred to a Joint Select Committee, to consist of five members on the part of each House, with leave to report by bill or otherwise, and that the concurrence of the Senate be asked herin.

On motion of Mr. Adams,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August election. Said Committee on behalf of this House, consists of Messrs. Adams, Graves and Atkins.

On motion of Mr. Hawkins,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five on the part of each House, to be styled the Committee on Military Affairs, and informing that Messrs. Hawkins, Waddill, Ehringhaus, Prentiss and Manguin compose the Commons branch of said Committee.

Mr. T. Wilson presented the following Resolution:

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of four members on the part of each House, whose duty it shall be, to take into consideration so much of the Governor's Message as relates to Common Schools; and that they report by Bill or otherwise.
This Resolution was read and rejected.

On motion of Mr. Fagg,

Resolved, That the Committee on Claims be instructed to enquire and report to this House, what sum of money was paid by Messrs. Gash & Killian, of Henderson County, on account of a mistake made in the survey of a Tract of Land, purchased by them at the late sale of Cherokee Lands, made by order of the State.

Mr. Whitehurst presented a petition from sundry citizens of Carteret County, praying a repeal of the Act, allowing the Sheriff of said County mileage on process executed at Ocracoke and Portsmouth.

Which was read and referred to the Committee on Private Bills.

Mr. Wilder presented a memorial from Timothy Haskins, accompanied by sundry documents, contesting the right of Edward W. Sanders to his seat as a member of this House, from the County of Onslow.

Said memorial, and the papers accompanying, were referred to the Committee on Privileges and Elections.

Mr. Hayes presented the petition of Jorial Barnett, of Cherokee County, praying that a title be made to him by the State, to certain Cherokee Lands.

Which was referred to the Committee on Propositions and Grievances.

Mr. Kirk presented a memorial from the 68th Regiment of the Militia, suggesting certain amendments in the Militia Laws.

Which was read, and laid on the table.

Mr. Mills presented a Bill, to cede a portion of Rutherford County to the County of Henderson.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. Gambill presented a Bill for the further relief of Honest Insolvent Debtors.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Moore, a Bill to amend the Revised Statutes, concerning Clerks and Registers.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Fleming, a Bill to abolish the Jury Terms of the County Courts of Yancy County.
Which was read the first time and passed, and referred to the Committee on the Judiciary.

And Mr. Church, a Bill concerning Executions.
Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Atkins presented a Bill, to amend an Act, entitled an Act, to incorporate the Fayetteville Riflemen of the County of Cumberland.
Which was read and laid on the table.
On motion of Mr. Puryear,

Ordered, That a message be sent to the Senate, proposing to go into an election, on to-morrow at 11 o'clock, for a Solicitor of the Seventh Judicial Circuit, and informing that the names of Jno. G. Bynum, Burges S. Gaither, and Michael Francis are in nomination for the appointment.

Received from the Senate a message, agreeing to this proposition, and informing that Messrs. Boyden and Woodfin form their branch of the Committee to superintend the election.

The resignation of Reuben Hartly, of Ashe County; of Archilaus Hammond, of Columbus; of Thomas Lyth, of McDowell; and of David Campbell, of Randolph County, Justices of the Peace, were presented, read and accepted.
The House then adjourned until 3 o'clock, P. M.

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Three o'clock, P. M.

Mr. Ehringhaus presented a Bill concerning Administrators.
Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Guthrie presented a Bill, to authorize Wm. Bland, of Chatham County, to construct a dam across Haw River, and to erect a Mill thereon.
Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Reid presented a Bill to establish a new County by the name of Graham.
Which was read the first time and passed, and on Mr. Reid's motion, laid on the table.

Mr. Sanders, a Bill concerning New River.
Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Roane introduced a Resolution for the relief of Henry Ad- dington.
Which was read, and referred to the Committee on Claims.
The Speaker laid before the House a communication from John H. Wheeler, Esq. the Public Treasurer, containing his Report on the Treasury Department, and the fiscal operations of the State.
Which was, on motion of Mr. Guthrie, ordered to be sent to the Senate, with a proposition that it be printed.

Received from the Senate a message, agreeing to this proposition to print.

A message from the Senate, agreeing to raise a Joint Select Committee of five on the part of each House, to whom shall be referred so much of the Governor's Message as relates to Cherokee Land Bonds.

Received from the Senate a message, informing that Messrs. Albright and Biggs form the Senate's branch of the Committee on the Joint Rules of Order.

Mr. Guthrie, on behalf of the Committee on the Joint Rules of Order, made a report, recommending the adoption of the former Rules, heretofore considered as the permanent Joint Rules of Order.
The report was concurred in,
And on motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing to print in pamphlet form, the Joint Rules of Order, the Rules of the Senate, and the Rules of the House of Commons, and the Constitution of this State, and the United States, and that they be distributed as follows:
One copy for each member, one copy for the Clerks of the two Houses, ten copies for the State Library, and five copies for the University.

Received from the Senate a message, proposing to go into an election on Monday next at 12 o'clock, for a Judge of the Su-
preme Court, to fill the vacancy occasioned by the death of the Honorable William Gaston, and informing that the name of Frederick Nash is in nomination for that office.

The message was read, and on motion of Mr. Poindexter,

Ordered, That the House of Commons do not concur therein, and propose that the two Houses go into this election on to-morrow, at 12 o'clock.

A message from the Senate, proposing to go into an election on Monday next at one o'clock, for a Judge of the Superior Court, to fill the vacancy occasioned by the resignation of the Hon. Frederick Nash.

The proposition was agreed to.

A message from the Senate, transmitting sundry petitions and memorials, in relation to the subject of altering the dividing line between the Counties of Lincoln and Catawba, and proposing to raise a joint Committee of five from each House, to whom the same shall be referred.

The proposition was agreed to, and Messrs. Mebane, Haughton, Ellis, Phifer, and Wilder, were appointed to compose said Committee on the part of the Commons.

The House now proceeded to the execution of the joint order of the two Houses, to vote at 4 o'clock for Secretary of State, and voted as follows—Messrs. Poindexter and Edwards superintending the election.

FOR MR. HILL.

Messrs. Speaker,
Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Bridgers,
Brogden,

Messrs. Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
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Mr. Poindexter, from the Committee appointed to conduct this election, reported that Wm. Hill, the present incumbent, had received a majority of the whole number of votes, and that he was duly elected Secretary of State.

The report was concurred in.

Received from the Senate a message, disagreeing to the proposition of this House, to go into an election of a Judge of the Supreme Court on to-morrow, instead of Monday.

Whereupon, the House receded from their disagreement to the proposition of the Senate, and agreed to go into said election on Monday next at 12 o'clock.

The House then adjourned till to-morrow morning 10 o'clock.

Friday, Nov. 29, 1844.

Mr. Caldwell presented a petition from sundry citizens of McDowell County, for the incorporation of a Town within said County.

Which was referred to the Committee on Propositions and Grievances.

Mr. Caldwell also presented a petition from sundry citizens of Rutherford and McDowell Counties, praying an alteration of the dividing line between said Counties.

Which was referred to the Committee on Propositions and Grievances.
Mr. Moore, from the Committee on the Judiciary, to whom was referred the Bill to amend the Revised Statutes concerning Executions, reported the same without amendment.

Whereupon, the said Bill was read the second time and passed.

Mr. Moore, from the same Committee, reported unfavorably on the Bill concerning Executions.

The said Bill was read, and on motion of Mr. Guthrie, postponed indefinitely—Yeas 77, Nays 32.

The Yeas and Nays called for by Mr. Taliaferro.

Those who voted in the affirmative, were

Haughton, Hawkins, Jackson, Jones, Keener, Kelly, Kirk, Lea,


Those who voted in the negative, were

Messrs. Beaman, Brogden, Brower, Burgin, Caldwell, Calloway, Church, Collins, Credle, Davis, W. Dickson, Ehringhaus, Fleming, Gambill, George, Guyther,

Messrs. Hackney, Hayes, Martin, Mitchell, McNair, Puryear, Rankin, Reid, Reinhardt, Roane, Street, Taliaferro, Waddill, White, N. L. Williamson, N. Wilson.—32.

Mr. N. L. Williamson presented a memorial from the Officers of the 85th Regiment of Militia.

Mr. Waddell, a memorial from the 53d Regiment suggesting amendments in the Militia Laws.

These papers were referred to the Committee on Military Affairs.

On motion of Mr. Kirk,

Ordered, That the memorial from the 68th Regiment, heretofore presented by him, be referred to the same Committee.

And on motion of Mr. Atkins,
Ordered, That the Bill to amend the Act to incorporate the Fayetteville Riflemen, of the County of Cumberland, be referred to the same.

Mr. R. T. Paine presented a Bill concerning Edenton Academy; and
Mr. Clayton, a Bill to amend an Act, entitled an Act, to keep open the French Broad River, in the County of Buncombe, and the Tennessee River, in the County of Haywood, for the passage of fish, passed in the year 1825—Chapter 118.

These Bills were read the first time and passed, and referred to the Committee on Private Bills.

Mr. Whitehurst presented a petition from sundry citizens of Carteret County, praying that that portion of said County known as Ocracoke, be attached to the County of Hyde.

And Mr. Hayes presented a petition from the Stockholders of the Hiwassee Road, in relation to Tolls.

These petitions were referred to the Committee on Propositions and Grievances.

The Speaker laid before the House, a communication from Weston R. Gales, Esq. Intendant of Police, tendering the use of the Bell attached to the Town Clock, as a signal for the meeting of the Assembly.

The communication was read, and on motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee of two on the part of each House, who shall confer together upon this subject.

Received a message from the Senate, informing that Messrs, Boyden, Stowe, Walker, Joyner and Cameron compose their branch of the Joint Select Committee, on the subject of altering the dividing line between Lincoln and Catawba Counties.

A message from the Senate concurring in the proposition of this House, to raise a Joint Select Committee of three, on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August election, and informing that Messrs. Waddell, Edwards, and Thompson, of Bertie, form their branch of said Committee.

A message from the Senate, agreeing to print in pamphlet form, the Rules of Order and the Constitutions, in the manner proposed by the House.

Ordered, that the Senate be informed that Messrs Keener and Fleming are appointed a Committee on the part of the Commons,
to superintend the election of a Solicitor in the Seventh Judicial Circuit, as heretofore agreed on.

The House voted as follows:

FOR MR. BYNUM.

Messrs. Speaker, Barco, D. A. Barnes, J. Barnes, Bond, Brower, Brown, Calloway, Cherry, Church, Cochran, Credle, Davenport, Davis, W. Dickson, J. G. Dickson, Doak, Douthit, Edwards, Ehringhaus, Faucett, Foy, Gee, George, Golding, Guthrie, Guyther, Hackney, Hamrick, Haughton,


FOR MR. GAITHER.

Messrs. Adams, Atkins, Beaman,

Messrs. Jones, Kelly, Lea,
Brame,  
Bridgers,  
Brogden,  
Burgin,  
Caldwell,  
Collins,  
Cunningham,  
Dunn,  
Ellis,  
Emerson,  
Fagg,  
Fleming,  
Gambill,  
Gatling,  
Graves,  
Grist,  
Hawkins,  
Martin,  
Murphy,  
McIntyre,  
McNeill,  
Phifer,  
Regan,  
Richardson,  
H. Robinson,  
Sanders,  
Scales,  
Shaw,  
Shepard,  
Stone,  
Taliafero,  
Wilder,  
N. L. Williamson,  
R. P. Williamson.—40.

FOR MR. FRANCIS.

Messrs. Clayton,  
Hayes,  
Keener,  
Kirk,  
Lemmond,  
Mangum,  
McNair,  
Messrs. Prentiss,  
Rankin,  
Reinhardt,  
Roane,  
White,  
N. Wilson.—13.

Mr. Keener, from the Committee on this Election, reported that no one had received a majority of the whole number, and that there was no election.

The report was concurred in.

Received from the Senate a message, proposing another vote immediately for a Solicitor in this Circuit.

The proposition was agreed to, and Messrs. Kirk and Waddill appointed a Committee on the part of the Commons, to superintend the election.

A message from the Senate, informing that Messrs. Boyden and Woodfin compose their branch of said Committee.

The House then voted as follows, viz:

...
FOR MR. BYNUM.

Messrs. Speaker,
Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Calloway,
Cherry,
Church,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Edwards,
Ehringhaus,
Faucett,
Foy,
Gee,
George,
Golding,
Guthrie,
Guyther,
Hackney,
Hamrick,
Haughton,
Jackson,
Keener,

Messrs. Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Mitchell,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
Poindexter,
Pratt,
Prentiss,
Puryear,
Rankin,
Reid,
T. Robinson,
Rush,
Sharp,
Smith,
Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
T. Wilson.—63.

FOR MR. GAITHER.

Messrs. Atkins,
J. Barnes,
Beaman,
Brame,
Bridgers,

Messrs. Kelly,
Lea,
Lemmond,
Mangum,
Martin,
Mr. Kirk, from the Committee appointed to conduct this election, reported that Mr. Gaither had received a majority of the whole number of votes, and that he was duly elected.

The report was concurred in.

Mr. Haughton introduced a Bill for the relief and benefit of Orphans.
Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Fleming introduced a Homestead Bill.
Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. McNair presented a petition from the Officers of the 93d Regiment of Militia.
Which was, on his motion, referred to the Committee on Military Affairs.

Mr. T. H. Robinson presented a Bill for the establishment of a Board of Agriculture.
Which was read the first time and passed, and referred to the Committee on Agriculture.

Mr. Taliafero presented a memorial from the Officers of the 73d Regiment of Militia.
Which was referred to the Committee on Military Affairs.
Mr. Clayton, a petition from sundry citizens of Henderson County, on the subject of Free Schools.

Which was referred to the Committee on Education.

Mr. Regan introduced a Bill to prevent frivolous and malicious Prosecutions.

Which was read the first time and passed, and referred, on motion of Mr. Guthrie, to the Committee of the whole House, and made the order of the day for Monday next.

Mr. Lord presented a petition of sundry citizens, praying that Martin Josey be appointed a Justice of the Peace in Capt. Shinn’s District.

This petition was read and laid on the table.

On motion of Mr. Moore,

Resolved, That the use of the Commons Hall, on Monday evening next, be granted to the North Carolina Bible Society.

The House adjourned until to-morrow morning 10 o’clock.

Saturday, Nov. 30, 1844.

Messrs. Hayes, Keener, Fleming, Mills and Gambill, were appointed on behalf of this House, the Joint Select Committee on Cherokee Land Bonds.

Mr. Davis introduced a Bill to extend the time for registering Grants, Deeds, Mesne Conveyances, Bills of Sale and Deeds of Gift.

Which was read the first time and passed.

Mr. Graves, a Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell.
Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Lord, from the Committee on Propositions and Grievances, reported without amendment, the Bill to cede a portion of Rutherford County to the County of Henderson; when the said Bill was read the second time and passed.

Mr. Lord, from the same Committee, to whom the petition of Jorial Barnett was referred, reported a Resolution in favor of Jorial Barnett.

Which was read the first time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the petition of David Pennington, and asked that the Committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. T. Wilson, from the Committee on Claims, reported favorably on the Resolution in favor of Leonard Ziglar; when the same was read the second time and passed.

Received from the Senate a message, proposing to raise a Joint Select Committee of three on the part of each House, for the purpose of inquiring into the expediency of laying before Congress the subject of re-building the Branch Mint at Charlotte, in this State.

The proposition was agreed to, and Messrs. Kirk, Harris and Rankin were appointed said Committee on the part of this House.

A message from the Senate, informing that Messrs. Dockery, Francis, Cameron, Wilson, Thompson, of Bertie, Walker and Biggs compose their branch of the Joint Committee of Finance.

A message from the Senate, proposing to raise a Joint Select Committee on the subject of changing the location of the Court House in the County of Lincoln—said Committee to consist of five members on the part of each House.

The proposition was agreed to.

Mr. Hamrick presented a petition on the subject of the dividing line between the Counties of Rutherford and Cleaveland.

Which was referred to the Committee on Propositions and Grievances.

Mr. George presented a Bill, to establish a new County by the name of Williams.

Which was read the first time and passed.

Mr. Roane, a Resolution in favor of William Dills, of Macon County.
Which was read the first time and passed, and on motion of Mr. Keener, referred to the Committee on Private Bills.

Mr. Moore, from the Committee on the Judiciary, reported with certain amendments, the Bill to amend the Revised Statutes concerning Clerks and Registers.

Said Bill was read, and on motion of Mr. Mebane, laid on the table.

The Bill to establish a new County by the name of Graham, was, on motion of Mr. Reid, taken up and referred to the Committee of Propositions and Grievances.

Mr. Church and Mr. Kirk, presented sundry papers and petitions relating to the establishment of this county, which were, on their motions, referred to the Committee on Propositions and Grievances.

Mr. Trull presented a Resolution for the establishment of a new Regiment of Militia in the County of Union.

Which was referred to the Committee on Military Affairs.

Received a message from the Senate, agreeing to the proposition of this House, to raise a Joint Select Committee of two, on the part of each House, to take into consideration the communication yesterday submitted to this House by Weston R. Gales, Esq. Intendant of Police of the City of Raleigh, and informing that Messrs. Lindsay and Speight form their branch of said Committee.

A message from the Senate disagreeing to the several propositions of this House, to raise a Joint Select Committee on so much of the Governor's message as relates to the Rail Roads and their financial connexion with the State.

Also, to the proposition to raise a Joint Select Committee on so much of said Message as relates to Asylums for the Insane, Deaf and Dumb.

Also, to the proposition to raise a Joint Select Committee on that part of the Message relating to a Penitentiary.

And also disagreeing to the proposition of this House, to raise a Joint Select Committee on that portion of the Message relating to enclosing the Capitol Square.

Mr. Moore presented the following Resolutions, which were read and agreed to:

Resolved, That so much of the Governor's Message as relates to Rail Roads, and their financial connexion with the State, be referred to a Select Committee of six members.
That so much thereof as relates to a Penitentiary, be referred to a Select Committee of three.

That so much thereof as relates to enclosing the Capitol Square, be referred to a Select Committee of four. And

That so much of said Message as relates to an Asylum for the Insane, Deaf and Dumb, be referred to a Select Committee of three members of this House.

Mr. Reid presented a petition from sundry citizens, in relation to the proposed new County of Graham.

Which was referred to the Committee on Propositions and Grievances.

Mr. Hayes presented the petition of Renselaer B. Smith, praying to be paid the amount of a specie certificate issued by this State, in favor of Israel Campbell, for Revolutionary services in the year 1782.

Which was referred to the Committee on Claims.

Mr. Fleming presented sundry petitions of citizens of Yancy County, relating to the abolishing of the Jury Terms of their County Courts.

Which were referred to the Committee on the Judiciary.

The Resolution presented by Mr. Scales, in relation to the Indexes to the Colonial Documents, was, on motion of Mr. Graves, referred to the Committee on the Library.

The resignations of Josiah Settle, of Rockingham County, of A. Linville, of Stokes County, received from the Senate, and Willis Noble, of Pitt County, Justices of the Peace, were presented, read and accepted.

The House then adjourned until Monday morning 10 o’clock.

Monday, Dec. 2, 1844.

The Speaker, under the Joint Rules of Order, appointed Messrs. Clayton, J. G. Dickson, Doak and Dunn a Committee on Enrolled Bills for the present week.
The following Committees were also appointed under previous orders of the House:

A Committee on the subject of an Asylum for the Insane, Deaf and Dumb, consisting of Messrs. Littlejohn, Phifer and Shaw.

A Committee on the subject of changing the location of Lincoln Court House, consisting of Messrs. Puryear, N. Wilson, Waddill, Foy and Hamrick.

A Committee on the subject of the communication of the Intendant of Police of the City of Raleigh, consisting of Messrs. Wilder and Brower.

And a Committee on the subject of a Penitentiary, consisting of Messrs. McLean, Sanders and Jackson.

Mr. Atkins presented a certificate from the County Court of Cumberland County, in favor of Martha Spears, a State pensioner, allowing an annual sum of fifty dollars.

Which was ordered to be countersigned by the Speaker of this House, and transmitted to the Senate.

Mr. Mills, from the Committee on Finance, reported a Bill to amend the 9th Section of the Revised Statutes, entitled an Act concerning the Comptroller, with an amendment.

The said Bill was thereupon read the second time, amended and passed.

Mr. Brogden introduced a Bill, to prohibit the levying of Executions upon growing crops, until such crops are matured.

Mr. Scales, a Bill to prohibit the levying of Executions upon growing crops.

And Mr. Moore, a Bill to locate the residences of the Judges of the Superior Courts hereafter to be elected.

These Bills were read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Adams, from the Joint Select Committee raised on the subject of counting and comparing the votes given at the last election for Governor of the State, reported the following Resolution, which was read and adopted, and ordered to be transmitted to the Senate, viz:

Resolved, That the two Houses of the General Assembly shall assemble in the Hall of the House of Commons, on Thursday, the 5th day of December 1844, at 12 o'clock; that one member shall be appointed Teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared; that the result shall be delivered to the Speaker of the Senate, who shall announce to
the two Houses assembled as aforesaid, the state of the vote, and the person elected, if it shall appear that a choice has been made, agreeably to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with a list of the votes, shall be entered on the Journals of the two Houses.

Mr. Wilder presented a petition from James G. Mitchell, of Wake County, praying compensation for Military services rendered by him during the year 1812.

Which was read and referred to the Committee on Claims.


Which, on motion of Mr. Ehringhaus, was laid on the table.

Mr. Hawkins presented a Resolution in favor of William T. Bain.

Which was read the first time, passed, and referred to the Committee on Claims.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill, to authorize William Bland, of Chatham County, to construct a Dam across Haw River, and to erect a Mill thereon.

Said Bill was, on motion of Mr. Haughton, postponed to Monday week next, and made the order of the day for that day.

Mr. White presented a Petition from sundry citizens, accompanied by a Bill to carry their prayer into effect, authorizing the County Court of Lincoln County, to exercise exclusive jurisdiction over the public road which is the dividing line between the Counties of Lincoln and Cleaveland.

The said Bill was read the first time, passed, and referred to the Committee on Private Bills.

Mr. Mills presented a Memorial from sundry citizens of the County of Rutherford, protesting against annexation to the County of Cleaveland.

Which was referred to the Committee on Propositions and Grievances.

The Bill to establish a new County by the name of Williams was read, and referred to the Committee on Propositions and Grievances.

The Bill to amend the Revised Statutes concerning Executions; The Resolution in favor of Leonard Ziglar;

Were each read the third time, passed, and ordered to be Engrossed.
The Resolution in favor of Jorial Barnett, was read the second time and passed.

The Bill to annex a portion of Rutherford County to the County of Henderson, was, on motion of Mr. Caldwell, made the order of the day for Wednesday next.

The Bill to prevent frivolous and malicious prosecutions, heretofore made the special order for this day, was, on motion of Mr. Poindexter, postponed and made the order of the day for Saturday next.

The Bill to extend the time for registering grants, deeds of mesne conveyance, bills of sale, and deeds of gift, was referred to the Committee on the Judiciary.

Received from the Senate a message, informing that they were ready to proceed to the execution of the Joint Order of the two Houses and to vote for a Judge of the Supreme Court, and that Messrs. Cameron and Joyner form their branch of the Committee to superintend the Election.

Ordered, that the Senate be informed that this House is also ready to go into said Election immediately, and that Messrs. Mebane and Brame compose our branch of said Committee.

The Roll was called, and the House voted as follows:

FOR FREDERICK NASH.

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Dunn,
Edwards,
Ehringhaus,
Emerson,
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Faucett,
Foy,
Gambill,
Gee,
George,
Golding,
Graves,
Grist,
Hackney,
Hamrick,
Harris,
Haughton,
Hawkins,
Hayes,
McIntyre,
McLean,
McNair,
Poindexter,
Pratt,
Prentiss,
Puryear,
Rankin,
Regan,
Reid,
Reinhardt,
Richardson,
Roane,
T. Robinson,
Rush,
Shaw,
Shepard,
Smith,
Stone,
Street,
Trull,
Taliaferro,
Waddill,
Washington,
Watters,
Whitehurst,
N. L. Williamson,
N. Wilson.—88.

FOR RICHMOND M. PEARSON.

Messrs. Barco,
Beaman,
Davenport,
Fleming,
Gatling,
Kelly,
Miller,
Murphy,
McNeill,
R. T. Paine,

Messrs. Phifer,
H. Robinson,
Sanders,
Scales,
Thrash,
White,
Wilder,
R. P. Williamson,
T. Wilson.—19.
Mr. Mebane, from the Committee appointed to superintend this election, reported that Frederick Nash had received a majority of the whole number of votes, and that he was duly elected a Judge of the Supreme Court of North Carolina.

The report was concurred in.

Received from the Senate a message, concurring in the Resolution reported by the Joint Select Committee, in relation to counting and comparing the votes cast for Governor.

A message from the Senate, informing that Messrs. Dockery, Wilson, Elliott, Pasteur and Cowper form their branch of the Joint Committee on Military Affairs; that Messrs. Stowe, Stallings, Francis, Woodfin and Waddell form their branch of the Committee on the subject of changing the location of the County seat of Lincoln County; and that Messrs. Worth, Walker and Stowe form their branch of the Committee on the subject of memorializing Congress in relation to rebuilding the Branch Mint at Charlotte.

Received a message from the Senate, informing that Messrs. David F. Caldwell, of Rowan, and Augustus Moore, of Chowan; are in nomination for the appointment of a Judge of the Superior Courts; that the Senate is now ready to proceed to said election, under the Joint Order of the two Houses; and that Messrs. Cowper and Waddell form their branch of the Committee on said election.

Ordered that the Senate be informed that this House is also ready to vote, and that Messrs. Ehringhaus and Ellis form our branch of said Committee.

The House then voted as follows:
FOR DAVID F. CALDWELL.


FOR AUGUSTUS MOORE.

Messrs. Atkins, Barco, D. A. Barnes, J. Barne, Beaman, Lea, Lemmond, Mangum, Martin, Mitchell,
Mr. Ehringhaus, from the Committee on this election, reported that David F. Caldwell had received a majority of the whole number of votes, and that he was duly elected a Judge of the Superior Courts of Law and Equity.

The report was concurred in.

The resignation of B. W. Hathaway, a Justice of the Peace for the County of Chowan, was presented, read and accepted.

The House then adjourned until to-morrow morning 10 o'clock.

Tuesday, Dec. 3, 1844.

Mr. T. Wilson, from the Committee on Claims, reported with-
out amendment, the Resolution in favor of Wm. T. Bain, when
the said Resolution was read the second time and passed.

Mr. T. Wilson, from the same Committee, reported unfavora-
bly on the petition of James G. Mitchell, and asked to be dis-
charged from the further consideration of the subject.

The report was agreed to.

Mr. T. Wilson, from the same Committee, reported a Resolu-
tion in favor of Harry Addington.

Which was read the first time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, re-
ported without amendment the Bill concerning Edenton Acade-
my, when the said Bill was read the second time and passed.

James M. Bullock, one of the members elect from the County
of Granville, appeared, exhibited his credentials, and was qualified
according to law.

Mr. Caldwell presented a Bill to annex a part of Rutherford
County to the County of McDowell.

Which was read the first time and passed, and referred to the
Committee on Propositions and Grievances.

Mr. Lord, from the Committee on Propositions and Grievances,
reported unfavorably on the Bill to establish a new County by the
name of Graham, when the said Bill was, on motion of Mr. Reid,
laid on the table.

Received from the Senate the following Pension Certificates,

viz.

From the County Court of Craven, in favor of John Rhem, al-
lowing him a pension for the years 1843 and 1844, of one hun-
dred dollars per annum.

And in favor of Thomas Ewell, allowing him in like manner
fifty dollars.

From the County Court of Mecklenburg, in favor of Martha
Thompson, allowing her in like manner fifty dollars.

And from the County Court of Iredell, a certificate in favor of
Ann Patterson, widow of John Patterson, allowing her a pension
of thirty dollars and fifty cents, for the year 1844.

These certificates were all read, and ordered to be countersigned
by the Speaker of this House, and returned to the Senate.

Mr. Washington presented the pension certificate from Craven
County, in favor of Alexander Taylor, allowing him a pension of
fifty dollars, for the year 1844.

Which was read and ordered to be countersigned by the Speak-
er of this House, and transmitted to the Senate.
Received a message from the Senate, informing that Messrs. Worth, Walker and Stowe form their branch of the Joint Select Committee on the subject of rebuilding the Branch Mint at Charlotte;

And that Messrs. Hester, Jeffreys and Smith form their branch of the Committee on the Library.

The resignation of John Matier, of Rockingham County, a Justice of the Peace, was read and accepted.

Mr. Lord, from the Committee on Propositions and Grievances, to whom was referred the memorial of sundry citizens of Ocra-cocke, reported a Bill concerning Hyde County.

Which was read the first time and passed.

Mr. Ehringhaus introduced a Bill concerning Sheriffs and Constables.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

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

Resolved, That the Door-keeper of this House be directed to procure the Maps of the State of North Carolina, belonging to this House, for the use of the House of Commons.

The Speaker appointed Messrs. Mebane, Wilder, Haughton, Cherry, Nixon, and Martin, to compose the Select Committee yesterday raised on the subject of the Rail Roads of this State;

And Messrs. Shepard, Waddill, Bridgers, and Washington to compose the Select Committee on the subject of enclosing the Capitol Square.

Mr. Hayes presented a Petition from sundry citizens of Cherokee County, in relation to their purchases of Cherokee Lands.

Said Petition was referred to the Committee on Cherokee Lands.

Received from His Excellency, the Governor, by his Private Secretary, Mr. Reynolds, a communication transmitting the official returns of the votes cast for Electors of President and Vice President of the United States.

The communication was read, and on motion of Mr. Moore, ordered to be sent to the Senate, with a proposition that it be printed.

Mr. Moore presented a Bill to make Real Estate Assets.

Which was read the first time, passed and referred to the Committee on the Judiciary.
The Bill to amend the Revised Statutes concerning Clerks and Sheriffs, was called up by Mr. Mebane, read the second time, amended and passed.

Mr. Whitehurst presented a Petition for the division of one of the Wreck districts in Carteret County.

Which was referred to the Select Committee on Wrecks.

Mr. Thrash presented a Petition from Thomas Paine, of Buncombe County, praying the Emancipation of certain Slaves therein named.

Which was referred to the Committee on Propositions and Grievances.

Mr. Wilder, from the Joint Select Committee, raised on the Letter of the Intendant of Police of the City of Raleigh, tendering the use of the Bell belonging to the Town Clock, made a report, recommending that the same be accepted, and used during the remainder of the Session, as a signal for the meeting of the General Assembly.

Mr. George presented sundry papers, relating to the establishment of a new County by the name of Williams.

Which were referred to the Committee on Propositions and Grievances.

Mr. Miller presented a Bill on forms of criminal pleading.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

On motion of Mr. T. Wilson,

Ordered, That the Door-keeper of the House of Commons, be directed to ring the Bell, every morning, twenty minutes before the arrival of the hour to which the House had adjourned.

The resignation of Nathaniel Torian, a Justice of the Peace of the County of Person, was presented, read and accepted.

The Bill to amend the ninth section of the Revised Statutes, entitled an Act concerning the Comptroller;

And the Resolution in favor of Jorial Barnett;

Were each read the third time, passed, and ordered to be Enrolled.

Mr. Moore introduced a Bill in addition to the Revised Statutes, entitled Wills and Testaments, to amend the same, and to repeal a part of the fifteenth section of the Revised Statutes, entitled "Lands of Deceased debtors."
Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Moore presented a Bill, concerning Final Process in actions of Detinue;

And Mr. Fagg presented a Bill, to give exclusive jurisdiction to the Superior Courts of the Counties of Cherokee, Macon, Haywood, Henderson, and Buncombe, where the intervention of a Jury shall or may be necessary.

These Bills were read the first time, passed, and referred to the Committee on the Judiciary.

Mr. T. Wilson presented the following Resolution:

Resolved, That the use of the Hall of the House of Commons be, and the same is hereby tendered to the College of Electors, which assemble on to-morrow in the Capitol, for the purpose of casting the votes of the State of North Carolina for President and Vice President of the United States; and that a Committee of three be appointed by the Chair, to announce this decision to the College; and that when the House adjourns this evening, it adjourn until Thursday morning 10 o'clock.

This Resolution was read, and on Mr. T. Wilson's motion, laid on the table.

The House then adjourned until to-morrow morning 10 o'clock.

Wednesday, Dec. 4, 1844.

Mr. Douthit presented a Bill to appoint Commissioners for the Town of Clemmons ville, in Davidson County.

Which was read the first time, passed, and referred to the Committee on Private Bills.

Mr. Caldwell presented a Bill to incorporate the Town of Marion, in McDowell County.
Which was read the first time, passed, and referred to the Committee on Propositions and Grievances.

Mr. Fagg, a Bill to amend the law relative to prosecutions in State cases.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Lord, from the Committee on Propositions and Grievances, reported with certain amendments, the Bill to annex a part of Rutherford County to the County of McDowell; when the said Bill was read the second time, amended and passed.

Mr. Poindexter, from the Committee on the Judiciary, reported without amendment, the Bill to extend the time for registering Grants, Deeds of Mesne Conveyance, Bills of Sale, and Deeds of Gift.

When the said Bill was read the second time and passed.

Mr. Gambill introduced a Bill, for an appropriation for a Public Road in Wilkes County.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Brower, a Resolution in favor of John Hill and others.

Which was read the first time, amended and passed, and referred to the Committee on Propositions and Grievances.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petition of Thomas Paine, of Buncombe County, praying the emancipation of certain Slaves; and asked that the Committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. D. A. Barnes, from the Committee on Private Bills, reported with certain amendments, the Bill concerning New River; when the same was read the second time, amended, and passed.

Mr. Roane presented a Resolution in favor of Securities to Bonds of Purchasers of Cherokee Lands, in 1836.

Which was read, and referred to the Committee on Cherokee Bonds.

Mr. Mills presented a petition from sundry citizens of the Counties of Rutherford, Burke, Catawba and Cleaveland, praying the erection of a new County by the name of Mangum.

Which was referred to the Committee on Propositions and Grievances.

Mr. Caldwell presented a memorial from sundry citizens of the County of Burke, protesting against any further curtailment of
her limits, by the establishment of new Counties; which was referred to the Committee on Propositions and Grievances.

Mr. Hamrick presented a petition from sundry citizens of Clevaeland County, protesting against the establishment of a new County out of a portion of the said County of Clevaeland, in the manner proposed.

Which was referred to the Committee on Propositions and Grievances.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the Bill to establish a new County by the name of Williams.

When the same was read, and on motion of Mr. George, ordered to lie on the table.

Mr. Ehriinghaus presented a memorial from certain Officers of the 4th Regiment of Militia, suggesting alterations in the Militia Laws.

Which was referred to the Committee on Military Affairs.

The Bill concerning Hyde County, and the Resolution in favor of Henry Addington, were each read the second time and passed.

The Bill to cede a portion of Rutherford County to the County of Henderson;

And the Bill concerning Edenton Academy,

Were each read the third time and passed, and ordered to be Engrossed.

The resignation of Oliver Herring, as a Justice of the Peace of the County of Lenoir, was presented, read and accepted.

The House then adjourned until to-morrow morning 10 o'clock.

Thursday, Dec. 5, 1844:

Messrs. Guthrie and Cunningham were appointed the Joint Se-
Jor Committee on the part of the Commons, to count and compare the votes given at the last election, for Governor of the State.

On motion of Mr. Moore,

Ordered, That the communication of His Excellency, the Governor, recently made to this House, transmitting the Returns of Votes given for President and Vice President of the United States, be referred to the Committee on the Judiciary.

Mr. Atkins presented a Bill concerning Crimes and Punishments.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Received a message from the Senate, informing that they had passed the Engrossed Bill, to cede to the United States a certain Tract of Land lying on the Island of Portsmouth, Carteret County, for the purpose of erecting a Marine Hospital thereon; and asking the concurrence of this House in the passing of said Bill.

The said Bill was read the first time, passed, and on motion of Mr. Washington, by unanimous consent, the same was read the second and third times, passed, and ordered to be Enrolled.

A message from the Senate, informing that they had passed the Engrossed Bills to protect the Public Bridges in Tyrrell and Washington Counties; and the Bill to incorporate the Franklinsville Guards, in the County of Randolph; and asking the concurrence of this House.

The said Bills were read the first time and passed.

Mr. Fagg presented a Bill, to establish a Public Road in the County of Buncombe, and to make an appropriation therefor.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

The Speaker laid before the House, the memorial of Francis E. Rives, of Virginia, praying for a charter, by which he may be permitted to charge on the Rail Road between Weldon and Margaretsville, the same per mile as allowed to be charged on the Portsmouth and Roanoke Rail Road.

On motion of Mr. Cherry, the reading of the memorial was dispensed with.
Mr. Cherry moved that the said memorial be referred to the Committee on Internal Improvement.

Mr. Haughton moved that the further consideration of the same be postponed indefinitely.

Mr. Atkins moved that the said memorial lie on the table.

Pending this last question, Mr. Shepard, of Wake, being entitled to the floor, the Chair announced the arrival of the hour at which by a concurrent order, the two Houses had determined to count and make a list of the votes cast for Governor at the last August Election.

Whereupon, a message was sent to the Senate, informing that body of the readiness of this House to receive the members of the Senate in the Hall of the Commons, for the purpose of examining, comparing and listing the returns of the votes given by the People, at the last August Election, for Governor of this State.

The two Houses thereupon assembled in General Convention, in the Commons Hall—Hon. B. S. Gaither, Speaker of the Senate, presiding as President of the Convention.

When the Clerks of the two Houses, in the presence of the Joint Select Committee, as Tellers, viz: Alfred Dockery, of the Senate, John S. Guthrie and John W. Cunningham, of the Commons, proceeded to examine the several Returns of the Sheriffs, and to declare the number of votes given in the several Counties of the State, as follows:

<table>
<thead>
<tr>
<th>Counties</th>
<th>For Wm. A. Graham</th>
<th>For Michael Hoek</th>
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<tbody>
<tr>
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<td>Counties</td>
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</table>
The returns of votes given at the late Election, on the first Thursday in August last, for Governor of this State, have been opened and published according to law, in the presence of a majority of the members of both Houses of the General Assembly. The Tellers appointed by both Houses, to examine the returns, and make a list of the votes, have reported that forty-two thousand, five hundred and eighty-six (42,586) votes were given for Wm. A. Graham, of the County of Orange, being the highest number of votes given for any person; And that thirty-nine thousand, four hundred and thirty-three (39,433) votes were given for Michael Hoke, of Lincoln County.

Majority for William A. Graham, 3,153.
The Senators having withdrawn from the Hall, the Speaker of the House of Commons resumed the Chair; and Mr. Shepard having yielded the floor,

The House, on motion of Mr. Guthrie, adjourned until to-morrow morning 10 o'clock.

Friday, Dec 6, 1844.

Mr. Moore, from the Committee on the Judiciary, reported without amendment, the Bill concerning Final Process in actions of Detinue.

When said Bill was read the second time and passed.

The resignations of John P. Clingman and Joshua Patterson, Justices of the Peace of the County of Surry, were presented, read and accepted.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Resolution in favor of William Dills, of Macon County.

Which was read the second time and passed.

Mr. D. A. Barnes, from the same Committee, reported unfavorably on the Bill to appoint Commissioners for the town of Clementsville, in Davidson County.

When said Bill was read the second time and rejected.

Mr. Lord, from the Committee on Propositions and Grievances, reported with sundry amendments, the Bill to incorporate the Town of Marion, in McDowell County.

When said Bill was read the second time, amended and passed.

Mr. Trull introduced a Bill, to incorporate the Town of Monroe, in the County of Union; and

Mr. Miller, a Bill to amend an Act for the better regulation of the Town of Mocksville, in Davie County.
These Bills were read the first time and passed, and severally referred to the Committee on Propositions and Grievances.

Received a message from the Senate, informing that they had passed the following Engrossed Bills:

A Bill to attach a portion of the 69th Regiment to the 68th Regiment;

A Bill to alter the mode of appointing Constables in Tyrrell County;

And asking the concurrence of this House.

The said Bills were read the first time and passed.

Mr. Roane presented a Resolution in favor of Eli McKee. Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Mebane presented a memorial from sundry citizens of the County of Orange, praying a repeal of the law authorizing the people to elect Constables; and that the election of said Officers be again committed to the several County Courts.

Said memorial was referred to the Committee on Propositions and Grievances.

Mr. Lord from the Committee on Propositions and Grievances, reported unfavorably on the petition of sundry citizens of the Counties of Burke, Rutherford, Catawba and Cleveland, praying the erection of a new County by the name of Mangum.

Said report was read and concurred in.

Mr. Cherry presented the petition of John D. Hawkins, of Franklin County, praying a release on the part of the State, of their title to a Lot in the Town of Henderson, formerly the property of P. E. A. Jones;

And Mr. Puryear the Petition of Richard Cox, of Surry County, praying license be granted him to peddle Goods free of Tax.

These Petitions were referred to the Committee on Propositions and Grievances.

Mr. Thrash presented a Bill, to amend the first clause of the sixth of the Revised Statutes, chapter first, extending the jurisdiction of Justices of the Peace.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Fagg presented a petition from sundry citizens of Buncombe County, praying the erection of a new County, out of portions of Buncombe and Yancey Counties, by the name of Warm Spring.
Which was read and referred to the Committee on Propositions and Grievances.

Mr. T. Wilson presented the following Resolution:

Resolved, That the Committee on Education be instructed to enquire into the expediency of appointing a Superintendent of Common Schools, for each of the Congressional Districts, and of defining the duties of said Superintendent, so that the requirements of the present School Law may be carried out, and that they report by Bill or otherwise.

This Resolution was read and rejected.

Mr. Mills presented a Bill, to revive and continue in force an Act passed in the year 1841, entitled an Act, to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the widow Sail's, in Buncombe County.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Watters presented a Resolution founded on a Petition relating to Smithville, in Brunswick County.

Which was read the first time, passed, and referred to the Committee on Propositions and Grievances.

Mr. Washington presented a Petition from sundry citizens of Craven County, praying that additional restrictions by law, may be imposed on Pedlars.

Which was referred to the Committee on Propositions and Grievances.

Received from His Excellency, the Governor, by his Private Secretary, the Report of the President and Directors of the Literary Fund of North Carolina.

Which, on motion of Mr. Guthrie, was ordered to be transmitted to the Senate, with a proposition that the same be printed.

The Speaker laid before the House the report of S. F. Patterson, President of the Raleigh and Gaston Rail Road Company, upon the condition and affairs of said Corporation.

Which was ordered to be sent to the Senate, with a proposition that it be printed.

Mr. Cochran presented a petition from sundry citizens of Montgomery County, praying that certain persons therein named may be appointed Justices of the Peace.

Which was read and referred to the Committee on Propositions and Grievances.
Mr. Reid presented a Bill concerning the election of Constables in the County of Iredell.
Which was read the first time and passed, and referred to the Committee on the Judiciary.
On motion of Guthrie,

Resolved, That a Committee be appointed to enquire into the expediency of selling the lands belonging to the State, which are situated in the City of Raleigh; and that they have leave to report by bill or otherwise.

Mr. Washington, from the Committee on the Judiciary, reported unfavorably on the Bill to amend the law relative to Prosecutions in State cases.
Mr. Fagg moved that the said Bill lie on the table.
This motion did not prevail, and the question, "Shall this Bill pass its second reading?" was decided in the negative—Yeas 14, Nays 94.
The Yeas and Nays demanded by Mr. Church.

Those who voted in the affirmative, were

Messrs. Beaman, Messrs. Keener,
    Bullock,    Mangum,
    Caldwell, McNair,
    Church,     Pratt,
    Fagg,      Regan,
    Fleming,   Roane,
    Gambill,    White.—14.

Those who voted in the negative, were

Messrs. Adams, Messrs. Lea,
    Atkins,    Leathers,
    Barco,     Lemmond,
    D. A. Barnes,  Littlejohn,
    J. Barnes,   Locke,
    Bond,       Martin,
    Brame,      Mebane,
    Bridgers,    Miller,
    Brogden,    Mills,
The resignation of Thomas Lasater, as a Justice of the Peace of the County of Chatham, was presented, read and accepted.

Received a message from the Senate, agreeing to the proposition of the House of Commons, to print the Message of His Excellency, the Governor, with the accompanying Report from the
Literary Board; and also to print the communication of S. F. Patterson, President of the Raleigh and Gaston Rail Road Company, with his Report in relation to the receipts and expenditures of said Road.

A message from the Senate, proposing that the two Houses shall, on to-morrow at 12 o'clock, proceed to the election of seven persons as Councillors of State.

The proposition was concurred in.

The House then proceeded to the orders of the day, and resumed the consideration of the question pending on the adjournment of the House yesterday; the same being on the motion made by Mr. Atkins, that the memorial of Francis E. Rives lie on the table.

The motion of Mr. Atkins was by him withdrawn, when Mr. Guthrie moved that the said memorial be laid on the table till the 4th of March next.

The question on this motion, was decided in the affirmative—

Yeas 58, Nays 53.

The Yeas and Nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs. Barco,                      Messrs. Hackney,
D. A. Barnes,                       Hayes,
Bond,                              Keener,
Brower,                            Leathers,
Brown,                             Littlejohn,
Burgin,                            Locke,
Caldwell,                          Mebane,
Calloway,                          Miller,
Church,                            Mills,
Clayton,                           Moore,
Cochran,                           Murphy,
Credle,                            McLean,
Davenport,                         McNair,
Davis,                             Phifer,
W. Dickson,                        Poindexter,
Doak,                              Prentiss,
Douthit,                           Puryear,
Dunn,                              Regan,
Ellis,                             Reid,
Emerson,
Those who voted in the negative, were

Messrs. Adams,
Atkins,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Cherry,
Collins,
Cunningham,
J. G. Dickson,
Fleming,
Gatling,
Gee,
Graves,
Hamrick,
Harris,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,
Lord,
Roane,
T. Robinson,
Rush,
Smith,
Thrash,
Trull,
Watters,
R. P. Williamson,
T. Wilson.—58.

Messrs. Mangum,
Martin,
Mitchell,
McIntyre,
McNeill,
Nixon,
Odom,
R. T. Paine,
Perkins,
Pratt,
Rankin,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Street,
Taliafero,
Washington,
White,
Whitehurst,
N. L. Williamson,
N. Wilson,
Woodward.—53.

The Speaker announced the appointment of the following Select Committee, raised on the Resolution relating to selling the
lands owned by the State in the City of Raleigh, viz: Messrs. Guthrie, Gee, Hackney, Woodward and Mangum.

Mr. Moore, from the Committee on the Judiciary, reported with sundry amendments, the Bill concerning Sheriffs and Constables, when the same was, on motion of Mr. D. A. Barnes, laid on the table.

Mr. Lord presented a Bill to amend an Act, to incorporate the President, Directors and Company of the Yadkin Toll Bridge.

Which was read the first time and passed, and referred to the Committee on Private Bills.

The House adjourned until to-morrow morning 10 o'clock.

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Saturday, Dec. 7, 1844.

Mr. Guthrie, from the Committee on the Library, reported unfavorably on the Resolution concerning the printing of Colonial Documents.

When the same was read the second time and rejected.

Mr. Guthrie, from the same Committee, reported the following Resolution:

Resolved, That the Librarian cause to be printed for the use of the present General Assembly, a catalogue of all the Books in the State Library.

This resolution was read and rejected.
Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill to keep open French Broad and Tennessee Rivers.

When said Bill was read the second time, and passed.

Mr. D. A. Barnes, from the same Committee, reported without amendment, the Bill authorizing the County Court of Lincoln, to exercise exclusive jurisdiction over the Public Road, which is the dividing line between the Counties of Lincoln and Cleaveland.

When the said Bill was read the second time and passed.

Mr. J. Barnes presented the following Resolution:

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of so amending the Law, that Witnesses shall not be compelled to pay any Cost in Court, where they have been called out and fined for their absence. Provided, they appear at the next Term of said Court, and make it appear that they were detained from sickness or some other inevitable cause, and that they report by Bill or otherwise.

This Resolution was read and rejected.

Mr. Ellis, from the Committee on Privileges and Elections reported unfavorably on the Resolution vacating the seat of John McNeill as a member of this House from the County of Robeson.

The said Report and Resolution were, on motion of Mr. Caldwell, ordered to lie on the table.

Mr. Moore, from the Committee on the Judiciary, reported the Bill to give exclusive jurisdiction to the Superior Courts of the Counties of Cherokee, Macon, Haywood, Henderson and Buncombe, where the intervention of a Jury shall or may be necessary, with an amendment.

The amendment was concurred in, and the said Bill read the second time as amended, and passed.

Mr. Moore, from the same Committee, reported the Bill to abolish the Jury Term of the County Courts of Yancy County, and moved that the same lie on the table.

The question thereon was determined in the affirmative.

On motion of Mr. Mills,

Resolved, That a message be sent to the Senate, proposing that a Committee of one on the part of the Senate, and two on the part of the
House of Commons, be appointed to inform the Hon. Wm. A. Graham, of his election as Governor of the State of North Carolina, for two years from the first 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.

On motion of Mr. Shepard,

Ordered, That a message be sent to the Senate, informing that the following persons are in nomination for the appointment of Councillors of State, viz: Gabriel Holmes, of New Hanover County, James Watt, of Rockingham, Henry Fitts, of Warren, Alexander W. Mebane, of Bertie, David Watson, of Chatham, David Reid, of Cumberland, Henry W. Connor, of Lincoln, Richard O. Britton, of Bertie, James W. Howard, of Jones, Willie Perry, of Franklin, Nathaniel M. Roane, of Caswell, Absalom Myers, of Anson, Josiah Cowles, of Surry, and James Lowry, of Buncombe.

Mr. Lord from the Committee on Propositions and Grievances, to whom the subject was referred, reported a Bill to cede a portion of Rutherford County to the County of Cleaveland.

When the said Bill was read the first time and passed.

Mr. Moore, from the Committee on the Judiciary, reported with sundry amendments the Bill for the relief of honest Insolvent Debtors.

The amendments were concurred in, and on motion, the said Bill, together with the report of the Committee, was ordered to be printed.

Mr. Credle presented a petition from sundry citizens of Hyde County, protesting against the annexation of a portion of Carteret County to the said County of Hyde.

Which was read, and on motion of Mr. Credle, laid on the table.

Received a message from the Senate, informing that Messrs. Halsey and Gwynn form their branch of the Committee to superintend the election of Councillors of State; and the hour of 12 o'clock having arrived, that they will proceed to vote on the return of the messenger.

Ordered that Messrs. Harris and Beaman superintend said election on the part of this House.
The Roll was called, and the following members voted for

R. O. BRITTON,
J. W. HOWARD,
W. PERRY,
N. M. ROANE,
A. MYERS,
J. COWLES,
J. LOWRY, viz:

And the following members voted for

G. HOLMES,
J. WATT,
H. FITTS,
H. W. CONNOR,
A. W. MEBANE,
D. WATSON,
D. REID, viz:

Messrs. J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Cunningham,
J. G. Dickson,
Dunn,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
Woodward.—42.

And Mr. N. Wilson voted for the following persons, viz:

J. LOWRY,
N. M. ROANE,
J. HOLMES,
A. W. MEBANE,
D. WATSON,
J. WATT,
H. FITTS.
Mr. Harris, from the Committee appointed to conduct this election, reported that the following persons had received a majority of the whole number of votes, and that they were duly elected Councillors of State, viz:

Richard O. Britton,  
Jas. W. Howard,  
Willie Perry,  
N. M. Roane,  
A. Myers,  
Josiah Cowles,  
and James Lowry.

The report was concurred in.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petition from Buncombe County, asking the erection of a new County by the name of Warm Spring; and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported without amendment, the Resolution relating to Smithville, in Brunswick County.

When the same was read the second time and passed.

Mr. Lord, from the same Committee, reported the Bill to incorporate the Town of Monroe, in the County of Union, with sundry amendments.

The amendments were agreed to, and the Bill read the second time and passed.

Mr. Lord, from the same Committee, reported the Bill to amend an Act for the better regulation of the Town of Mocksville, in Davie County, with an amendment.

Which was concurred in, and the Bill read the second time and passed.

Received from the Senate a message, concurring in the proposition of this House, to appoint a Joint Select Committee to inform Hon. Wm. A. Graham, of his election as Governor of the State; and that Mr. Waddell is their member of said Committee.

Ordered that Messrs. Mills and Jones compose this Committee on behalf of the Commons.

The report of Gen. Robert W. Haywood, Adjutant General of
the Militia of this State, heretofore laid on the table, was called up by Mr. Ehringhaus, and on his motion ordered to be transmitted to the Senate, with a proposition that it be printed.

Mr. R. T. Paine introduced a Resolution in favor of Thomas J. Roane, of Macon County;

And Mr. Brower, a Resolution in favor of Isaac White.

These were read the first time, passed and referred to the Committee on Private Bills.

Mr. Washington presented a Memorial from the Synod of North Carolina, praying the appointment of an Agent to procure from the Archives of the British Government, copies of such Papers as may serve to illustrate the History of the State.

This memorial was, on motion of Mr. Washington, referred to the Committee on Private Bills.

Mr. Moore presented a Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Received from His Excellency the Governor, by his Private Secretary, a communication, transmitting sundry resignations of Justices of the Peace, received at the Executive Department since the last Session of the Legislature.

Ordered that said resignations be accepted, and sent to the Senate.

On motion of Mr. Moore,

Resolved, That the use of the Commons Hall be granted to the North Carolina Bible Society, on Monday evening next.

The House now proceeded to the orders of the day, and resolved itself into a Committee of the Whole, Mr. R. T. Paine in the Chair. And after some time spent therein, the Speaker resumed the Chair; and the Chairman reported that the Committee of the Whole had had under their consideration the Bill to prevent frivolous and malicious Prosecutions, and had made progress there-in; and asked leave to sit again.

The report was concurred in, and leave granted to the Committee to sit again,

And on motion of Mr. Guthrie,

The House adjourned until Monday morning 10 o'clock.
MONDAY, Dec. 9, 1844.

The following members were appointed by the Speaker to compose the Committee on Enrolled Bills, for the present week, viz: Messrs. Atkins, Bond, Brower and Bullock.

Mr. Purycar presented a memorial from sundry citizens of the County of Iredell, against the erection of the County of Williams.

Which was ordered to lie on the table, with the other papers on the same subject.

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

Whereas, Mr. Whitaker, Editor of the Southern Quarterly Review, proposes to deliver a course of three Lectures before the Legislature, on the Common School system, and the Prussian system of Education—on the Newspaper Press of the United States, and the Periodical Press of the same: Therefore,

Resolved, That the use of the Hall of Representatives, on Tuesday, Wednesday and Thursday evenings of this week, be granted him for that purpose.

Mr. T. Wilson presented two affidavits of Priscilla Goodwin, of Perquimons County, relating to her Pension Certificate.

Which were referred to the Committee on Claims.

Mr. Moore, from the Committee on the Judiciary, reported without amendment the Bill to make Real Estate Assets.

When the same was ordered to be printed.

Mr. Moore, from the same Committee, reported the Bill to make Real Estate Assets in certain cases, without amendment; and on his motion, the same was laid on the table.

Mr. Calloway presented a Bill, to appoint Commissioners to lay off a Road in the County of Wilkes.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Ehringhaus presented a petition from sundry citizens of Pasquotank County, asking an appropriation for the improvement of the navigation of Pasquotank River.

Which was referred to the Committee on Internal Improvement.

Mr. Mebane presented a Resolution in favor of James C. Turrientine;

And Mr. Mills a Resolution in favor of Michael Francis.
These Resolutions were read the first time and passed, and referred to the Committee on Claims.

Mr. Fagg presented a Bill, to authorize Samuel Chunn to establish a Toll Bridge over French Broad River, in the County of Buncombe.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Lord presented a memorial from the Commissioned Officers of the 64th Regiment of Militia, suggesting amendments in the Militia Laws.

Which was referred to the Committee on Military Affairs.

Mr. Adams presented a Bill, to prevent Betting on Elections.

Which was read the first time and passed.

Received a message from the Senate, informing that they had passed the following Engrossed Bills and Resolutions, and asking the concurrence of this House, viz:

A Bill to amend the 29th section, 31st chapter Revised Statutes;
A Bill to amend the 5th section, 19th chapter Revised Statutes;
A Bill to incorporate a Company of Cavalry in the Town of Wilmington, County of New Hanover;
A Bill more effectually to suppress the offence of Trading with Slaves;
A Bill to extend the provisions of an Act, passed at the session of the General Assembly of 1830, entitled an Act for the relief of such persons as may suffer from the destruction of the Records of Hertford County;
A Resolution in favor of William Stringer, &c.
Resolution in favor of John L. Christian, of Montgomery.

These Bills and Resolutions were read the first time and passed.

The resignation of Henry Fowler as a Justice of the Peace for the County of Granville, was presented, read and accepted.

Mr. Lord from the Committee on Propositions and Grievances, made a report on the petition of sundry citizens of the County of Montgomery, praying the appointment of certain individuals as Justices of the Peace.

Which was read and agreed to.

On motion of Mr. Grist,

Resolved, That the Committee on Propositions and Grievances, be instructed to enquire into the expediency of making an appropriation for removing the obstructions in Pungo River, which obstructions were
caused by cutting the Canal to drain Pungo Lake, and that said Committee report by Bill or otherwise.

Mr. Prentiss introduced a Bill to incorporate the Newbern Mechanics Association.
Which was read the first time, passed, and referred to the Committee on Private Bills.
Received a message from the Senate, concurring in the proposition of this House, to print the Report of the Adjutant General of the Militia of the State.
A message from the Senate, proposing to set apart Saturday afternoon, 21st inst. for recommending and appointing Justices of the Peace.
This proposition was agreed to.
Mr. Atkins presented a memorial from the Officers of the 34th Regiment of Militia.
Which was referred to the Committee on Military Affairs.
The resignation of J. Forbes, of the County of Currituck;
And of Geo. Howard, of Edgecomb, Justices of the Peace;
Were each read and accepted.
The Bill to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, Cherokee, Macon, Haywood, Henderson, and Buncombe, where the intervention of a Jury shall or may be necessary, was read, and on motion of Mr. Cherry, postponed until Wednesday next.
The Bill to amend an Act for the better regulation of the Town of Mocksville, in Davie County, was read the third time, passed; and ordered to be Engrossed.
The Bill to incorporate the Town of Monroe, in the County of Union, was read the third time, amended and passed, and ordered to be Engrossed:
The Bill concerning Sheriffs and Constables, was read the second time, amended and passed, and ordered to be printed.
The Bill to keep open French Broad and Tennessee Rivers, was read the third time, passed, and ordered to be Engrossed.
The Bill concerning New River was read, and amended on motion of Mr. Scales, passed, and ordered to be Engrossed.
The question on the passage of the Bill as amended, was, on motion of Mr. Guthrie, reconsidered; and on motion of Mr. Shepard, the said Bill, together with the proposed amendment, was laid on the table.
Received a message from the Senate, transmitting the following
Resolution, and asking the concurrence of the House of Commons therein:

Resolved, That the Senate have heard with regret of the death of General Thomas Love, who was a member of the Legislature of North Carolina for nearly half a century; and who, after his removal to the State of Tennessee, was elected Speaker of the Senate of that State; and who has occupied many distinguished stations in the gift of the State: Therefore,

Be it Resolved, That as a mark of respect to the memory of Gen' Thomas Love, the Senate do now adjourn until to-morrow morning 10 o'clock.

Resolved, That a message be sent to the House of Commons, asking their concurrence in this tribute of respect to the memory of the deceased.

Resolved, That the Speaker be requested to forward a copy of these Resolutions to the surviving relatives of the deceased.

These Resolutions were read, and on motion of Mr. Guthrie, the House of Commons did unanimously concur therein.

When the Speaker adjourned the House till to-morrow morning 10 o'clock.

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Tuesday, Dec. 10, 1844.

Mr. Brogden called up for consideration, the Bill concerning New River.

When said Bill, together with sundry amendments which had been offered, was, on motion of Mr. R. T. Paine, postponed indefinitely—Yea's 58, Nays 51.
The Yeas and Nays demanded by Mr. Seales.

Those who voted in the affirmative, were

Messrs. Barco, Messrs. Golding,
D. A. Barnes, Guyther,
Beanan, Haughton,
Bond, Hawkins,
Brame, Hayes,
Brower, Keener,
Brown, Leathers,
Bullock, Lemmond,
Burgin, Littlejohn,
Caldwell, Locke,
Cherry, Lord,
Church, Mebane,
Clayton, Mills,
Cochran, Moore,
Credle, McLean,
Davenport, Odom,
Davis, R. T. Paine,
W. Dickson, C. L. Payne,
J. G. Dickson, Perkins,
Doak, Poindexter,
Douthit, Pratt,
Dunn, Puryear,
Ehringhaus, Regan,
Emerson, Roane,
Fagg, T. Robinson,
Faucett, Rush,
Gambill, Smith,
Gee, Thrash,
George, Trull.—58.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
J. Barnes,
Bridgers,
Brogden,

Messrs. McNair,
McNeill,
Nixon,
Prentiss,
Rankin,
Mr. R. T. Paine introduced a Bill to set apart a Homestead Freehold to any citizen of the State of North Carolina, of the age of 21 years.
Which was read the first time and passed.
Mr. Paine moved that said Bill be printed.
The question thereon was determined in the affirmative—Yea 65, Nays 45.
The Yeas and Nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs. Adams, Barco, D. A. Barnes, Bond, Bridgers, Brower, Brown, Burgin,

Messrs. Keener, Kirk, Lemmond, Littlejohn, Locke, Lord, Miller, Mills,
Calloway, 
Cherry, 
Church, 
Cochran, 
Credle, 
Cunningham, 
Davenport, 
Davis, 
W. Dickson, 
Doak, 
Dunn, 
Edwards, 
Ehringhaus, 
Emerson, 
Foy, 
Gambill, 
Gee, 
George, 
Golding, 
Guthrie, 
Guyther, 
Haughton, 
Hayes, 
Jackson, 
Jones, 
Moore, 
McLean, 
McNeill, 
Nixon, 
Odom, 
R. T. Paine, 
C. L. Payne, 
Perkins, 
Phifer, 
Pointdexter, 
Prentiss, 
Pyrcar, 
Reid, 
Roane, 
T. Robinson, 
Rush, 
Smith, 
Taliafero, 
Thrash, 
Trull, 
Washington, 
White, 
Whitethurst, 
T. Wilson.— 65.

Those who voted in the negative, were

Messrs. Atkins, 
J. Barnes, 
Beaman, 
Brame, 
Brogden, 
Bullock, 
Caldwell, 
Clayton, 
J. G. Dickson, 
Douthit, 
Ellis, 
Fagg, 
Faucett, 
Fleming, 

Messrs. Martin, 
Mebane, 
Mitchell, 
Murphy, 
McIntyre, 
McNair, 
Pratt, 
Rankin, 
Regan, 
Reinhardt, 
Richardson, 
H. Robinson, 
Scales, 
Shaw,
Mr. Nixon presented a memorial from the Wilmington and Raleigh Rail Road Company.

Which was referred to the Select Committee on Rail Roads.

Mr. Ellis, from the Committee on Privileges and Elections, to whom was referred the memorial of Timothy Haskins, of Onslow County, praying that the seat of E. W. Sanders, a member of this House from the said County of Onslow, may be vacated, made a report unfavorable to the prayer thereof, and asked that the Committee be discharged from the further consideration of the subject.

The report was read, and concurred in.

Mr. Cherry introduced the following Resolution:

Resolved, That the President of the Raleigh and Gaston Rail Road Company be requested to inform this House in what manner the Bonds of said Company, for $300,000, endorsed by the State under an Act of the Assembly in 1840–1, were disposed of by said Company; and what consideration was paid to the Company for them. Also, whether all of said Bonds have been disposed of, and if not, how many remain undisposed of; and the names of holders of said Bonds, and to whom the last instalment of interest was paid by the Treasurer of the State; and that he report at as early a day as practicable.

The said Resolution was read and adopted.

Mr. Brogden presented the following Resolution:

Resolved, That (provided the Senate concur,) the two Houses of the General Assembly will adjourn sine die on the 25th December, 1844.

Pending the question on this Resolution, the House adjourned until to-morrow morning 10 o’clock.
Mr. Poindexter presented a petition from Ferdinand W. Risque and others, heirs at law of John B. Risque, praying payment of a specie certificate for the sum of $500, issued by an Act of Assembly in 1780.

Which was read, and referred to the Committee on Claims.

Mr. Caldwell presented a Bill, to establish a Superior Court in the County of McDowell.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Moore, from the Committee on the Judiciary, reported without amendment the Bill to locate the residence of the Judges of the Superior Courts hereafter to be elected.

The said Report and Bill were, on motion of Mr. Ellis, ordered to be printed, and made the order of the day for Tuesday next.

Mr. Moore, from the same Committee, reported the Bill on forms of Criminal Pleading, with an amendment.

The amendment was concurred in, and the Bill as amended, read the second time and passed.

Mr. Moore, from the same Committee, to whom the consideration of the subject had been referred, reported a Bill to amend an Act ratified 26th January, 1843, entitled an Act to punish the defaults of Returning Officers, in the election of Electors for President and Vice President of the United States.

Said Bill was read the first time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Resolution in favor of Isaac White.

When the same was read the second time and passed.

Mr. T. Wilson, from the Committee on Claims, reported a Resolution in favor of Priscilla Goodwin.

Which was read the first time and passed.

Mr. Washington, from the Committee on Internal Improvement, reported a Bill to establish a public Road in the County of Buncombe, and to make an appropriation therefor—with an amendment.

The amendment was concurred in, and the said Bill as amended, read the second time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported the Bill to authorize Samuel Chunn to establish a Toll Bridge
over the French Broad River, in the County of Buncombe, with an amendment.

The amendment was concurred in, and the Bill as amended read the second time and passed.

Mr. Bond, from the Committee on Agriculture, reported unfavorably on the Bill for the establishment of a Board of Agriculture.

When said Bill was, on motion of Mr. T. H. Robinson, laid on the table.

Mr. Washington, from the Committee on Internal Improvement, reported unfavorably on the Bill to appoint Commissioners to lay off a Road in the County of Wilkes.

When the said Bill was read the second time and rejected.

Mr. Mebane, from the Committee on Claims, reported favorably on the Resolution in favor of James C. Turrentine.

When said Resolution was read the second time and passed.

On motion of Mr. Cherry,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of four, on the part of each House, to enquire into the insolvency of the Raleigh & Gaston Rail Road Company, according to the provisions of an Act of the General Assembly of 1840-1, and that they be instructed to report as soon as practicable.

Mr. Atkins presented a Bill to incorporate the Fayetteville Library Institute.

Which was read the first time, passed, and referred to the Committee on Private Bills.

Received a message from the Senate, informing that Messrs. Bogle and Boyd form their branch of the Committee on Enrolled Bills for the present week.

Received a message from the Senate, informing that they had passed the following Resolution, and asking the concurrence of this House therein, viz:

Resolved, That the Committee on Finance have power to send for Persons and Papers, and administer oaths to any Witnesses they may think necessary to examine in any matter now pending before them.

Mr. R. T. Paine, from the Select Committee raised on the subject, reported a Bill to amend the 123d chapter of the Act of Revised Statutes, entitled an Act concerning Wrecks and Wrecked property.
Which was read the first time and passed.
Mr. Caldwell called up for consideration, the report of the Committee on Privileges and Elections, in the case of John McNeill, one of the members from the County of Robeson.
When the said report was concurred in.
Mr. Grist presented a Bill relating to Beaufort County Court.
Which was read the first time, passed, and referred to the Committee on Propositions and Grievances.
Mr. Ehringhaus presented a Bill to incorporate a Corps of Cavalry in the County of Perquimons.
Which was read the first time and passed.
Mr. Mills presented a Bill extending the time for perfecting titles to Lands heretofore entered.
Which was read the first time and passed.
Mr. Waddill presented a Resolution relating to the 53d and 54th Regiments of Militia.
Which was read the first time, passed, and referred to the Committee on Military Affairs.

Received from His Excellency, the Governor, by his Private Secretary, the Report of Internal Improvement Board, for the year 1844, together with sundry documents and exhibits accompanying.
The said communication was read, and on motion of Mr. Cherry, so much thereof as concerned Rail Roads was referred to the Select Committee on that subject; and so much thereof as relates to Internal Improvement, was referred to the Committee on Internal Improvement.
Mr. Grist presented a petition from Major J. Clark, of Beaufort County, praying to be allowed the occupation and use of Alligator Canal and its stream, the property of the State, for Mill purposes.
Said petition was read, and referred to the Committee on Propositions and Grievances.
Mr. Ehringhaus presented a memorial from the Officers of the 29th Regiment,
Mr. T. H. Robinson from the 62d Regiment,
Mr. Stone from the 37th Regiment,
And Mr. Woodward from the Officers of the 13th Regiment of Militia, suggesting certain amendments in the Militia laws.
These memorials were referred to the Committee on Military Affairs.
Mr. Kirk presented a petition from Wm. Davidson, of Mecklenburg County, praying payment by the State of a judgment recovered by him against the Catawba Navigation Company.
Said petition was referred to the Committee on Claims.

Mr. C. L. Payne presented a petition from Samuel Lower, of Davidson County, praying that the Legislature would devise for him some relief from the effects of a judgment had against him by his wife, on a petition for Divorce.

Said petition was referred to the Committee on Propositions and Grievances.

Received a message from the Senate, agreeing to raise a Joint Select Committee of four, to inquire into the insolvency of the Raleigh and Gaston Rail Road Company, and informing that Messrs. Shepard, Cameron, Boyden and Edwards form their branch of said Committee.

Ordered that Messrs. Mebane, Cherry, Wilder and Martin form said Committee on the part of the Commons.

The Bill to give exclusive jurisdiction to the Superior Courts of the Counties of Yancey, Cherokee, Macon, Haywood, Henderson and Buncombe, when the intervention of a Jury, may be necessary;

The Bill concerning Sheriffs and Constables;

The Bill to annex a part of Rutherford County to the County of McDowell;

And Resolution in favor of Henry Addington,

Were each read the third time, passed, and ordered to be Engrossed.

The Resolution relating to the adjournment of the two Houses on the 25th inst. was, on motion of Mr. T. Wilson, laid on the table until the 2d day of January next.

The Bill to extend the time for registering Grants, Deeds of Mesne Conveyance, Bills of Sale and Deeds of Gift;

And the Resolution in favor of Wm. T. Bain,

Were each read the third time, passed, and ordered to be Engrossed.

The resignations of Jesse Hinnant, of Johnston County, and of Robert Ward, Jackson Powell, and William S. Stanley, of Columbus County, Justices of the Peace, were presented, read and accepted.

The Bill to amend the Revised Statutes, concerning Clerks and Registers, was read the third time and amended; and the question, "Shall the said Bill pass the third reading?" was decided in the affirmative—Yees 65, Nays 45.

The Yeas and Nays demanded by Mr. J. G. Dickson.
Those who voted in the affirmative, were

Messrs. Atkins,
D. A. Barnes,
Bond,
Bridgers,
Brower,
Brown,
Caldwell,
Cherry,
Clayton,
Cochran,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Ellis,
Emerson,
Pagg,
Faucett,
Foy,
Galting,
George,
Golding,
Graves,
Grist,
Hackney,
Harris,
Harrison,
Haughton,
Hawkins,
Keener,
Lea,
Leathers,
Littlejohn,

Messrs. Locke,
Mebane,
Mills,
Moore,
McIntyre,
McLennan,
McNair,
Nixon,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Purdy,
Roane,
T. Robinson,
Rush,
Scales,
Shaw,
Shepard,
Street,
Taliaferro,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
Thos. Wilson.—65.

Those who voted in the negative, were

Messrs. Adams,
Barco,
J. Barnes,
Beaman,
Brame,

Messrs. Kelly,
Kirk,
Lemmond,
Mangum,
Martin,
Ordered that said Bill be Engrossed.
The House then adjourned until to-morrow morning 10 o'clock.

Thursday, Dec. 12, 1844.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the Resolution offered in favor of John Sinclair.
Said Resolution was read the second time and rejected.
Mr. J. Barnes obtained leave of absence from the service of the House from and after this day till next Monday.
Mr. Poindexter presented a Bill, to provide for the distribution of the proceeds of land sold for partition in certain cases. Which was read the first time, passed, and referred to the Committee on the Judiciary.

On motion of Mr. Guthrie,

Resolved, That the Committee on Propositions and Grievances be instructed to enquire into the propriety of exempting Justices of the Peace from working on the public highway; and that they report by Bill or otherwise.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell.

When the said Bill was read the second time, amended on motion of Mr. Graves, and passed.

Mr. D. A. Barnes, from the same Committee, reported without amendment the Bill to amend an Act to incorporate the President, Directors and Company of the Yadkin Toll Bridge.

When the same was, on motion of Mr. Ellis, made the order of the day for Wednesday next.

The Speaker laid before the House a communication from Duncan Cameron, Esq. President of the Bank of the State of North Carolina, transmitting a Tabular Statement of the condition of the Bank, as to its liabilities and means, from the year 1834 to 1844, inclusive.

Ordered, on motion of Mr. Mills, that it be sent to the Senate, with a proposition that the same be printed.

Mr. Reid called up for consideration, the Bill to establish a new County by the name of Graham.

When after discussion, the same was, on motion of Mr. Haughton, laid on the table until 4th day of March next—Yeas 59, Nays 52.

The Yeas and Nays demanded by Mr. Fleming.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Beaman,

Messrs. Lemmond,
Littlejohn,
Mangum,
Mebane,
Those who voted in the negative, were

Received a message from the Senate, informing that they had passed the following Engrossed Bills and Resolution, and asking the concurrence of this House, viz:

A Bill to prevent the obstruction of fish passing up the Creek called the Six Runs, in the County of Sampson;

A Bill making compensation to the Jurors of Hyde County;

A Bill to repeal an Act passed in 1828, so far as it extends to the County of Martin;

A Resolution in favor of Arthur S. Mooring, Sheriff of Martin County.

The said Bills and Resolution were read the first time and passed, and the said Resolution was referred to the Committee on Claims, with the Senate’s report and accompanying papers.

On motion of Mr. R. T. Paine, the Bill to set apart a Homestead Freehold to any citizen of the State of North Carolina, of the age of twenty-one years, was referred to a Select Committee consisting of Messrs. R. T. Paine, Cherry, Church, Gatling and Hawkins.

Mr. Moore presented a Bill, concerning the Writ of Replevin. Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Nixon presented a Resolution in favor of Lewis H. Marsteller, of New Hanover County. Which was read the first time and passed, and referred to the Committee on Claims.

Mr. Ehringhaus presented a Bill to incorporate the Phoenix Fire Company, in the Town of Elizabeth City.
Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Washington presented a Bill to amend an Act, entitled an Act, for the establishment and better regulation of Common Schools. Which was read the first time and passed, and referred to the Committee on Education.

Mr. Roane presented a Resolution in favor of Samuel Watters. Which was read the first time and passed, and referred to the Committee on Claims.

Mr. Lord presented a petition from sundry citizens of the State, praying the passing of a law, requiring all Contracts and Leases of Land for Mining purposes, to be made in writing. Which was referred to the Committee on the Judiciary.

The Bill to establish a public Road in the County of Buncombe, and to make an appropriation therefor, was read the third time; and on the passing of the Bill, Mr. Wilder demanded the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Bond, Messrs. Locke,
Burgin, Lord,
Caldwell, Mebane,
Calloway, Miller,
Cherry, Mills,
Church, R. T. Paine,
Clayton, C. L. Payne,
Cochran, Perkins,
Davis, Phifer,
W. Dickson, Poindexter,
Doak, Pratt,
Ehringhaus, Prentiss,
Ellis, Rankin,
Emerson, Reid,
Fagg, Roane,
Faucett, T. Robinson,
Fleming, Smith,
Gambill, Street,
George, Thrash,
Golding, Trull,
Harris, Waddill,
Hayes, Washington,
Keener, White,
Leathers, T. Wilson.—48.
Those who voted in the negative, were


The House being thus equally divided, the Speaker voted in the affirmative, and declared that the said Bill had passed its third reading.

Ordered that the same be Engrossed.

The Bill to authorize Samuel Chunn to establish a Toll Bridge over French Broad River in the County of Buncombe, was read the third time, amended on motion of Mr. Moore, passed, and ordered to be Engrossed.

The Bill concerning final process in actions of Detinue;

The Bill authorizing the County Court of Lincoln County to exercise exclusive jurisdiction over the public Road, which is the dividing line between the Counties of Lincoln and Cleaveland;

The Bill on forms of Criminal pleadings;

The Bill to incorporate the Town of Marion, in McDowell County;
The Resolution in favor of Isaac White;  
The Resolution in favor of James C. Turrentine;  
The Resolution relating to Smithville, in Brunswick County;  
And the Resolution in favor of Wm. Dills, of Macon County;  
Were each read the third time, passed, and ordered to be En- 
grossed.  
On motion of Mr. R. T. Paine, the question on passing the Res- 
olution in favor of Isaac White, was re-considered.  
When said Resolution was, on motion of Mr. T. Wilson, ordered 
to lie on the table.  
The Bill concerning Hyde County was, on motion of Mr. Wash- 
ington, re-committed to the Committee on Propositions and Grie- 
vances, together with the several memorials on the subject.  
The resignation of B. Gordon, a Justice of the Peace of the 
County of Guilford, was presented, read and accepted.  
The House then adjourned until to-morrow morning 10 o’clock.

FRIDAY, DEC. 13, 1844.

Mr. T. Wilson, from the Committee on Claims, reported with- 
out amendment, the Resolution in favor of Lewis H. Marsteller, 
of New Hanover County.  
When the same was read the second time and passed.  
Mr. T. Wilson, from the same Committee, to whom was refer- 
ered the petition of F. W. Risque and others, reported the same back 
to the House, and asked to be discharged from the further conside- 
ration thereof.  
The report was concurred in, and the Committee discharged as 
asked.
Mr. T. Wilson, from the same Committee, reported a Resolution in favor of Thomas Wilson, Sheriff of Yancy County.

Which was read the first time and passed.

Mr. Hawkins, from the same Committee, reported unfavorably on the petition of Rensalaer B. Smith, and prayed to be discharged from the further consideration of the subject.

The report was concurred in.

Received a message from the Senate, proposing to go into an election of Comptroller of Public Accounts, at 12 o'clock this day, and informing that W. F. Collins is in nomination for the office.

The proposition was agreed to, and the Senate informed that the name of Thomas Jefferson, of Rutherford County, is added to the nomination, and that Messrs. Hawkins and Davis form the Commons branch of the Committee to superintend the election.

Mr. Ehiringhaus presented a petition from C. C. Battle, Esq. asking additional compensation for his services, heretofore rendered as Secretary of the Literary Board.

Which was read, and on motion, referred to the Committee on Claims.

Mr. D. A. Barnes, from the Committee on Private Bills, reported favorably on the Resolution in favor of Thomas J. Roane, of Macon County.

Which was read the second time and passed.

Mr. Jones presented a Bill concerning the Superior Courts of Currituck County.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Received a message from the Senate, transmitting a report from the Committee on Finance, with sundry documents accompanying and proposing that the same be printed.

The proposition was agreed to.

Mr. Locke presented a Bill, to give to the County Courts for the County of Stanly, two Jury Terms.

Which was read the first time and passed.

Received a message from the Senate, informing that they had passed the following Engrossed Bills and Resolutions, and asking the concurrence of the House therein, viz:

A Bill to repeal a part of an Act of the General Assembly, Rev. Stat. Chap. 89, Sec. 1, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Northampton;
A Bill to provide for a vacancy in the office of County Surveyor;
A Resolution in favor of Arthur S. Mooring, Sheriff of Martin County;
A Resolution authorizing the Governor to erect Grave Stones at the Graves of deceased Members of Assembly;
A Bill to alter the mode of appointing Constables in Beaufort and Northampton Counties;
A Resolution in favor of Wm. J. Lewis; and
A Bill to amend an Act, entitled an Act, to change the location of the Court House of the County of Montgomery, and for other purposes, passed in 1843.

The said Bills and Resolutions were read the first time and passed; and the Resolution in favor of Arthur S. Mooring, Sheriff of Martin County, was, on motion of Mr. Harris, referred to the Committee on Claims.

Mr. Calloway presented a Bill, to appoint Commissioners to view and lay off a Road in the County of Ashe.
Which was read the first time and passed.

Mr. Lord, from the Committee on Propositions and Grievances, to whom was referred the petition of Richard Cox, reported the same to the House, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Haughton moved that the House do reconsider their vote of yesterday, postponing to the 4th of March next, the Bill to establish a new County by the name of Graham.

The motion prevailed, and the question recurring on the passing of said Bill the second reading, on motion of Mr. Reid, the same was laid on the table.

On motion of Mr. Cherry,

Ordered, That the Message of His Excellency, the Governor, transmitting the Report of the Board of Internal Improvement, with sundry documents accompanying, and which were heretofore received by this House, be sent to the Senate, with a proposition that the same be printed.

Mr. Nixon presented a Resolution, allowing the withdrawal of certain papers from the files of the Clerk's Office of the House of Commons.
Which was read and adopted.
Mr. Waddill presented a Bill concerning County Solicitors.
Which was read the first time and passed, and referred to the Committee on the Judiciary.
Mr. Jackson presented a Resolution, allowing John Davis, of Lenoir County, to collect arrears of taxes.
Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.
Mr. Washington presented a Bill, to provide a suitable punishment for owners or occupiers of houses burning the same, under the circumstances therein mentioned.
Which was read the first time, passed, and referred to the Committee on the Judiciary.

Received a message from the Senate, informing that Messrs. Thompson, of Wake, and McMillan form their branch of the Committee to superintend the election of Comptroller, and that they are now ready to go into said election.

The House thereupon voted as follows:

FOR W. F. COLLINS.

Messrs. Speaker,
    Adams,
    Atkins,
    D. A. Barnes,
    Beaman,
    Bond,
    Bridgers,
    Brogden,
    Brower,
    Brown,
    Bullock,
    Caldwell,
    Cherry,
    Church,
    Clayton,
    Cochran,
    Collins,
    Credle,
    Cunningham,
    Davenport,
    W. Dickson,

Messrs. Kelly,
    Kirk,
    Leathers,
    Littlejohn,
    Locke,
    Lord,
    Mangum,
    Mebane,
    Miller,
    Mitchell,
    Murphy,
    McIntyre,
    McLean,
    McNeill,
    Nixon,
    Odom,
    C. L. Payne,
    Perkins,
    Phifer,
    Poindexter,
    Prentiss,
FOR THOMAS JEFFERSON.

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FOR CURTIS H. BROGDEN.

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<th>Messrs. Brame and Hawkins.</th>
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Mr. Lord, from the Committee on Propositions and Grievances, reported a Resolution in favor of the Justices of the Peace of Haywood County.

Which was read the first time and passed.

Mr. Hawkins, on behalf of the Committee appointed to superintend the election of a Comptroller of Public Accounts, reported that William F. Collins, the present incumbent, had received a majority of the whole number of votes, and that he was duly elected.

The report was concurred in.

Received a message from the Senate, informing that they had passed certain Engrossed Resolutions, relating to rebuilding the Branch Mint at Charlotte, and asking the concurrence of this House.

The Report of the Joint Select Committee raised on this subject, was read, when Mr. Harris, on behalf of the minority of said Committee, presented a counter-report.

The said Resolutions were then read the first time, and passed.

Mr. Bullock presented a petition from Wm. D. Wyche, concerning the title of a lot in the Town of Henderson.

Which was referred to the Committee on Propositions and Grievances.

Mr. Atkins presented a petition from sundry citizens of Cumberland County, praying that a law be passed, directing the trial of all actions of debt before Justices of the Peace, be tried in the Captain's District where the debtor resides.

Said petition was referred to the Committee on Propositions and Grievances.

The Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell, was read the third time, passed, and ordered to be Engrossed.

The Bill to amend the 29th Section of the 31st Chapter of Revised Statutes, was read the second time, and on motion of Mr. Brogden, postponed till 4th of March next.

The Engrossed Bill, to incorporate a Company of Cavalry in the Town of Wilmington, County of New Hanover; and the Engrossed Resolutions in favor of John L. Christian, Sheriff of Montgomery County, and in favor of William Stringer and Green Hill,

Were each read the second time and passed.

The Bill to prevent hetting on Elections, was read the second
time; and Mr. D. A. Barnes moved that the said Bill be postponed indefinitely.

The question thereon was decided in the negative—Yeas 45, Nays 62.

The Yeas and Nays demanded by Mr. Clayton.

Those who voted in the affirmative, were

Messrs. Atkins, D. A. Barnes, Beaman, Brame, Bridgers, Brown, Bullock, Burgin, Calloway, Cherry, Church, Collins, Crede, Davenport, Davis, W. Dickson, Ehringhaus, Ellis, Fleming, Gambill, Gee, Grist, Guthrie,


Those who voted in the negative, were

Messrs. Adams, Bond, Brödgen, Brower, Caldwell, Clayton, Cochrane,

Messrs. Lord, Mangum, Mebane, McIntyre, McNair, Nixon, C. L. Payne,
The question recurring on the passage of the Bill the second reading, the same was amended on motion of Mr. N. Wilson; and the question, "Shall the said Bill pass the second reading," was decided in the affirmative.

Mr. Washington, from the Committee on Internal Improvement, reported the Bill making an appropriation for a public Road in Wilkes, with an amendment.

The amendment was read and concurred in.

And the question, "Shall the said Bill pass the second reading," was decided in the negative—Yeas 27, Nays 76.

The Yeas and Nays demanded by Mr. Wilder.

Those who voted in the affirmative, were

Messrs. Burgin, Caldwell, Calloway,

Messrs. Keener, Lemmond, Locke,
Church, Miller,  
Clayton,  Mills,  
Davis, McLean,  
W. Dickson, Poindexter,  
Dunn, Reid,  
Ehringhaus, Roane,  
Fagg, T. Robinson,  
Fleming, Thrash,  
Gambill, Trull,  
Guthrie, T. Wilson—27.  
Hayes,  

Those who voted in the negative, were

Messrs. Adams, Messrs. Kirk,  
Atkins, Lea,  
D. A. Barnes, Leathers,  
Beaman, Lord,  
Bond, Mangum,  
Brame, Mebane,  
Bridgers, Mitchell,  
Brogden, Murphy,  
Brower, McIntyre,  
Brown, McNair,  
Bullock, McNeill,  
Cherry, Nixon,  
Cochran, Odom,  
Collins, C. L. Payne,  
Credle, Perkins,  
Cunningham, Phifer,  
Davenport, Pratt,  
J. G. Dickson, Prentiss,  
Doak, Puryear,  
Douthit, Rankin,  
Edwards, Regan,  
Ellis, Richardson,  
Faucett, H. Robinson,  
Gatling, Rush,  
Gee, Scales,  
George, Shaw,  
Golding, Shepard,  
Graves, Smith,
Mr. Lord, from the Committee on Propositions and Grievances, to whom the subject was referred, reported a Bill to exempt Judges of the Peace from working on the Public Highways. Which was read the first time and passed.

On motion of Mr. Washington,

Resolved, That the use of this Hall be granted on Saturday and Monday evenings next, to the Rev. Mr. Tyler, Principal of the Institution at Staunton, Virginia, for the education of the Deaf, Dumb and Blind, for an exhibition of a portion of his pupils who accompanied him to this City.

Whereupon, the House adjourned until to-morrow morning 10 o'clock.

Saturday, Dec. 14, 1844.

Mr. T. Wilson, from the Committee on Claims, reported without amendment the Engrossed Resolution in favor of Arthur S. Mooring, Sheriff of Martin County.
When the same was read the second time and passed.

Mr. T. Wilson, from the same Committee, reported without amendment the Resolution in favor of Samuel Watters.
Which was read the second time and passed.

Mr. T. Wilson, from the same Committee, reported a Resolution in favor of Michael Francis.
Which was read the second time and passed.

Mr. G. A. Miller, from the same Committee, reported a Resolution in favor of William Davidson, of Mecklenburg County.
Which was read the first time and passed.

Mr. Doak introduced a Bill to prevent the felling of timber in the water courses of the County of Guilford.
Which was read the first time and passed, and referred, on Mr. Doak's motion, to the Committee on Private Bills.

Mr. Fleming presented a petition from certain citizens of the County of Yancey, praying the passage of a law, allowing them to be taken from the 82d Regiment, and attached to the 92d Regiment of Militia.

Said petition was referred to the Committee on Military Affairs.

Mr. Cherry, from the Joint Select Committee appointed to enquire into the insolvency of the Raleigh and Gaston Rail Road Company, made a report.
Which was ordered to be sent to the Senate, with a proposition that the same be printed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill to establish a Superior Court in the County of McDowell.

When the same was read the second time and passed.

Mr. Washington presented a memorial from the Board of Directors of the Petersburg Rail Road Company, in relation to their Bridge erected across the Roanoke River.
Which was read and referred to the Committee on Internal Improvement.

Mr. Puryear, from the Committee on Internal Improvement, reported with sundry amendments the Bill providing for the reorganization of the Portsmouth and Roanoke Rail Road Company.
The amendments were concurred in, and on motion of Mr. Caldwell,

Ordered, That said Bill be printed, and made the order for Friday next.
Mr. Fleming, on behalf of the minority of said Committee, made a report, and moved that the same, together with the report of the majority of said Committee, be printed with said Bill.

The question thereon was determined in the negative—Yea 37, Nay 70.

The Yeas and Nays demanded by Mr. Taliaferro.

Those who voted in the affirmative, were

**Messrs. Atkins, Beaman, Brame, Bridgers, J.G. Dickson, Dunn, Ellis, Fleming, Gatling, Graves, Hamrick, Hawkins, Jones, Kelly, Kirk, Lemmond, Mangum, Martin, Mitchell,**


Those who voted in the negative, were

**Messrs. Adams, Barco, D. A. Barnes, Bond, Brogden, Brower, Brown, Burgin, Caldwell, Calloway, Cherry,**

**Messrs. Hackney, Harris, Harrison, Haughton, Hayes, Jackson, Keener, Leathers, Littlejohn, Locke, Lord,**
Mr. Ehringhaus, from the Committee on Military Affairs, reported without amendment, the Bill to amend an Act, entitled an Act, to incorporate the Fayetteville Riflemen, of the County of Cumberland.

When the same was read the second time and passed.

Mr. R. T. Paine, from the Select Committee, to whom was referred the Bill to set apart a Homestead Freehold, reported the same with sundry amendments.

The Bill and amendments were, on motion of Mr. Foy, made the order of the day for Tuesday next.

On motion of Mr. Wilder,

Resolved, That the Committee on Finance be instructed to enquire into the ways and means of the State of North Carolina, to meet the liabilities which will be chargeable upon her Treasury for the next two years, and that they report by Bill or otherwise.
Mr. Reid asked and obtained leave of absence from the service of the House, from and after this day until Monday, the 23d inst.

Mr. Miller presented a Bill to provide for the appointment of Engrossing Clerks.

Which was read the first time, passed, and referred to the Committee on Privileges and Elections.

Mr. D. A. Barnes, from the Committee on Private Bills, reported with an amendment, the Bill to incorporate the Newbern Mechanic's Association.

The amendment was read and concurred in, and the Bill read the second time and passed.

Mr. J. G. Dickson presented a Bill to incorporate Washington Academy, in the County of Duplin.

Which was read the first time and passed.

Received from His Excellency, the Governor, by his Private Secretary, a communication, transmitting the Annual Report of the Treasurer of the Board of Trustees of the University of North Carolina, and informing the Assembly that there are at present four vacancies in the Board of Trustees of that institution, occurring by the death of Hon. Wm. Gaston, Col. James W. Clarke, and Col. Michael Hoke, and of the removal from the State of Hon. John Branch.

On motion of Mr. Caldwell,

Ordered, That the same be sent to the Senate, with a proposition that the two Houses do, on Monday next, at 12 o'clock, go into an election for four Trustees to fill these vacancies; and informing that the following persons are nominated for the appointment, viz: N. L. Williams, D. F. Caldwell, W. W. Cherry, R. M. Pearson, Thos. G. Stone, Alex. Little, Robert Strange, C. Graves, Edward Stanly, J. J. Daniel, J. P. Leak, W. H. Washington and M. Francis.

On motion of Mr. Davis,

Resolved, That the Committee on Education be instructed to enquire into the expediency of furnishing by law, each Common School District in the State, with the law on Common Schools, in pamphlet form; and that they report by Bill or otherwise.

Mr. Hayes presented a Resolution in favor of M. K. Taylor and C. Kephart.

Which was read the first time and passed.
Mr. H. H. Robinson presented a petition from James Cromartie, of Bladen County, relating to the clearing out and rendering navigable Cypress Creek, in said County.

Which was referred to the Committee on Propositions and Grievances.

Received a message from the Senate, informing that they had rejected the Engrossed Bill from this House, to amend the Revised Statute, concerning Executions.

A message from the Senate, agreeing to print the Report of the Joint Select Committee raised to enquire into the insolvency of the Raleigh and Gaston Rail Road Company; and to print the Message of His Excellency, the Governor, transmitting the report of the Board of Internal Improvement, with the accompanying documents.

Mr. Lord, from the Committee on Propositions and Grievances, reported without amendment the Bill relating to Beaufort County Court.

Which was read the second time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the petition of Major J. Clark, of Beaufort County, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported a Bill for the relief of Samuel Lowers.

Which was read the first time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the petition of sundry citizens of Cumberland County, in relation to the trial of Warrants before Justices of the Peace.

The report was read and concurred in.

On motion of Mr. Stone,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the Revised Statutes of this State, that in all cases when a child or children of an intestate has been advanced by his, her or their parent, in the life-time of said parent, an amount more than equal to a distributive share of the personal estate of said intestate, said child or children shall, in the division of the real estate of the intestate, be charged with the excess which he, she, or they have received in personalty as aforesaid, and the same be taken into account in the division of the real estate of said intestate, among the heirs: so as to make all the children of intestates as nearly equal as possible; and that said Committee report by Bill or otherwise.
Mr. Cunningham presented a Petition from Porteus Moore, of Person County, praying that the State would allow and pay a claim for the Revolutionary services of his Father.
Which was read and referred to the Committee on Claims.

On motion of Mr. C. L. Payne,

Resolved, That so much of the Message of His Excellency, the Governor, as relates to the appointment of a suitable State Agent of Common Schools, be referred to the Committee on Education.

Mr. Lord, from the Committee on Propositions and Grievances, who were instructed to enquire into the expediency of making an appropriation for removing obstructions in Pungo River, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject.
The report was concurred in.

Mr. Lord, from the same Committee, reported back to the House, the Resolution allowing John Davis, of Lenoir County, to collect arrears of Taxes, and asked to be discharged from the further consideration of the subject.
The report was concurred in.

Mr. Adams presented a memorial from certain officers of the 28th Regiment;
And Mr. Brogden, from officers of the 40th Regiment of the Militia, on the subject of the inefficiency of the Militia Laws.
Which were referred to the Committee on Military Affairs.
Mr. Caldwell presented a petition from sundry citizens of Burke County, praying a repeal of the Law giving to the People the election of Constable.
Which was referred to the Committee on Propositions and Grievances.

Mr. Shaw presented a Bill to amend an Act of the Revised Statutes, chapter 102, entitled an Act to provide for the collection and management of a Revenue for this State;
And Mr. Guthrie, a Bill concerning the election of Sheriffs.
These Bills were read the first time and passed.
The Engrossed Bill, to incorporate a Company of Cavalry in the Town of Wilmington, County of New Hanover;
And the Engrossed Resolution in favor of William Stringer and Green Hill;
Were each read the third time, passed, and ordered to be Enrolled.

The Bill to prevent betting on Elections, was read the third time, and amended on motion of Mr. Graves; and the question, Shall the said Bill pass the third reading, was determined in the affirmative—Yea 60, Nay 40.

The Yeas and Nays demanded by Mr. Puryear.

Those who voted in the affirmative, were

Messrs. Adams, Brame, Brower, Brown, Burgin, Caldwell, Calloway, Clayton, Cochran, Cunningham, Davis, Doak, Douthit, Dunn Edwards, Emerson, Faucett, Foy, George, Golding, Graves, Guyther, Hamrick, Jones, Keener, Kirk, Leathers, Lemmond, Littlejohn, Locke,

Those who voted in the negative, were

Messrs. Atkins, Barco, D. A. Barnes, Beaman, Bond, Bridgers, Brogden, Cherry, Church, Collins, Davenport, W. Dickson, J. G. Dickson, Ehringhaus, Ellis, Fagg, Fleming, Gambill, Gee, Grist,


Ordered that said Bill be Engrossed.

On motion of Mr. Foy,

Resolved, That the Door-keeper of the House of Commons be authorized to purchase a piece of Green Baize, or other thick material, for the purpose of making curtains for the windows at the back of the Speaker's Chair, in this Hall; and that he report the cost thereof.

The House then adjourned until Monday morning 10 o'clock.

Monday, Dec. 16, 1844.

Messrs. Caldwell, Calloway, Collins and Cunningham were ap-
pointed the Committee on Enrolled Bills the present week, under the Joint Rules of Order.

On motion, leave of absence from the service of the House, from this day until Saturday next, was granted to Mr. Gatling.

Mr. R. T. Paine presented a Bill, to secure to citizens of this State the right of fishing in the navigable waters of this State.

Which was read the first time and passed, and referred to a Select Committee consisting of Messrs. R. T. Paine, Jones, Davenport, Grist and Credle.

Received a message from the Senate, informing that Messrs. Cowper and Drake form their branch of the Committee on Enrolled Bills the present week.

The Speaker laid before the House a petition on behalf of the Heirs at Law of John Pintard, praying payment of certain certificates issued by this State in 1785.

These papers were referred to the Committee on Claims.

Mr. D. A. Barnes, from the Committee on Private Bills, reported with an amendment the Bill to incorporate the Phoenix Fire Company, in the Town of Elizabeth City.

The amendment was agreed to, and the Bill read the second time and passed.

Mr. McNair presented a Bill to prevent obstructions in Hitchcock's Creek, in the County of Richmond.

Which was read the first time and passed, and referred to the Committee on Private Bills.

On motion of Mr. Puryear,

Resolved, That the Committee on Education be instructed to enquire into the expediency of so amending the law on Common Schools, as to permit persons over twenty-one years of age to be taught in said Schools; also, to prevent Committee-men from becoming Teachers in said Schools; and that they report by Bill or otherwise.

Mr. Whitehurst presented a petition from Pilots at Ocracoke Inlet, praying some alteration of the laws regulating Pilotage at that place.

Which was referred to the Committee on Propositions and Grievances.

Mr. Nixon presented a memorial from sundry citizens of New
Hanover County, praying a modification of the laws relating to licenses to retail Spirituous Liquors.

Which was read and referred to the Committee on Private Bills.

Mr. Mills presented a petition from sundry citizens of Rutherford, praying the erection of a new County out of a portion of Rutherford, by the name of La Fayette; and petitions also from sundry citizens of said County, in opposition to said prayer.

These papers were referred to the Committee on Propositions and Grievances.

Mr. Davis presented sundry papers relating to the same subject.

Which were referred to the same Committee.

Mr. Cherry, from the Committee raised on the subject of Rail Roads, made a report accompanied by a Bill to authorize the foreclosure of the mortgage of the Raleigh and Gaston Rail Road.

The said Bill was read the first time and passed, and ordered to be printed with the Report, and made the order of the day for Thursday next.

Mr. Poindexter presented a Bill, to alter and circumscribe the corporate limits of the Town of Milton.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Cherry presented a petition from sundry citizens of the Counties of Northampton, Warren and Halifax, praying the erection of a new County out of a portion of the limits of said Counties.

Said petition was referred to the Committee on Propositions and Grievances.

On motion of Mr. Lord,

Ordered, That a message be sent to the Senate, proposing that the two Houses go into an election on to-morrow, at 12 o'clock, of Public Treasurer; and informing that Chas. L. Hinton and John H. Wheeler are in nomination for the appointment.

On motion of Mr. Scales,

Resolved, That the Committee on Education and the Literary Fund be instructed to enquire into the expediency of applying a portion of the nett annual income of the Literary Fund to the education of the
Deaf, Dumb and Blind portion of the population of our State; and that they report by Bill or otherwise.

The resignation of Joel Clifton, as Justice of the Peace of the County of Johnston, received from the Senate, was read and accepted.

Received a message from the Senate, agreeing to the proposition of this House, to go into an election of Four Trustees of the University of North Carolina, and adding to the nomination, the names Wm. W. Avery, Cadwallader Jones, Sen. Richard S. Mason, and Alex. Wilson, and informing that Messrs. Thompson, of Bertie, and Jeffreys, form their branch of the Committee to superintend the election.

The hour of 12 having arrived, ordered that a message be sent to the Senate, informing that the names of Messrs. A. Little, J. J. Daniel, and Edw’d. Stanly, are withdrawn from the nomination, and that Messrs. Bridgers and C. L. Payne form our branch of the Committee to superintend the election.

The House then voted as follows:

FOR N. L. WILLIAMS.

Messrs. Speaker, Barco, Brewer, Brown, Burgin, Calloway, Church, Clayton, Cochran, Collins, Credle, Davenport, W. Dickson, Douthit, Emerson, Fagg, Gambill, Gee,

FOR WILLIAM W. CHERRY.

Messrs. Speaker,
Adams,
Barco,
D. A. Barnes,
Beaman,
Bond,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Edwards,
Ehringhaus,
Ellis,
Emerson,
Fleming,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Harris,
Harrison,
Haughton,
Hawkins,
Hayes,
Jackson,
Jones.

Messrs. Kelly,
Leathers,
Littlejohn
Locke,
Lord,
Mangum,
Martin,
Mebane
Mills,
Moore,
Murphy,
McNair,
McNeill,
Odum,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Pointdexter,
Prentiss,
Puryear,
Regan,
Reid,
Richardson,
H. Robinson,
T. Robinson,
Rush,
Scales,
Sharpe,
Shaw,
Shepard,
Smith,
Street,
Trull,
Waddill,
Washington,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
T. Wilson,
Woodward.—85.
For Calvin Graves.

Messrs. Speaker,
Adams,
Atkins,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Calloway,
Cherry,
Clayton,
Collins,
Credle,
Cunningham,
Davenport,
J. G. Dickson,
Doak,
Dunn,
Edwards,
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Ellis,
Emerson,
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Fleming,
George,
Grist,
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Guyther,
Hackney,
Hamrick,
Harris,
Harrison,
Haughton,
Hawkins,
Hayes,
Jackson,
Jones,
Keener,
Kelly,
Kirk,

Messrs. Littlejohn,
Lord,
Mangum,
Martin,
Mebane,
Miller,
Mitchell,
Moore,
Murphy,
McIntyre,
McNeill,
Nixon,
Odom,
R. T. Paine,
C. L. Payne,
Phifer,
Poindexter,
Prentiss,
Puryear,
Rankin,
Regan,
Reinhardt,
Richardson,
Roane,
H. Robinson,
Rush,
Scales,
Sharp,
Shaw,
Stone,
Street,
Taliafero,
Trull,
Waddill,
Washington,
Watters,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Leathers, Lemmond, Woodward.—87.

FOR WILLIAM H. WASHINGTON.

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<tr>
<th>Messrs. Speaker,</th>
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<td>Jones,</td>
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JOURNAL OF THE HOUSE OF COMMONS.

FOR CADWALLADER JONES, SEN.

Messrs. Adams,
Atkins,
Beaman,
Brown,
Bridgers,
Brogden,
Cunningham,
Leathers,

Messrs. Mangum,
Martin,
Mebane,
Nixon,
Stone,
Wilder,
R. P. Williamson.—15.

FOR WILLIAM W. AVERY.

Messrs. Atkins,
Beaman,
Brame,
Burgin,
Caldwell,
Davis,
J. G. Dickson,
Dunn,
Ellis,
Emerson,
Fagg,
Fleming,
George,
Hamrick,
Harrison,
Hawkins,
Jackson,
Keener,
Kelly,

Messrs. Kirk,
Lemmond,
Mills,
Mitchell,
McIntyre,
McNeill,
Nixon,
R. T. Paine,
Regan,
Reid,
Richardson,
H. Robinson,
Scales,
Shaw,
Waddill,
White,
Wilder,
N. L. Williamson,
N. Wilson.—38.

FOR ALEXANDER WILSON.

Messrs. Atkins,
Bond,
Bridgers,
Clayton,
Donk,
Faucett,
Littlejohn,

Messrs. Locke,
Mebane,
Murphy,
C. L. Payne,
Shepard,
Smith.—13.
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<tr>
<th>FOR RICHMOND M. PEARSON.</th>
<th>FOR DAVID F. CALDWELL.</th>
<th>FOR RICHARD S. MASON.</th>
<th>FOR THOMAS G. STONE.</th>
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<td>Messrs. Barco,</td>
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Mr. Bridgers, from the Committee appointed to superintend this election, reported that Calvin Graves, William W. Cherry and William H. Washington had each received a majority of the whole number of votes, and that they were duly elected; and that no other person had received such majority.

The report was concurred in.

Mr. Atkins presented the following Resolution:

Whereas, the question of annexing the Territory of the Republic of Texas to that of the United States, is one in which the people of North Carolina feel a deep and abiding interest, and one in which those we represent are most vitally concerned: And whereas, we feel a lively sympathy for the citizens of that Republic, connected with us as they are by all those ties which usually bind two States together—descended from the same ancestors, and reared under similar institutions. Therefore,

Resolved, by the General Assembly of the State of North Carolina, That the territory of Texas ought to be annexed to the United States.
as soon as practicable, provided the same can be effected without any compromise of the rights, interests and honor of the Union.

The above was read, and Mr. Thomas Wilson moved that the same be rejected.

The question on this motion was determined in the affirmative—Yea 60, Nays 49.

The Yeas and Nays demanded by Mr. Shepard.

Those who voted in the affirmative, were

Those who voted in the negative, were

Messrs. Atkins, 
Beaman, 
Brame, 
Bridgers, 
Brogden, 
Brown, 
Calloway, 
Collins, 
Cunningham, 
J. G. Dickson, 
Dunn, 
Edwards, 
Ellis, 
Fleming, 
Graves, 
Guthrie, 
Hamrick, 
Harrison, 
Hawkins, 
Hayes, 
Jackson, 
Jones, 
Kelly, 
Kirk, 
Lemmond,

Messrs. Mangum, 
Martin, 
Mitchell, 
McIntyre, 
McNeill, 
Nixon, 
R. T. Paine, 
Rankin, 
Regan, 
Reinhardt, 
Richardson, 
H. Robinson, 
Scales, 
Shaw, 
Shepard, 
Stone, 
Street, 
Taliafero, 
Whitehurst, 
Wilder, 
N. L. Williamson, 
R. P. Williamson, 
N. Wilson, 
Woodward.—49.

On motion of Mr. Caldwell,

Resolved, That this House will commence holding evening Sessions from and after Wednesday, the 18th instant.

The House then adjourned until to-morrow morning 10 o'clock.

TUESDAY, DEC. 17, 1844.

Received a message from the Senate, agreeing to the proposition.
of this House, to go into an election of Public Treasurer, on to-  
omorrow, at 12 o'clock; and informing that Messrs. Elliott and  
Biggs form the Senate's branch of the Committee to superintend  
the election.

A message from the Senate, transmitting a report from the  
Joint Select Committee appointed to notify the Hon. Wm. A.  
Graham of his election as Governor, and informing that he will  
appear before the two Houses on the first day of January next,  
and take the oaths of office.

A message from the Senate, proposing to raise a Joint Select  
Committee of two on the part of each House, for the purpose of  
examining the state of Furniture in the residence of the Govern-  
or, and ascertain what additions or repairs be necessary thereto;  
and that said Committee report by Bill or otherwise.

The proposition was agreed to, and Messrs. Ellis and Faucette  
were appointed said Committee on the part of this House.

The Speaker laid before the House a communication from Sam-  
uel F. Patterson, President of the Raleigh and Gaston Rail Road  
Company, in answer to the Resolution adopted by this House on  
the 11th inst.

Which was referred, on motion of Mr. Cherry, to the Select  
Committee on Rail Roads.

On motion of Mr. Brogden,  
Ordered, That a message be sent to the Senate, proposing to go in-  
to an election forthwith for one Trustee of the University.

Received from the Senate a message, concurring in this propo-  
sition, and informing that Messrs. Thompson, of Bertie, and Jef-  
freys, form their branch of the Committee to superintend the  
election.

Ordered that Messrs. Miller and N. L. Williamson compose  
said Committee on the part of this House.

The House then voted as follows:

FOR N. L. WILLIAMS,

Messrs. Speaker,  
Brower,  
Brown,  
Calloway,  
Cradle.

Messrs. Lord,  
C. L. Payne,  
Perkins,  
Poiindexter,  
Pruveur.
<table>
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<tr>
<th>FOR WILLIAM W. AVERY.</th>
<th>FOR RICHMOND M. PEARSON.</th>
<th>FOR CADWALLADER JONES, SEN.</th>
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<tbody>
<tr>
<td>Messrs. Adams, E. Barnes, Bond, Cunningham, Faucett, Leathers,</td>
<td>Messrs. Mangum, Mebane, Murphy, Odom, Pratt.—11.</td>
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Mr. Lord, from the Committee on Propositions and Grievances, reported favorably on the Bill concerning Hyde County.

When the same was read the third time, and the question, Shall the said Bill pass the third reading, was determined in the affirmative—Yeas 90, Nays 16.

The Yeas and Nays demanded by Mr. Washington.
Those who voted in the affirmative, were

Messrs. Adams, Atkins, Barco, D. A. Barnes, Barman, Bridgers, Brogden, Brower, Brown, Bullock, Burgin, Caldwell, Calloway, Cherry, Church, Clayton, Collins, Cunningham, Davenport, Davis, W. Dickson, J. G. Dickson, Doak, Doubit, Dunn, Edwards, Ehringhaus, Emerson, Fagg, Faucett, Fleming, Gambill, Gee, George, Golding, Grist, Guyther, Hackney, Hamrick, Harrison, Haughton, Hayes,

Jackson,
Jones,
Keener,

N. Wilson,
T. Wilson,
Woodward.—90.

Those who voted in the negative, were

Messrs. E. Barnes,
J. Barnes,
Bond,
Brame,
Credle,
Foy,
Hawkins,
Kirk,

Messrs. Lemmond,
Locke,
Prentiss,
Stone,
Washington,
Whitehurst,
Wilder,
N. L. Williamson.—16.

Ordered that said Bill be Engrossed.

Mr. Clayton presented a Bill for the better regulation of Common Schools, for Henderson County.

Which was read the first time, passed, and referred to the Committee on Education.

The House now proceeded to the execution of the joint order, viz: to vote for a Public Treasurer of the State, Messrs. Ellis and Poindexter being superintendents of the election on behalf of the Commons.

The House voted as follows:

FOR CHARLES L. HINTON.

Messrs. Speaker,
Adams,
Barco,
D. A. Barnes,
Bond,
Brown,
Brower,
Burgin,
Caldwell,

Messrs. Haughton,
Hayes,
Keener,
Leathers,
Littlejohn
Locke,
Lord,
Mebane,
Miller,
| Calloway,    | Mills,    |
| Cherry,     | Moore,    |
| Church,     | McNair,   |
| Clayton,    | Odom,     |
| Cochran,    | R. T. Paine, |
| Credle,     | C. L. Payne, |
| Davenport,  | Perkins,  |
| Davis,      | Phifer,   |
| W. Dickson, | Poindexter, |
| Doak,       | Pratt,    |
| Douthit,    | Prentiss, |
| Edwards,    | Puryear,  |
| Ehringhaus, | Reid,     |
| Emerson,    | Roane,    |
| Fagg,       | T. Robinson, |
| Faucett,    | Rush,     |
| Foy,        | Sharpe,   |
| Gambill,    | Smith,    |
| Gee,        | Street,   |
| George,     | Thrash,   |
| Golding,    | Trull,    |
| Grist,      | Waddill,  |
| Guthrie,    | Washington, |
| Guyther,    | Watters,  |
| Hackney,    | Whitehurst, |
| Harris,     | T. Wilson. |
|             |           |

**FOR JOHN H. WHEELER.**

| Messrs. Atkins,         | Messrs. Mangum,         |
| E. Barnes,              | Martin,                |
| J. Barnes,              | Mitchell,              |
| Beaman,                 | Murphy,                |
| Brame,                  | McIntyre,              |
| Bridgers,               | McNeill,               |
| Brogden,                | Nixon,                 |
| Bullock,                | Rankin,                |
| Collins,                | Regan,                 |
| Cunningham,             | Reinhardt,             |
| J. G. Dickson,          | Richardson,            |
| Dunn,                   | H. Robinson,           |
| Ellis,                  | Scales,                |
Fleming, 
Graves, 
Hamrick, 
Harrision, 
Hawkins, 
Jackson, 
Jones, 
Kelly, 
Kirk, 
Lenmonnd, 

Shaw, 
Shepard, 
Stone, 
Tahafaro, 
White, 
Wilder, 
N. L. Williamson, 
R. P. Williamson, 
N. Wilson, 
Woodward.—46.

Mr. Ellis, from the Committee appointed to conduct this election, reported that Chas. L. Hinton had received a majority of the whole number of votes, and that he was duly elected Public Treasurer of the State of North Carolina.

The report was concurred in.

Mr. Ehringhaus presented a petition from sundry citizens of Pasquotank County, praying that Davis Hooker, heretofore convicted of Petit Larceny, may be restored to credit.

Said petition was referred to the Committee on Propositions and Grievances.

On motion of Mr. T. Wilson,

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee, consisting of four on the part of each House, whose duty it shall be to make suitable arrangements for the reception of His Excellency, Wm. A. Graham, on the first day of January next, to take the oaths of office.

Mr. Lord, from the Committee on Propositions and Grievances, reported with an amendment the Resolution in favor of John Hill and others.

When the same was read the second time, amended and passed.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Bill, entitled a Homestead Bill.

When the same was, on motion of Mr. Moore, laid on the table.

Mr. Moore, from the same Committee, reported unfavorably on the Resolution in favor of Eli McKee, of Macon County.

When the same was read the second time and rejected.
Mr. Washington presented a Bill to amend an Act, entitled an Act, for the establishment and better regulation of Common Schools. Which was read the first time and passed, and laid on the table.

Mr. Mebane presented a Bill, to alter the time of holding the Superior Courts of Law and Equity for the Counties of Guilford and Orange. Which was read the first time and passed, and referred to the Committee on the Judiciary.

The House now proceeded to the special order of the day, and took up for consideration the Bill to locate the residence of the Judges of the Superior Courts, hereafter to be elected.

Pending the question, "Shall said Bill pass the second reading," the House, on motion, adjourned until to-morrow morning 10 o'clock.

Wednesday, Dec. 18, 1844.

On motion of Mr. Puryear, a message was sent to the Senate, proposing to vote immediately for a Trustee of the University, and informing that the names of R. M. Pearson, D. F. Caldwell, Michael Francis, and Wm. W. Avery, are withdrawn from the nomination.

Mr. R. T. Paine, from the Committee on the Judiciary, reported unfavorably on the Bill concerning the election of Constables, in the County of Iredell.

When said Bill was, on motion of Mr. Emerson, laid on the table.
Mr. Ehringhaus, from the Committee on Military Affairs, to whom the subject was referred, reported a Bill to form and establish a new Regiment out of the Militia in the County of Union. Which was read the first time and passed.

Mr. Ehringhaus, from the same Committee, reported a Bill to divide the Militia of Anson County into two Regiments. Which was read the first time and passed.

Received from the Senate a message, agreeing to the proposition of this House, to vote immediately for a Trustee of the University, and informing that Messrs. Lindsay and Speight form their branch of the Committee to conduct the election.

Ordered, that Messrs Puryear and Kelly compose this Committee on behalf of the Commons.

The House then voted as follows:

FOR N. L. WILLIAMS.

Messrs. Speaker, Adams, Barco, D. A. Barnes, Bond, Brower, Brown, Burgin, Caldwell, Calloway, Cherry, Church, Clayton, Cochran, Credle, Davenport, Davis, W. Dickson, Doak, Douthit, Ehringhaus, Emerson, Fagg, Foy, Haughton, Hayes, Jackson, Keener, Locke, Lord, Miller, Mills, Moore, McLean, McNair, Odom, R. T. Paine, C. L. Payne, Perkins, Phifer, Poindexter, Prentiss, Puryear, Reid, Roane, T. Robinson, Rush,
Gambill, Sharp,  
Gee, Smith,  
George, Street,  
Golding, Taliafero,  
Graves, Thrash,  
Grist, Trull,  
Guthrie, Washington,  
Guyther, Whitehurst,  
Hackett, T. Wilson.—67.

FOR CADWALLADER JONES, SEN.

Messrs. Atkins,  
E. Barnes,  
Beaman,  
Bridgers,  
Brogden,  
Cunningham,  
J. G. Dickson,  
Edwards,  
Ellis,  
Faucett,  
Fleming,  
Jones,  
Kelly,  
Kirk,  
Lea,  
Leathers,  
Lemmon,  
Mebane,

Messrs. Mitchell,  
Murphy,  
McIntyre,  
McNeill,  
Pratt,  
Rankin,  
Regan,  
Reinhardt,  
Richardson,  
H. Robinson,  
Sanders,  
Scales,  
Watters,  
White,  
Wilder,  
N. L. Williamson,  
R. P. Williamson.—35.

FOR THOMAS G. STONE.

Messrs. Brame,  
Bullock,  
Collins,  
Harrison,

Messrs. Hawkins,  
Martin,  
Stone,  
N. Wilson.—8.

Mr. Puryear from the Committee appointed to conduct this election, reported that Nicholas L. Williams had received a majority of the whole number of votes, and that he was duly elected.
The report was concurred in.

Mr. Cunningham presented a Bill to amend an Act, entitled an Act, concerning Hunting.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Ellis, from the Committee on Privileges and Elections, reported with sundry amendments, the Bill providing for the appointment of Engrossing Clerks.

When, on motion of Mr. Graves, the Bill and amendments were made the order of the day for Monday next.

Received a message from the Senate, informing that they had passed the following Resolution, and asking the concurrence of this House, viz:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of Four, on the part of each House, to enquire whether it would not be proper for the present General Assembly to make some public manifestation of respect for the memory of the late William Gaston, and if so, to enquire further, what means should be adopted for the purpose of testifying the high and abiding veneration in which the exalted virtues and talents of the deceased are held by the citizens of North Carolina.

The said Resolution was read, and on motion of Mr. Washington,

Ordered, That the Senate be informed that the House of Commons do unanimously concur therein.

Mr. Brame presented a Bill to revive an Act for the better regulation of the Town of Warrenton, in Warren County.

Which was read the first time and passed.

Mr. Miller, from the Committee on Claims, reported unfavourably on the Claims against the State in favor of Stephen Moore.

When the same was laid on the table.

Received a message from the Senate, agreeing to the proposition of this House, to raise a Joint Select Committee to make arrangements for the qualification of His Excellency, Wm. A. Graham, as Governor of the State, and informing that Messrs. Shepard, Cameron, Joyner, of Halifax, and Gwynn, compose their branch of this Committee.
Ordered, that Messrs. Wilson, of Perquimons, Mebane, Graves, and Bridgers, form said Committee on behalf of the Commons.

A message from the Senate, informing that Messrs. Tayloe and Biggs form their branch of the Joint Select Committee to examine into the state of the Furniture in the Governor's House.

Mr. D. A. Barnes, from the Committee on Private Bills, reported unfavorably on the Bill to incorporate Washington Academy, in the County of Duplin.

Which was read the second time and rejected.

Mr. Moore presented a memorial from the officers of the 15th regiment of Militia, suggesting amendments in the Militia laws.

Said memorial was referred to the Committee on Military Affairs.

Mr. Puryear presented a Bill to repeal in part the 11th section of the sixty-second chapter of the Revised Statutes, concerning the Powers and Jurisdiction of Justices of the Peace, and to amend the same.

Which was read the first time and passed; and referred to the Committee on the Judiciary.

Mr. Washington presented a Resolution in favor of Adrian H. Van Bokkelen.

Which was read the first time, passed, and referred to the Committee on Claims.

Mr. Moore, from the Committee on the Judiciary, reported with amendments the Bill in addition to the Revised Statutes, entitled "Wills and Testaments"—to amend the same, and to repeal part of the 15th Section of the Revised Statutes, entitled "Lands of Deceased Debtors."

The amendments were read and agreed to, and the Bill as amended, read the second time and passed, and ordered to be printed.

Mr. Moore, from the same Committee, reported with amendments the Bill to amend the first clause of the 6th Section of the Revised Statutes, Chapter 1st, extending the jurisdiction of Justices of the Peace.

The amendments were concurred in, and the Bill read the second time and passed.

Mr. Moore, from the same Committee, reported with sundry amendments the Bill concerning the Writ of Replevin.

The amendments were concurred in, and the Bill, on motion of Mr. Graves, ordered to be laid on the table and be printed.

Mr. Leathers presented the following Resolution, viz:

WHEREAS, there appears from the Report of the Committee on Fi-
nance, that there is a deficiency of eighty-one dollars in the Public Treasury. Therefore,

Resolved, That John H. Wheeler, Treasurer, be requested by Chas. L. Hinton, the Treasurer elect, to pay into the Public Treasury the said sum of eighty-one dollars; and upon refusal of said Wheeler to pay the said eighty-one dollars, that the Attorney General of the State be, and he is hereby directed to bring suit against said Wheeler, on his official Bond, for the recovery of the amount aforesaid.

Mr. Moore moved to amend the same, by adding the following Proviso:

Provided, however, that the Attorney General shall not release any incompetent witness offered on behalf of the State, so as thereby to make competent any witness who, by the rules now regulating the competency of witnesses, is incompetent.

The question on the adoption of this amendment, was decided in the negative.

The question recurring on the adoption of said Resolution, was decided in the affirmative—Yeas 69, Nays 41.

The Yeas and Nays demanded by Mr. Harris.

Those who voted in the affirmative, were

Messrs. Adams,
    Barco,
    D. A. Barnes,
    Bond,
    Brogden,
    Brower,
    Brown,
    Burgin,
    Caldwell,
    Calloway,
    Cherry,
    Church,
    Clayton,
    Coehran,
    Credle,
    Davenport,
    Davis,
    W. Dickson,
    Doak,
    Douthit,

Messrs. Harrison,
    Haughton,
    Hayes,
    Jackson,
    Keener,
    Kirk,
    Leathers,
    Littlejohn,
    Locke,
    Lord,
    Mebane,
    McLean,
    McNair,
    Odom,
    R. T. Paine,
    C. L. Payne,
    Perkins,
    Poindexter,
    Pratt,
    Puryear,
Dunn,  
Ehringhaus,  
Emerson,  
Fagg,  
Faucett,  
Foy,  
Gambill,  
Gee,  
George,  
Golding,  
Grist,  
Guthrie,  
Guyther,  
Hackney,  
Harris,

Roane,  
T. Robinson,  
Rush,  
Sharpe,  
Smith,  
Street,  
Taliafero,  
Thrash,  
Trull,  
Waddill,  
Washington,  
Watters,  
Whitehurst,  
T. Wilson.—69.

Those who voted in the negative, were

Messrs. Atkins,  
E. Barnes,  
J. Barnes,  
Beaman,  
Brame,  
Bulkock,  
Collins,  
Cunningham,  
J. G. Dickson,  
Edwards,  
Ellis,  
Fleming,  
Graves,  
Hamrick,  
Hawkins,  
Jones,  
Kelly,  
Lea,  
Lemmond,  
Mangum,  
Martin,

Messrs. Mitchell,  
McIntyre,  
McNeill,  
Nixon,  
Phifer,  
Rankin,  
Regan,  
Reid,  
Reinhardt,  
Richardson,  
H. Robinson,  
Sanders,  
Scales,  
Shepard,  
Stone,  
White,  
Wilder,  
N. L. Williamson,  
R. P. Williamson,  
N. Wilson.—41.

Ordered that said Resolution be Engrossed, and sent to the Senate for concurrence.
Mr. Taliaferro presented a petition from sundry citizens of Surry County, praying the passing of a law to compel John H. Dobson to erect a sufficient slope for the passage of fish over his Forge Dam, across Fisher's River.

Which was referred to the Committee on Propositions and Grievances.

Mr. Nixon presented a memorial from the Commissioners of the Town of Wilmington, praying to be reimbursed certain expenditures, incurred in erecting certain works of defence near said Town during the last war with England.

Which was referred to the Committee on Claims.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Dec. 19, 1844.

Mr. Gambill presented a memorial from sundry commissioned officers of the 74th Regiment of Militia, on an alteration in the Militia laws.

Which was referred to the Committee on Military Affairs.

Mr. Reinhardt presented a Bill to incorporate the Directors of the Loretz Beneficiary Fund, founded on petition.

Which was read the first time, passed, and referred to the Committee on Education.

Mr. Locke presented a Bill to open the Pedee and Yadkin Rivers.

Which was read the first time, passed, and ordered to lie on the table.

Mr. Grist presented a memorial from Benjamin Swaim, of Randolph County, proposing to furnish the State with the "North Carolina Justice," on certain terms mentioned.
Said memorial was read, and on motion of Mr. Grist, ordered that a message be sent to the Senate, proposing to refer the same to a Joint Select Committee of two from the Senate, and four from the House of Commons.

Mr. Poindexte, from the Committee on the Judiciary, reported with amendments the Bill to repeal in part the 11th Section of the 62d Chapter of the Revised Statutes, concerning the Powers and Jurisdiction of Justices of the Peace, and to amend the same.

The amendments were concurred in.

Mr. Kirk moved to amend the first section by striking out the word "four," and inserting "two."

This amendment was rejected.

Mr. Davenport moved that the said Bill be indefinitely postponed.

The question thereon was decided in the negative—Yeas 52, Nays 58.

The Yeas and Nays called for by Mr. Puryear.

Those who voted in the affirmative, were

Messrs. Atkins, Barco, E. Barnes, D. A. Barnes, J. Barnes, Beaman, Brame, Brower, Bullock, Cherry, Cochran, Collins, Credle, Cunningham, Davenport, Davis, Douthit, Dunn, Edwards, Ehringhaus, Faucett, Graves,

Messrs. Haughton, Jackson, Kelly, Kirk, Lea, Lem mond, Littlejohn, Locke, Mangum, Martin, Murphy, McIntyre, McNair, McNeill, Odom, Perkins, Regan, Reid, Reinhardt, Richardson, H. Robinson, Sharpe,
Those who voted in the negative, were:


The question recurring on the passage of the Bill the second reading, was decided in the affirmative—Yeas 60, Nays 51.

The Yeas and Nays demanded by Mr. Taliafero.
Those who voted in the affirmative, were

Messrs. Adams,
Bond,
Brogden,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
W. Dickson,
J. G. Dickson,
Dorn,
Ellis,
Emerson,
Fleming,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Hayes,
Jones,
Keener,
Kelly,
Lord,
Mebane,

Messrs. Miller,
Mitchell,
Moore,
McLean,
Nixon,
C. L. Payne,
Phifer,
Poindexter,
Pratt,
Prentiss,
Puryear,
Rankin,
Reinhardt,
Roane,
T. Robinson,
Rush,
Sanders,
Scalee,
Smith,
Street,
Taliafero,
Thrash,
Trull,
Washington,
Watters,
White,
Whitehurst,
N. L. Williamson,
N. Wilson,
T. Wilson.—60.

Those who voted in the negative, were

Messrs. Atkins,
Barco,
J. Barnes,
E. Barnes,
D. A. Barnes,
Beaman,

Messrs. Hawkins,
Haughton,
Jackson,
Kirk,
Lea,
Lemmond,
The following persons were appointed to compose the Joint Select Committee on the part of this House, on the Joint Resolution yesterday adopted, in relation to the death of the Hon. William Gaston, viz: Messrs. Washington, Poindexter, Graves and Ellis.

Mr. Grist presented a Bill to incorporate a Volunteer Infantry Company in Washington, Beaufort County.
Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Brogden, from the Committee on Claims, reported with an amendment the Resolution in favor of Arthur S. Mooring, Sheriff of Martin County.
The amendment was concurred in, and the Resolution read the second time and passed.

Mr. Bridgers, from the Committee on the Judiciary, reported with an amendment the Bill concerning the Superior Courts of Currituck County.
The amendment was agreed to, and the Bill read the second time and passed.

Mr. Washington, from the same Committee, reported unfavorably on the Bill concerning County Solicitors.
When said Bill was read and rejected.
Mr. Lord, from the same Committee, reported a Bill to amend the 8th Section of the 50th Chapter of the Revised Statutes, entitled an Act concerning Frauds and Fraudulent Conveyances.

Which was read the first time and passed.
Mr. Whitehurst presented a petition from sundry citizens of Carteret County, relating to Fees allowed the Sheriff of said County.

Which was referred to the Committee on Private Bills.
Mr. D. A. Barnes, from the Committee on Private Bills, reported with an amendment, a Bill to prevent the felling of Timber in the Water courses of the County of Guilford.

The amendment was concurred in, and the Bill read the second time and passed.

Received a message from the Senate, informing that they had passed the Engrossed Bill to confirm a sale by James W. Guinn, Agent for the State, and asking the concurrence of this House.

The said Bill was read the first time and passed.

On motion of Mr. Douthit, the Bill to open the Pedee and Yadkin Rivers, was referred to the Committee on Propositions and Grievances.

Mr. Bond, who voted in the majority on the Resolution adopted yesterday in relation to the deficiency in the Treasury under the administration of John H. Wheeler, late Public Treasurer, moved that the House do now reconsider the vote by which the same was adopted.

Mr. C. L. Payne moved that the said motion to reconsider be postponed indefinitely.

The question thereon was decided in the affirmative—Yeas 61, Nays 53.

Yeas and Nays demanded by Mr. Caldwell.

Those who voted in the affirmative, were

Messrs. Adams, Barco, D. A. Barnes, Brower, Brown, Burgin, Caldwell, Messrs. Haughton, Hayes, Keener, Leathers, Littlejohn, Locke, Lord,
Those who voted in the negative, were

Messrs. Atkins, E. Barnes, J. Barnes, Beaman, Bond, Brame, Bridgers, Brogden, Bullock, Collins, Cunningham, J. G. Dickson, Dunn, Edwards, Ellis, Fleming,


Messrs. Mangum, Martin, Mitchell, Murphy, McIntyre, McNeill, Nixon, Rankin, Reid, Reinhardt, Richardon, H. Robinson, Sanders, Scales, Shaw, Shepard,
Mr. Fleming presented a Protest, which by the House was ordered to be spread upon the Journal, in the words following, viz:—

"The undersigned, differing in opinion from those who voted in favor of the Resolution instructing the Attorney General, in a certain event, to institute suit against John H. Wheeler, Public Treasurer, for eighty-one dollars, would most respectfully request that the reasons of said difference of opinion, or some of them at least, may be placed on the Journals of this House, lest his vote might be construed into an unwillingness to investigate the subject; which he is not only willing, but anxious, should be properly investigated, and the money recovered from whoever may be found liable, whether it be Page, Wheeler, or Hinton. But the reasons for voting against the Resolution are, first, because in the opinion of the undersigned, the suit must fall, in the event it is instituted, against Wheeler, as he has exhibited vouchers from under the proper authority, which are admitted by the Committee of Finance to be genuine for all claims that he appears to be responsible: and that, in this particular case, Page has received, as I am informed, on the back of the certificate, for the amount in full; which is evidence, in the opinion of the undersigned, that will exclude his testimony, it being a maxim in law, that no man shall take advantage of his own wrong. If, therefore, his evidence is excluded, the suit must fall, and the State pay the costs. But, sir, if his evidence is received, there is odds against it; there is not only his own receipt over his proper signature, but Wheeler's statement and Wheeler's books—all of which records are made under oath, and who must at least be as disinterested as Page. So there is three chances to one against a recovery, if Page's testimony is admitted. This is the situation, taking the strongest presumption against Wheeler.

But on the other hand, here is written evidence, at least, that the money was paid. In the first place, Page admits that he got the eighty-
one dollars of Hinton, and not of Wheeler; and his receipt for that amount, from all the evidence, never appears to have went into the hands of Col. Wheeler, but was passed to the Comptroller before Wheeler came into office, and consequently without his knowledge.—It is, therefore, not only a fair, but legal presumption, that he paid the two hundred and twenty-eight dollars according to certificate, when presented, as not only his Books, but Page's Receipt, on the back of the certificate, assert. So that without expressing an opinion as to where the moral obligation rests, it is at least in my mind, very questionable where the legal responsibility lies. It may farther be questioned, whether the payment made by Hinton, although agreeable to custom, and not morally wrong, may not in a legal point of view, be an improper voucher, as I understand it was not properly authenticated by the Speaker, and like all other receipts of the same class, it was not transferred to the new Treasurer, as it should have been, to be deducted from the two hundred and twenty-eight dollar certificate, at the end of the Session.

So that from the different points involved in the controversy, I could not vote for an absolute Resolution, to sue any one, and preclude a suit against the rest, when we would stand at least two chances to lose, to one to gain it; and more particularly, when the only evidence against the Treasurer, is that of the very party alleged by the Treasurer to have received the money, whose certificate proves the fact, and whose testimony was objected to by the minority of the Finance Committee.

The Resolution ought, in my humble opinion, to have authorized the Attorney General to have examined all the evidence in the case, and then to have instituted suit for the recovery of the money from the person properly liable, whether it was Wheeler, Hinton, or Page; and then there would have been some probability of a recovery, which in my opinion, the present Resolution precludes. And I further object to any Resolution, impeaching the integrity of any Officer of our State, unless the proof is evident, or the presumption great, as the character of our public functionaries are the greatest jewels of our crown, and the respectability of our State consists in the integrity of our sons, and the virtue of our daughters.

Respectfully submitted,

SAMUEL FLEMING.

Dec. 19, 1844.

On motion, the House then adjourned until to-morrow morning 10 o'clock.
Mr. Caldwell introduced the following Resolution, which was read and adopted, viz:

Resolved, That the House during the residue of the Session, shall take a recess every day, from half after one o'clock, P. M. till three o'clock, P. M. and it shall be the duty of the Speaker, when the hour for taking a recess arrives, to announce that fact to the House, whereupon all business shall be suspended until the hour for re-assembling.

Mr. Hawkins presented a Resolution for the relief of Thomas W. Rooker.
Which was read, adopted, and ordered to be Engrossed.

Received a message from the Senate, informing that Messrs: Cameron, Joyner, of Halifax, Pasteur, and Francis, form the Senate's branch of the Joint Select Committee, to enquire into the propriety of making some public manifestation of respect for the memory of the late Judge Gaston.

On motion of Mr. Cherry,

Ordered, That the communication of Samuel F. Patterson, President of the Raleigh & Gaston Rail Road, in answer to a Resolution of this House, of the 11th inst. be printed.

Mr. Hayes presented a Petition from sundry citizens of Cherokee County, together with a Bill to carry the prayer of the petitioners into effect, entitled a Bill to lay off a public Road in Cherokee County, and to make an appropriation for the same.
The said Bill was read the first time, passed, and referred, together with the Petition, to the Committee on Internal Improvement.

Mr. Shepard presented a Bill concerning Sheriffs and Constables.
Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Nixon presented a Bill, assenting to the purchase by the United States, of certain Land in the Town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain limitations and conditions therein contained.
Which was read the first time, passed, and referred to the Committee on the Judiciary.
Mr. Fleming presented a Bill authorizing Sheriffs and their successors in office, to make title in certain cases.
Which was read the first time, passed, and referred to the Committee on the Judiciary.
Mr. Fagg presented a Petition from certain citizens of Buncombe County, asking the passage of a law, allowing William B. Hammonds, a man of color, to preach.
Said Petition was read and referred to the Committee on Proposals and Grievances.
Mr. Reid presented a Resolution respecting the Public Arms of this State.
Which was read, and on motion of Mr. Hawkins, laid on the table.
Mr. Shepard presented a Bill founded on a petition from the Principals of the North Carolina Military Academy, entitled a Bill to loan to the North Carolina Military Academy at Raleigh, for the use of the Cadets thereof, the necessary Military Arms and Equipments.
Said Bill was read the first time, passed, and referred to the Committee on Military Affairs.
Mr. Nixon presented a Bill for a Canal from Cape Fear to Lumber River.
Which was read the first time, passed, and referred to the Committee on Internal Improvement.
Mr. Grist, from the Select Committee raised on the subject, reported the Bill to secure the citizens of this State the right of Fishing in the navigable waters of the State, with an amendment.
The amendment was concurred in, and on motion of Mr. Jones, said Bill was laid on the table.
Mr. Moore, from the Committee on the Judiciary, reported with an amendment, the Bill for the relief and benefit of Orphans.
The amendment was concurred in, and the Bill, as amended, read the second time and passed.
Mr. Lord, from the Committee on Propositions and Grievances, to whom was referred the petition from the County of Pasquotank, praying the enactment of a law restoring Davis Hooker to the rights of citizenship, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject.
The report was concurred in.
Mr. Lord, from the same Committee, reported unfavorably on the petition from Surry, praying a law to be passed to compel John
Mr. Dobson to build a slope over his Forge Dam on Fisher's River, and asked that the Committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported unfavorably on the petitions from Orange and Burke, praying an alteration in the mode of electing Constables for said Counties.

The report was concurred in.

Mr. Lord, from the same Committee, reported unfavorably on the location of a new County named Lafayette, out of a portion of Rutherford; and also unfavorably on the petition from citizens of Halifax, Warren and Northampton, praying the erection of a new County out of a portion of said Counties, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Washington presented a petition from sundry citizens of the Town of Newbern, praying an exemption of certain emancipated Slaves from the operation of the laws requiring their removal from the State.

Said petition was referred to the Committee on Propositions and Grievances.

Mr. Washington presented a Bill, concerning Passengers in Vessels coming to the Ports of this State.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

The House now proceeded to the order of the day, and took up the Bill to locate the residences of Judges of the Superior Courts, hereafter to be elected.

Mr. Guthrie moved to strike out the enacting clause of the Bill, and demanded the Yeas and Nays.

Pending the question on this motion, the House, under the rule adopted to-day, took a recess till 3 o'clock, P. M.

Three o'clock, P. M.

The House resumed the consideration of the question in which
they were last engaged, and after discussion, Mr. Lord moved that
the House adjourn until to-morrow morning 10 o'clock.
The question thereon was decided in the negative—Yeas 23,
Nays 85.
The Yeas and Nays demanded by Mr. Lord.

Those who voted in the affirmative, were

Messrs. Church,
Cochran,
Ellis,
Graves,
Hawkins,
Lea,
Littlejohn,
Lord,
Martin,
Miller,
McIntyre,
McLean,

Messrs. McNair,
McNeill,
C L. Payne,
Poindexter,
H. Robinson,
Sanders,
Scales,
White,
Wilder,
R. P. Williamson,
N. Wilson.—23.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beanan,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Clayton,

Messrs. Hayes,
Jackson,
Jones,
Keener,
Kelly,
Kirk,
Leathers,
Lemmond,
Locke,
Mangum,
Mebane,
Mitchell,
Moore,
Murphy,
Odum,
R. T. Paine,
Perkins,
The question, being on the motion to strike out the first section of the Bill, was decided in the negative—Yea's 54, Nay's 55.

Those who voted in the affirmative, were

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<th>Messrs. Brower,</th>
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<td>Davis,</td>
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<td>W. Dickson,</td>
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Those who voted in the negative, were

Messrs. Adams, Atkins, Barco, D. A. Barnes, E. Barnes, J. Barnes, Beaman, Bond, Brame, Bridgers, Brogden, Caldwell, Cherry, Clayton, Collins, Credle, Davenport, J. G. Dickson, Edwards, Ehringhaus, Fagg,

Messrs. Haynes, Jackson, Jones, Kelly, Mitchell, Moore, Murphy, McIntyre, Odom, R. T. Paine, Perkins, Rankin, Regan, Reinhardt, Richardson, Roane, H. Robinson, Sanders, Sharpe, Shepard, Thrash.
The question then recurring on the passage of the Bill the second time,
On motion, the House adjourned till to-morrow morning 10 o'clock.

Saturday, Dec. 21, 1844.

On motion of Mr. Mebane,

Resolved, That a message be sent to the Senate, proposing to postpone the Joint Order for the appointment of Magistrates until this day week.

Mr. Haughton presented a Bill, to incorporate the Town of Pittsboro', in the County of Chatham.
Which was read the first time and passed, and referred to the Committee on Private Bills.
On motion of Mr. Ellis,

Resolved, That the special orders of the day shall hereafter be taken up in this House, at the hour of 12 o'clock, and all other business suspended for that purpose; and it shall be the duty of the Speaker to announce to the House when the hour of 12 arrives.

Mr. Burgin presented a petition from sundry citizens of Me-
Dowell County, praying the passage of a law, requiring the Courts of said County to be held hereafter at Marion, the County Town. This petition was referred to the Committee on Propositions and Grievances.

Mr. R. T. Paine called up for consideration, the Bill to secure to citizens of this State the right of fishing in the navigable waters of the State.

Mr. Jones moved to amend said Bill, by adding the following Proviso:

Provided, however, That none of the provisions contained in this Act shall extend to citizens of Currituck County, who have been residents of said County for the space of twelve months, immediately preceding the exercise and enjoyments of the rights of fishing, as now allowed by law.

The question on the adoption of this amendment, was decided in the negative.

The said Bill then passed the second reading.

Mr. Roane presented a Resolution in favor of J. R. Edwards. Which was read the first time and passed, and referred to the Committee on Cherokee Lands.

Mr. Kelly presented a Bill, to incorporate Dunn Faison Academy, in the County of Duplin. Which was read the first time and passed.

Mr. Church presented a Bill, to amend an Act, entitled an Act, for the further relief of Poor Debtors. Which was read the first time and passed, and referred to a Select Committee, consisting of Messrs. Church, Fagg, Cherry, Shepard and Kelly.

Mr. Street presented a Bill, for the better regulation of Common Schools. Which was read the first time and passed, and referred to the Committee on Education.

Mr. Hayes presented a Resolution in favor of Henry Moss. Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. Trull presented a Bill, to compel the Entry-taker and Standard-keeper of Union County to keep their Offices at the Court House.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.
Mr. Poindexter moved that the House do now proceed to the unfinished business of yesterday, and resume the consideration of the Bill to locate the residence of Judges of the Superior Courts, hereafter to be elected.

The motion prevailed.

Mr. Ellis moved to amend said Bill, by adding the following:

And that the law now requiring the Judges of said Superior Courts to allot the Circuits among themselves, or allows them to exchange Courts, is hereby repealed; and every Judge shall be required to ride the circuit in which he resides, and for which he was elected.

This amendment was rejected.

Mr. Mills moved to strike out the whole of said Bill after the enacting clause, and insert as an amendment, the following:

That the State of North Carolina shall be, and is hereby divided into two divisions: The Eastern division to be composed of the three first Judicial Circuits in the State, and the Western division to be composed of the four remaining Circuits in the State; and that hereafter, in all elections for a Judge of the Superior Courts, the Legislature shall designate for which division the appointment is made—so as to elect for the Eastern division three Judges, and for the Western division four Judges. And it shall be the duty of each Judge so elected, to reside within the limits of the division for which he shall be chosen, and on failure so to do, he shall forfeit his office.

Provided, however, That this Act shall not be so construed as to alter the law, which now requires the Judges of said Superior Courts to allot the Circuits among themselves, or allows them to exchange Courts.

The question on the adoption of this amendment was decided in the negative—Yea's 36, Nays 77.

Yea's and Nays demanded by Mr. T. Wilson.

Those who voted in the affirmative, were

Messrs. Brower, Burgin, Calloway, Church,

Messrs. Locke, Lord, Mills, Mitchell,
Those who voted in the negative, were

The question, Shall the said Bill pass the second reading, was decided in the affirmative—Yea 59, Nay 57.
Yea's and Nay's demanded by Mr. Haughton.

Those who voted in the affirmative, were

Messrs. Adams, Atkins, Barco, D. A. Barnes, E. Barnes, J. Barnes, Beaman, Bond, Branc, Bridgers, Brogden, Bullock, Caldwell, Cherry, Clayton, Collins, Cradle, Davenport, J. G. Dickson,

Those who voted in the negative, were:

Messrs. Brower, Brown, Burgin, Calloway, Church, Cochran, Cunningham, Davis, W. Dickson, Doak, Douthit, Dunn, Ellis, Emerson, Faucett, Gambill, George, Golding, Graves, Guthrie, Hackney, Haughton, Kirk, Lea, Leathers, Lemmond, Littlejohn, Locke, Lord,


Received from His Excellency, Gov. Morehead, by his Private Secretary, Mr. Reynolds, a communication urging upon the attention of the Assembly, the importance of collecting within our own State, materials for the colonial History of North Carolina.

The communication was read, and on motion of Mr. Cherry,

Ordered, That it be transmitted to the Senate, with a proposition that it be printed.

Mr. Washington, from the Select Committee raised on so much of the Governor's Message as relates to the subject, reported a Resolution for enclosing the Capitol Square.

Which was read the first time and passed.

Mr. Wilder presented a Bill to authorize the business of Banking in the State of North Carolina.

Which was read the first time, passed, and referred to a Select Committee, consisting of Messrs. Wilder, Fleming, Scales, Perkins, and Watters.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, and asking the concurrence of this House:

A Bill to lease a Silver Mine to George Southerlin, the discoverer, and for other purposes.

Also, a Bill concerning Jury Trials.

Also, a Bill to amend an Act passed January, 1841, entitled an Act to secure the State against any and every liability for the Raleigh and Gaston Rail Road Company, and for the relief of the same.

The said Bills were read the first time and passed, and the two last named Bills were referred severally to the Committee on the Judiciary.

The House took a recess until 3 o'clock, P. M.

Three o'clock, P. M.

Mr. Fleming presented a petition from sundry citizens of Yan-
CJR Count}', praying the passage of a law, to restore to the privileges of citizenship, O. H. Poor, heretofore convicted of Horse Stealing.

The said petition was referred to the Committee on Propositions and Grievances.

Mr. Mills presented a petition from sundry citizens of Rutherford County, praying the passage of a law, allowing John R. McCurry to peddle without a License.

Mr. Roane presented a petition from sundry citizens of the Counties of Haywood, Macon and Cherokee, praying the establishment of a new County out of a portion of the limits thereof.

And Mr. Mebane presented a petition from certain citizens of Orange County, praying a division of said County.

These Petitions were severally referred to the Committee on Propositions and Grievances.

The Engrossed Bill, to amend an Act, entitled an Act, to change the location of the Court House of the County of Montgomery, and for other purposes, was read the second time and passed, and on motion of Mr. Cochran, two-thirds of the House concurring, the said Bill was read the third time and passed, and ordered to be Enrolled.

The Bill to amend an Act, to incorporate the President, Directors and Company of the Yadkin Toll Bridge, was, on motion of Mr. Lord, taken up.

Amended on motion of Mr. Caldwell,
And on motion of Mr. Lord, laid on the table.

Mr. Moore moved to take up this Bill again for consideration.

The motion prevailed, and on Mr. Moore’s motion, the question adopting the amendments proposed by Mr. Caldwell, was reconsidered.

When said Bill, together with the proposed amendments, was laid on the table.

Received a message from the Senate, concurring in the proposition of this House, to postpone the execution of the Joint Order for the nomination of Justices of the Peace till this day week.

The House then adjourned until Monday morning 10 o’clock.
Mr. R. T. Paine presented a memorial from sundry citizens of Chowan, praying the passage of a law, exempting members of Volunteer Companies from doing Military duty after a service of seven years.

Which was referred to the Committee on Military Affairs.

The Resolution respecting the Public Arms, was taken up on motion of Mr. Hawkins, and referred to the Committee on Military Affairs.

Mr. Shepard presented a memorial from sundry citizens of Wake County, protesting against the sale of the Public Square in the City of Raleigh, on which is erected the Baptist Meeting House.

Which was referred to the Committee raised on the subject of the Public Lots in said City.

Mr. Guthrie presented a Bill, to authorize the several Banks of this State to issue Bills of a less denomination than three dollars; and

Mr. Hamrick, a Bill concerning the Superior Courts of Caswell County.

These Bills were read the first time and passed.

The Bill to amend the 133d Chapter of the Act of the Revised Statutes, entitled an Act, concerning Wrecks and Wrecked Property;

The Bill to incorporate Cross Creek Lodge No. 4, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill to incorporate the Franklinsville Guards, in the County of Randolph;

The Bill to prevent the obstructing of fish passing up the Creek called the Six Runs, in the County of Sampson;

The Bill making compensation to the Jurors of the County of Hyde;

The Bill to extend the provisions of an Act, passed at the General Assembly in 1830, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk's offices in said County;

The Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes;

The Bill to alter the mode of appointing Constables in Tyrrell County;
The Bill concerning Rutherford County;
The Bill to repeal an Act passed in 1828, so far as it extends to the County of Martin. And
The Resolution in favor of the Justices of Haywood County,
Were each read the second time and passed.
On motion of Mr. Mills, the said last named Resolution was again read the third time, two-thirds of the House concurring, and passed.
Ordered that said Resolution be Engrossed.
The Engrossed Bill to protect the public Bridges in Tyrrell and Washington, was read the second time, amended on motion of Mr. Sanders, and passed.
The Bill more effectually to suppress the offence of trading with Slaves, was read the second time and passed.
The Bill to exempt Justices of the Peace from working on the Public Highways, was read the second time, amended on motion of Mr. Lord, and passed.
The Bill to attach a portion of the Militia of the 69th Regiment to the 68th Regiment, was read the second time and passed.
The Resolution in favor of Priscilla Goodwin;
The Bill to amend an Act ratified 26th January 1843, entitled an Act to punish the defaults of Returning Officers, in the election of Electors for President and Vice President of the United States;
The Bill to incorporate a Corps of Cavalry in the County of Perquimons;
The Bill extending the time for perfecting Titles to Lands heretofore entered;
The Bill to alter the mode of appointing Constables in Beaufort and Northampton Counties;
Were each read the second time and passed.
The Engrossed Resolution, authorizing the Governor to erect Grave-stones at the Graves of deceased Members of Assembly, was read the second time and passed, and on motion of Mr. Scales, two-thirds of the House concurring, the said Resolution was read the third time and passed, and ordered to be Enrolled.
The Bill to repeal part of an Act of the General Assembly, Revised Statutes, Chapter 89, Sec. 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Washington;
The Bill to provide for a vacancy in the office of County Surveyor;
The Resolution in favor of Wm. J. Lewis;
The Bill to appoint Commissioners to view and lay off a Road in the County of Ashe;
The Bill to give to the County Courts of the County of Stanly, two Jury Terms;
The Resolution in favor of Thomas Wilson, Sheriff of Yancy County;
Were each read the second time and passed.
The Resolution in favor of Taylor & Kephart, was read the second time and passed, and referred to the Committee on Claims.
The Resolution in favor of Michael Francis, was read the second time and passed.
The Bill providing for the appointment of Engrossing Clerks, was read the second time, amended on motion of Mr. Moore, and passed.
On motion of Mr. Mebane, two-thirds of the House concurring therein, the said Bill was read the third time, passed, and ordered to be Engrossed.
Received a message from the Senate, informing that Messrs. Eaton and Elliott compose their branch of the Committee on Enrolled Bills the present week.
Ordered that Messrs. Scales, Golding, Davenport and Edwards compose said Committee on behalf of this House.
A message from the Senate, informing that they had passed the Engrossed Bill to change the location of the Court House of the County of Lincoln, and for other purposes, and asking the concurrence of this House.
The said Bill was read the first time and passed.
Mr. Shepard, from the Judiciary Committee, reported without amendment the Bill concerning Sheriffs and Constables.
When the same was read the second time and passed.
Mr. Washington presented a Resolution in favor of John I. Pasteur.
Which was read the first time and passed, and referred to the Committee on Claims.
The Bill concerning Jury Trials was read the second time and passed.
Mr. Graves, from the Committee on the Judiciary, reported a Bill, to amend the Revised Statutes, entitled an Act concerning Legacies, Filial Portions, and Distributive Shares; and the Revised Statutes, entitled "Descents."
Which was read the first time and passed.

The Bill to amend an Act, entitled an Act, for the establishment and better regulation of Common Schools, was read the second time, amended and passed.

The Bill to amend the Revised Statutes, Chapter 102, entitled an Act to provide for the collection and management of a revenue for this State, was read, and on motion of Mr. Jones, indefinitely postponed.

The House then adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Mebane presented a petition from certain citizens of Orange County, in relation to the boundaries of a Military District and the appointment of a Constable within the same.

Which was read and referred to the Committee on Military Affairs.

Mr. Street presented a Bill, to incorporate the Carthage Male and Female Academy, in the County of Moore.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Fagg presented a Bill, relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Received a message from the Senate, concurring in the proposition of this House, to print the message of His Excellency, the Governor, in relation to the early History of the State.

The Bill to authorize William Bland, of Chatham County, to construct a dam across Haw River, and to erect a Mill thereon, was read the second time.

And amended on Mr. Haughton's motion, by adding the following Proviso:

"Provided, however, That the passage of Fish up Haw River, be not obstructed thereby."
On motion of Mr. Fleming, the question on the adoption of this amendment was re-considered.

When the said amendment was rejected, and the Bill passed the second reading.

The Resignation of Lyndon Swaim, a Justice of the Peace of the County of Guilford, was read and accepted.

Received a message from the Senate, proposing that the two Houses adjourn sine die on Monday the 6th day of January next.

Mr. Guthrie moved that this message lie on the table.

The question thereon was decided in the negative—Yea 28, Nays 82.

The Yeas and Nays demanded by Mr. Shepard.

Those who voted in the affirmative, were

Messrs. Bond, Messrs. Martin,
Bridgers, Mitchell,
Brogden, Moore,
Cochran, McLean,
W. Dickson, McNair,
Ehringhaus, R. T. Paine,
Foy, Reid,
Galling, T. Robinson,
Guthrie, Scales,
Harris, Waddill,
Keener, Watters,
Littlejohn, White,
Locke, Wilder,
Mangum, N. Wilson.—28.

Those who voted in the negative, were

Messrs. Adams, Messrs. Jones,
Atkins, Kelly,
Barnes, Kirk,
D. A. Barnes, Lea,
E. Barnes, Leathers,
J. Barnes, Lemond,
Brame, Lord,
Mr. D. A. Barnes moved that a proposition be made to the Senate, to adjourn *sine die* on the second, instead of the sixth of January.

This motion was lost.

Mr. Nixon moved to postpone the further consideration of the subject, until the afternoon of the 24th inst.

The question on this motion was decided in the negative.
Whereupon, the proposition contained in the message of the Senate was concurred in.

On motion of Mr. Cherry, the Bill for the foreclosure of the mortgage of the Raleigh and Gaston Rail Road Company, was made the order of the day for to-morrow.

The Bill to set apart a Homestead Freehold to any citizen of the State of North Carolina, of the age of twenty-one years, was read the second time and amended,

And on motion of Mr. Guthrie, postponed indefinitely—Yeas 67, Nays 47.

Yeas and Nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

**Messrs. Atkins,**  
Barco, E. Barnes, J. Barnes, Beaman, Brame, Bridgers, Brogden, Brower, Clayton, Cochran, Collins, Creede, Cunningham, Davenport, Davis, J. G. Dickson, Doak, Douthit, Dunn, Edwards, Ellis, Faucett, Foy, George,  

**Messrs. Lea,**  
Leathers, Lemmond, Locke, Mangum, Martin, Mebane, Mitchell, Murphy, McIntyre, McNair, McNeill, Nixon, Perkins, Phifer, Pratt, Prentiss, Rankin, Reid, Reinhardt, Richardson, H. Robinson, T. Robinson, Scales, Shaw,
Those who voted in the negative, were

Messrs. Adams, D. A. Barnes, Bond, Brown, Burgin, Caldwell, Calloway, Cherry, Church, W. Dickson, Ehringhaus, Emerson, Fagg, Fleming, Gambill, Gatling, Gee, Golding, Grist, Guyther, Hawkins, Hayes, Jackson, Keener,


On motion, the House then adjourned until to-morrow morning 11 o'clock.
Tuesday, Dec. 8, 1844.

Mr. Poindexter, from the Committee on the Judiciary, to whom was referred the Engrossed Bill to amend an Act passed January 7, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same, reported the same without amendment.

When the same was, on motion of Mr. Cherry, made the order of the day for Monday next.

Mr. Littlejohn presented the following Resolution, viz:

Resolved, That it is the duty of the General Assembly of this State, as soon as the condition of the Public Treasury will allow, to make appropriations for erecting suitable buildings for Asylums, for the Deaf and Dumb, the Blind and the Insane.

Resolved further, That His Excellency, the Governor, be requested to give this House all the information in his possession, as to the probable cost of building suitable edifices for these purposes; and also to communicate to the General Assembly any other information in his possession on the subject.

The question on the adoption of this Resolution was decided in the affirmative—Yea 84, Nays 27.
Yeas and Nays demanded by Mr. Mebane.

Those who voted in the affirmative, were

Messrs. Atkins, Messrs. Littlejohn,
D. A. Barnes, Locke,
Beamman, Lord,
Bond, Mehane,
Brower, Miller,
Brown, Mills,
Burgin, Mitchell,
Caldwell, Moore,
Calloway, Morphy,
Cherry, McIray,
Church, McLean,
Clayton, McNair,
Those who voted in the negative, were

J. G. Dickson,  
Dunn,  
Edwards,  
Ellis,  
Haverick,  
Harrison,  

J. G. Dickson,  
Dunn,  
Edwards,  
Ellis,  
Haverick,  
Harrison,  

Stone,  
Taliafero,  
N. L. Williamson,  
R. P. Williamson,  
N. Wilson.—27.

Mr. Caldwell submitted the following Resolution, which was read and adopted:

Resolved, That a Select Committee of Three be appointed, to examine and report what Rooms in the Capitol can be assigned for the use of Committees, and for what purposes the Committee Rooms are at present used.

Said Committee consists of Messrs. Caldwell, Jackson and Foy.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Bill authorizing Sheriffs and their successors in office to make title in certain cases.

When the same was read and rejected.

Mr. Moore, from the same Committee, reported favorably on the Bill assenting to the purchase by the United States, of certain land in the Town of Wilmington, and ceding the Jurisdiction of North Carolina over the same, under certain limitations and conditions therein contained.

When the same was read the second time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment, the Bill, to incorporate the Town of Pittsboro', in Chatham County.

When said Bill was read the second time and passed.

Mr. D. A. Barnes, from the same Committee, reported unfavorably on the Bill to alter and circumscribe the corporate limits of the Town of Milton.

The said Bill was, on motion of Mr. Poindexter, laid on the table.

Mr. D. A. Barnes, from the same Committee, reported with an amendment, the Bill to incorporate the Fayetteville Library Institute.
The amendment was concurred in, and the Bill read the second time and passed.

Mr. Ehringhaus, from the Committee on Military Affairs, reported without amendment the Bill to loan to the North Carolina Military Academy, at Raleigh, for the use of the Cadets thereof, the necessary military arms and equipments.

When said Bill was read the second time and passed.

On motion, leave of absence from the service of the House, from and after to-morrow until Monday next, was granted to Mr. Edwards.

On motion of Mr. Ehringhaus,

Resolved, That the Committee on Military Affairs be instructed to enquire into the propriety of collecting, and depositing in the Arsenal in the City of Raleigh, the Public Arms and Military Equipments which are now at the different depots in the State, and which have not been distributed to the several Counties; and that they report by Bill or otherwise.

Mr. Lord, from the Committee on Propositions and Grievances, to whom was referred the petition of the Pilots residing at Ocracoke, Carteret County, reported the same to the House, and asked to be discharged from the further consideration of the subject.

The Committee was discharged.

The said petition was, on motion of Mr. Whitehurst, referred to a Select Committee, consisting of Messrs. Whitehurst, Jones, Bond, Credle and McIntyre.

Mr. Washington, from the Committee on Internal Improvement, reported with an amendment, the Bill to revive and continue in force, an Act passed in the year 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County.

Said Bill and amendment were, on motion, made the order of the day for Friday next.

Mr. Caldwell presented a petition from sundry citizens of the County of McDowell, praying the passage of a law, to punish Hunters trespassing on the lands of the petitioners.

Which was referred to the Committee on Propositions and Grievances.

The House proceeded to the order of the day, and took up for
consideration the Bill to authorize the foreclosure of the Raleigh and Gaston Rail Road Mortgage.

The Preamble to said Bill was adopted on motion of Mr. Cherry, And pending the question on the passage of the Bill on the second reading,
The House took a recess till 3 o'clock, P. M.

THREE o’CLOCK, P. M.

Mr. Washington, from the Committee on Internal Improvement, reported without amendment the Bill for a Canal from Cape Fear to Lumber River.

Mr. Fleming moved to amend the Bill, by adding the following Section:

*Be it further enacted, That for all Debts contracted by said Company the Private Property of the several Stockholders shall be liable in proportion to the amount of Stock held by them on the first day of April preceding the creation of such debt, and that any sale or transfer of Stock shall not exempt them from liability.*

The question on the adoption of this amendment was determined in the affirmative—Yeas 96, Nays 4.

Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Adams, Atkins, Barco, Mesrs. Lea, Lemmond, Locke,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Brigders,
Brogden,
Brower,
Brown,
Burgin,
Calloway,
Church,
Chayton,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Ellis,
Emerson,
Fagg,
Faucett,
Fleming,
Foy,
Gatling,
Gee,
George,
Golding,
Graves,
Grist,
Guthrie,
Hackney,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lord,
Mangum,
Martin,
Mebane,
Mills,
Mitchell,
Murphy,
McIntyre,
McNair,
McNeill,
Nixon,
Odom,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Puryear,
Regan,
Reid,
Reinhardt,
Richardson,
Roane,
H. Robinson,
T. Robinson,
Rush,
Sanders,
Scales,
Sharpe,
Shaw,
Smith,
Stone,
Street,
Thrash,
Tindell,
Waddill,
Washington,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
T. Wilson.—96.
Those who voted in the negative, were


The question, Shall the said Bill pass the second reading, was decided in the affirmative.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petitions of O. H. Poor, of Yancy, and W. B. Hammond, of Buncombe Counties, and asked to be discharged from the further consideration of them.

The reports were concurred in.

Mr. Lord, from the same Committee, reported unfavorably on the Resolution in favor of Henry Moss.

When the same was read the second time and rejected.

Mr. Lord, from the same Committee, to whom a petition on the subject was referred, reported a Bill to change the place of holding the County Courts of McDowell County.

The said Bill was read the first time and passed, and on motion of Mr. Caldwell, laid on the table.

Mr. N. L. Williamson presented the following Resolution:

Resolved, That the use of the Hall of the House of Commons be granted on Wednesday evening, the 25th inst. to the Rev. Mr. Fuller, of New York, to deliver a Discourse on the subject of Home Missions.

The question on the adoption of this Resolution was decided in the negative.

Mr. Grist presented the following Resolution:

Resolved, That when this House adjourns, it stands adjourned until Thursday morning 10 o'clock.

The question on the adoption of this Resolution was decided in the affirmative—Yea 70, Nays 36.

The Yeas and Nays demanded by Mr. Kelly.
Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, E. Barnes, J. Barnes, Messrs. Kelly, Kirk, Lemmond,
The House resumed the consideration of the Bill, authorizing the foreclosure of the Raleigh and Gaston Rail Road Mortgage. Pending the question on the passage of the Bill the second reading, The House adjourned until Thursday morning 10 o'clock.

Thursday, Dec. 26, 1844.

Mr. Cunningham presented a Bill, founded on a petition from sundry citizens of the County of Person, entitled a Bill making compensation to Tales Jurors in the County of Person.
Said Bill was read the first time and passed, and referred, together with the petition, to the Committee on the Judiciary.

Mr. Hayes presented a memorial from the Grand Jury and other citizens of the County of Cherokee, together with a Bill to carry their prayer into effect, entitled a Bill, authorizing the County Court of Cherokee to lay a tax on certain lands in said County.

Said Bill was read the first time, passed, and referred to the Committee on Propositions and Grievances.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the Resolution in favor of J. I. Pasteur.

When the same was, on motion of Mr. Washington, laid on the table.

Mr. T. Wilson, from the same Committee, reported favorably on the Resolution in favor of Taylor and Kephart.

When the same was read the third time, passed, and ordered to be Engrossed.

Mr. Wilder presented a Bill, to amend the charter of the City of Raleigh.

Also, a Resolution relating to said City.

Which were read the first time and passed, and severally referred to the Committee on Private Bills.

Mr. Hayes, from the Committee on Internal Improvement, reported with an amendment the Bill to lay off a public Road in Cherokee County, and to make an appropriation for the same.

The amendment was concurred in, and the Bill read the second time and passed.

Mr. Washington, from the Committee on the Judiciary, reported without amendment the Bill to provide a suitable punishment for owners or occupiers of houses burning the same, under the circumstances therein mentioned.

When the same was read the second time and passed.

Mr. Lord, from the Committee on Propositions and Grievances, reported with an amendment the Bill to compel the Entry-taker of Union County to keep his office at the Court House in said County.

The amendment was concurred in, and the Bill read the second time and passed.
Mr. Lord, from the same Committee, reported unfavorably on the petition of sundry citizens of Newbern, in relation to certain emancipated Slaves, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported without amendment the Bill to open the Pedee and Yadkin Rivers.

When said Bill was read the second time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the prayer of the petition from Macon, Haywood and Cherokee, for a new County; and asked to be discharged from the further consideration thereof.

The report was concurred in.

On motion of Mr. Miller, the Resolution in favor of Wm. Davidson was re-committed to the Committee on Claims.

Mr. Shepard moved that the Select Committee on the Public Square and Lots in Raleigh, be discharged from the further consideration of the Petition heretofore submitted by him, in relation to the Square on which is situate the Baptist Meeting House; and that he be permitted to withdraw the same from the files of the House.

The motion prevailed.

Thereupon, Mr. Shepard presented a memorial of the Church worshipping in the Baptist Grove, in the City of Raleigh.

Which was, on his motion, referred to the last named Select Committee.

Mr. D. A. Barnes, from the Committee on Private Bills, reported unfavorably on the Bill to prevent obstructions in Hitchcock's Creek, in the County of Richmond.

When the same was read the second time and rejected.

Mr. Clayton offered the following Resolution:

Resolved, That no Private Bill be introduced into this House after Monday next.

This Resolution was rejected.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment, the Bill to incorporate the Carthage Male and Female Academy in the County of Moore.
When said Bill was read the second time and passed.

Mr. D. A. Barnes, from the same Committee, reported unfavorably on the prayer of the petition of John R. McCurry, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Bill to provide for the distribution of the proceeds of land sold for partition in certain cases.

The said Bill was thereupon read the second time and rejected.

The Bill to incorporate the Newbern Mechanic's Association;

The Bill to amend an Act, entitled an Act, to incorporate the Fayetteville Riflemen, in the County of Cumberland;

The Bill relating to Beaufort County Court;

The Bill to incorporate the Phoenix Fire Company, in the town of Elizabeth City;

The Resolution in favor of John Hill and others;

The Resolution in favor of Samuel Watters;

The Resolution in favor of Lewis H. Marsteller, of New Hanover County;

And the Resolution in favor of Thos. J. Roane, of Macon County, were severally read the third time, passed, and ordered to be Engrossed.

The Engrossed Resolution in favor of John L. Christian, Sheriff of Montgomery County, was read the third time, passed, and ordered to be Enrolled.

The Bill to amend the first clause of the sixth Section of Revised Statutes, Chapter first, extending the Jurisdiction of Justices of the Peace, was read the third time, passed, and ordered to be Engrossed.

The Bill to establish a Superior Court in the County of McDowell, was read the third time, amended on motion of Mr. Mills and passed, and ordered to be Engrossed.

The Engrossed Resolution in favor of Arthur S. Mooring, Sheriff of Martin County, was read the third time and passed.

Ordered that the concurrence of the Senate be asked in the amendment heretofore made therein.
Mr. Moore presented a memorial from John H. Anthony, of Halifax County, in relation to the free navigation of Roanoke River.

Which was referred to the Committee on Internal Improvement.

Mr. Jackson presented a Memorial from certain Officers of the 26th Regiment, praying an alteration in the Militia Laws.

Which was referred to the Committee on Military Affairs.

Mr. Keener presented a Memorial from sundry citizens of Haywood and Macon Counties, in relation to the rights of certain Cherokee Indians residing in said Counties.

Which was read and referred to the Committee on Propositions and Grievances.

Mr. Fleming presented a petition from sundry citizens of Yancey County, relating to the claims of the Jurors on the County Treasury;

And also another petition, praying the passage of a law for the laying off a public Road from Burnsville to the Indian Grave Gap, at the Tennessee line.

These petitions were referred to the Committee on Propositions and Grievances.

Mr. Washington presented a petition from sundry citizens of Craven and Beaufort Counties, praying the erection of a new County out of a portion of the limits of these Counties.

And Mr. Littlejohn presented a petition from Alexander Butler and D. E. Young, of Granville County, praying a release on the part of the State, to a certain lot in the Town of Henderson, once the property of the Raleigh and Gaston Rail Road Company.

These petitions were referred to the Committee on Propositions and Grievances.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petition of certain citizens of the County of Orange, praying a division of said County, and the erection of a new one out of the Western limits thereof; and asked to be discharged from the further consideration of the subject.

The report was concurred in.

The House now proceeded to the order of the day, and resumed
the consideration of the Bill to authorize the foreclosure of the Raleigh and Gaston Rail Road Mortgage.

And after a discussion, the House took a recess till 3 o'clock.

THREE o’CLOCK, P. M.

Received a message from the Senate, informing that they had rejected the Engrossed Bills from House of Commons, entitled a Bill to prevent Betting on Elections;

A Bill to establish a public Road in the County of Buncombe; And a Bill concerning Final Process, in actions of Detinue.

Received a message from His Excellency, Gov. Morehead, by his Private Secretary, Mr. Reynolds, transmitting Resolutions from sundry States of the Union, on various national subjects therein referred to.

Ordered, that the same be communicated to the Senate.

Received another message from His Excellency, the Governor, transmitting official statistics from the Secretary of State of the United States.

Ordered, that the same be referred to the Joint Select Committee on the Library.

The Resignation of Wm. G. Perry, as a Justice of the Peace of the County of Chatham, was read and accepted.

On motion of Mr. Washington,

Resolved, That the use of this Hall be granted on to-morrow (Friday) evening to Mr. William D. Cooke, of Staunton, Virginia, for an exhibition of his mode of teaching the Deaf and Dumb.

The House resumed the consideration of the subject, in which it was engaged on taking the recess at 3 o’clock.

The question being on the adoption of the amendment submitted by Mr. Cherry,
When, on motion of, Mr. Graves,

Ordered, That the Bill and proposed amendment lie on the table, and that the amendment be printed.

The House then adjourned until to-morrow morning 10 o’clock.

Friday, Dec. 27, 1844.

Mr. Shepard introduced a Resolution concerning the bonus or surplus profits in the Bank of the State.

Which was read the first time and passed.

Mr. Mills asked and obtained leave to withdraw from the files of the House, sundry petitions relating to a new proposed County by the name of La Fayette.

Mr. Ehringhaus, from the Committee on Military Affairs, reported a Bill for the better regulation of the Militia of North Carolina.

Which was read the first time and passed, and ordered to be printed.

Mr. Clayton presented a Bill to lease a Silver Mine to Thomas W. P. Poindexter, the discoverer, and for other purposes.

Which was read the first time and passed, and referred to the Committee on Claims.

Mr. T. Wilson, from the Joint Select Committee appointed to make arrangements for the reception and qualification of the Governor elect, made a report.
Which was read and concurred in, and ordered to be sent to the Senate.

Mr. Poindexter presented a Bill to provide for the opening and clearing out of Muddy Creek and its branches in Stokes County.

Which was read the first time and passed, and referred to a Select Committee, consisting of Messrs. Poindexter, Puryear and Cunningham.

Mr. Church presented a Bill, to authorize the making a Turnpike Road in Wilkes County, and to incorporate a Company for that purpose.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Credle presented a petition from sundry citizens of Hyde County, in relation to the Rosebay Turnpike Road and Canal.

Which was referred to the Committee on Propositions and Grievances.

Mr. D. A. Barnes, from the Committee on Private Bills, reported the Bill to incorporate a Volunteer Infantry Company in Washington, Beaufort County, and asked to be discharged from the further consideration of the subject.

The report was concurred in,

And on motion, said Bill was referred to the Committee on Military Affairs.

Mr. H. H. Robinson, from the Committee on Propositions and Grievances, reported a Bill to improve the navigation of Cypress Creek, in Bladen County.

Which was read the first time and passed.

Mr. Miller, from the Committee on Claims, reported with an amendment the Resolution in favor of Wm. Davidson.

The amendment was concurred in, and the Resolution passed the first reading.

On motion of Mr. Sanders,

Resolved, That the Committee on Finance be requested to examine the 102d Chapter, entitled an Act to provide for the collection and management of a revenue for this State, and report the propriety of adding to said Chapter an additional Section, to the following import:

That all monies which shall hereafter be loaned out, and kept as a stock on interest, shall be liable to a tax, at the rate of twenty-five cents on every hundred dollars—the same to be assessed and collected as taxes on other property.
Mr. Beaman presented a Bill, to amend an Act concerning the improvements of Rivers and Creeks, and to prevent obstruction to their navigation.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Gambill presented a Bill, to appoint Commissioners to examine and lay off a Road in the County of Wilkes.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Shepard presented a Bill, for the encouragement of Volunteer Companies.

Which was read the first time and passed, and referred to the Committee on Military Affairs.

Mr. Fleming presented a Bill, supplemental to an Act passed in the year 1839, entitled an Act, supplemental to an Act passed in the year 1839, to lay off and establish a Road from Morganton, in Burke County, by Burnsville, in Yancy County, to the Tennessee line.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

The Bill to prevent the felling of timber in the water courses of the County of Guilford;

And the Bill concerning the Superior Courts of Currituck County;

Were each read the third time, passed, and ordered to be Engrossed.

The Engrossed Bill concerning Jury Trials, was read the third time, passed, and ordered to be Enrolled.

The Bill in addition to the Revised Statutes, entitled Wills and Testaments—to amend the same, and to repeal part of the 15th Section of the Revised Statutes, entitled Lands of Deceased Debtors, was read the third time and amended.

Mr. Brogden moved that said Bill be indefinitely postponed. The question thereon was decided in the negative—Yeas 23, Nays 89.

Yeas and Nays demanded by Mr. N. L. Williamson.

Those who voted in the affirmative, were

Messrs. Barco, E. Barnes, J. Barnes,
Messrs. Kelly, Lemmon, Mangum,
Those who voted in the negative, were

Messrs. Adams,  
Adkins,  
D. A. Barnes,  
Beaman,  
Bond,  
Bridgers,  
Brower,  
Brown,  
Bullock,  
Burgin,  
Caldwell,  
Cherry,  
Church,  
Clayton,  
Cochran,  
Credle,  
Cunningham,  
Davis,  
W. Dickson,  
Doak,  
Douthit,  
Ehringhaus,  
Ellis,  
Emerson,  
Fagg,  
Faucett,  
Fleming,  
Foy,  
Gambill,  
Gatling,  
Gee,  
Litttlejohn,  
Locke,  
Lord,  
Mebane,  
Miller,  
Mills,  
Moore,  
Murphy,  
McIntyre,  
McLean,  
McNair,  
McNeill,  
Nixon,  
R. T. Paine,  
C. L. Payne,  
Perkins,  
Phifer,  
Poinclester,  
Prentiss,  
Puryear,  
Rankin,  
Regan,  
Reid,  
Reinhardt,  
Roane,  
H. Robinson,  
T. Robinson,  
Rush,  
Sanderson,  
Scales,  
Sharpe.
The question, Shall said Bill pass the third reading, was decided in the affirmative.

Ordered, that said Bill be Engrossed.

The House proceeded to the orders of the day, and resumed the consideration of the question in which they were engaged on the last adjournment of the House.

When the hour arrived for taking a recess according to a Resolution of the House, and the House adjourned until 3 o'clock.

THREE O'CLOCK, P. M.

Mr. Atkins who voted in the affirmative on the question rejecting the Bill to prevent obstructions in Hitchcock's creek, in the County of Richmond, moved that the House do now re-consider that vote.

The motion prevailed.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, and asking the concurrence of this House, viz:
A Bill to incorporate the Fayetteville Library Institute, in the Town of Fayetteville;
A Bill to amend an Act, entitled an Act, to punish the default of Returning Officers, in the election of Electors of President and Vice President of the United States, passed in 1842-3, Chapter 29;
A Bill to authorize the Court of Pleas and Quarter Sessions of Beaufort County to appoint special Justices of the Peace, and making compensation to such Justices for certain services;
A Bill to authorize the Portsmouth and Roanoke Rail Road Company to charge tolls on their Bridge over Roanoke River, near the Town of Weldon;
A Bill to amend an Act passed in 1836-7, to incorporate the Town of Greensborough, in Guilford County;
A Bill to prevent the levying of Executions upon Growing Crops, until such Crops are matured;
And a Bill to prevent the felling of timber in the Creeks and Rivers within the County of Cabarrus.
The said Bills were read the first time and passed.
The resignations of P. G. Smith, of Anson, and of Timothy Moser, of Catawba, Justices of the Peace, were read and accepted.
The House resumed the consideration of the Bill, to authorize the foreclosure of the Raleigh and Gaston Rail Road Mortgage.
The question being on the motion of Mr. Ellis, to strike out from the amendment offered by Mr. Cherry, the third, fourth, fifth, sixth and part of the eighth sections thereof.
This question to strike out was decided in the negative—Yeas 49, Nays 64.
Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Adams,
    Atkins,
    E. Barnes,
    J. Barnes,
    Beaman,
    Brame,
    Bridgers,
    Brogden,

Messrs. Mangum,
    Martin,
    Mitchell,
    Murphy,
    McIntyre,
    McNeill,
    Nixon,
    Pratt,
Those who voted in the negative, were

Messrs. Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douglas,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Fleming,
Gambill,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—49.
Mr. Shepard was, at his own request, excused from voting on the ground of his being a Stock-holder in said Rail Road Company.

Mr. Fleming moved to amend the amendment, by adding the following after the 4th section:

**Be it further enacted,** That in the event the Governor shall become the purchaser of said Road, he shall endeavor to sell the same, together with its Franchise and Corporate privileges for the space of six months; and if at the expiration of said time he shall be unable to sell the same for the amount of his bid, he shall upon ninety days notice, proceed to sell the Iron, Machinery, Cars, Engines, and all the Estate, both Real and Personal, for the benefit of the State, upon a credit of one, two and three years, with interest from date, purchaser giving Bond and Security, to be approved of by the Governor and Treasurer, and no title to the Real Estate to pass until the last payment is made.

The question on the adoption of this amendment was determined in the negative—Yeas 20, Nays 94.

The Yeas and Nays demanded by Mr. Fleming.

Those who voted in the affirmative, were

**Messrs. Adams,**
J. Barnes,
Brown,
Dunn,
Fleming,
Gatling,
Hamrick,
Harris,
Harrison,
Kirk,

**Messrs. Lemmond,**
Nixon,
Prentiss,
Rankin,
Reid,
Reinhardt,
Sanders,
Whitehurst,
N. L. Williamson,
N. Wilson.—20.
Those who voted in the negative, were

Messrs. Atkins,
Barco,
D. A. Barnes,
E. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogdan,
Brooker,
Bullock,
Burgo,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
J. G. Dickson,
W. Dickson,
Doak,
Doouthit,
Ehringhaus,
Ellis,
Emerson,
Fagg,
Faucett,
Gambill,
Gee,
George,
Golding,
Graves,
Grist,
Guthrie,
Guyther,
Hackney,
Hawkins,

Messrs. Lca,
Leathers,
Littlejohn,
Locke,
Lord,
Mangum,
Martin,
Mebane,
Mills,
Mitchell,
Moore,
Murphy,
McIntyre,
McLean,
McNair,
McNeil,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Puryear,
Regan,
Richardson,
Roane,
H. Robinson,
T. Robinson,
Rush,
Scales,
Sharpe,
Shaw,
Smith,
Stone,
Street,
Taliafero,
Thrash,
Trull,
Waddill,
Washington,
Mr. Guyther offered the following amendment, which was rejected:

And be it further enacted, That when it shall appear that the nett proceeds of said Road are insufficient to keep said Road in repair, and pay expenses of the same, then it shall be the duty of the Governor of the State to stop all operations on the Road, and proceed to sell all the fixtures appertaining thereto, in such lots as will suit purchasers.

Mr. Fleming offered the following as an amendment, at the close of the 7th Section:

Be it further enacted, That should any new Company succeed to the possession of said Road, that the property of said Road, both Personal and Real, shall be liable for the debts of the same; but that a sale under an execution shall not work a disability of the Corporation or a forfeiture of the franchise, but that the purchaser or purchasers shall become entitled to, and receive with the possession of the property, the rights and privileges belonging to the previous Company.

The question on the adoption of this amendment, was determined in the negative.

On motion of Mr. Moore, the amendment of Mr. Cherry was further amended, by striking out all of the first section, after the words "1845," and by inserting a section marked A.

Whereupon, on motion of Mr. Graves, the Bill and amendments were made the special order of the day for to-morrow, to be taken up at half past 10 o'clock.

And then the House adjourned until to-morrow morning 10 o'clock.
Saturday, Dec. 28, 1844.

Received a message from the Senate, proposing to refer the Message of His Excellency, the Governor, of 23d inst. in relation to the History of the State, to a Joint Select Committee of two on the part of the Senate, and four from the House of Commons.

The proposition was concurred in, and Messrs. Doak, Washington, Scales and Nixon appointed to compose said Committee on the part of this House.

Mr. Jones gave notice that he should, on Monday next, move to suspend the operation of the 31st, 50th, and 51st Rules of Order, for the residue of the Session.

Mr. Lord, from the Committee on Propositions and Grievances, prayed that said Committee be discharged from the further consideration of the petition from citizens of Haywood and Macon Counties, in relation to the Cherokee Indians; and that the same be referred to a Select Committee.

The motion prevailed, and Messrs. Caldwell, Poindexter, Graves Shepard and Washington were appointed to compose said Committee.

Mr. Washington, from the Committee on the Judiciary, reported without amendment the Bill concerning Passengers in Vessels coming to the Ports in this State.

When the same was read the second time and passed.

Mr. Atkins presented a petition from sundry citizens of the Counties of Cumberland, Moore, Chatham and Wake, praying the establishment of a new County out of a portion of the limits of said Counties, entitled a Bill to create a County by the name of Blakely.

The said Bill was read the first time and passed, and referred, together with the petition, to the Committee on Propositions and Grievances.

Mr. Shepard presented a petition from citizens of Wake, Mr. Haughton from citizens of Chatham, and Mr. Shaw from citizens of Cumberland Counties, protesting against the creation of said County.

Which were all referred to the Committee on Propositions and Grievances.
Mr. Clayton presented a petition from certain citizens of Henderson, Haywood and Macon Counties, in relation to the making of a new Road through a portion of the mountains in that region, and asking an appropriation therefor.

Which was referred to the Committee on Internal Improvement.

The House then proceeded to the special order of the day, and took up the Bill to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road Company; the question being on the amendment of Mr. Cherry, as heretofore amended.

The said amendment was further amended, on the several motions of Mr. Cherry and Mr. Moore; and the question—Shall said amendment be adopted, was decided in the affirmative.

The question then recurring on the passage of the said Bill the second reading, as thus amended, was decided in the affirmative—Yeas 65, Nays 48.

The Yeas and Nays demanded by Mr. N. L. Williamson.

Those who voted in the affirmative, were

Mesrs. Adams, Barco, D. A. Barnes, Bond, Brower, Brown, Burgin, Caldwell, Calloway, Cherry, Church, Clayton, Cochran, Credle, Davenport, Davis, W. Dickson, Doak, Messrs. Jackson, Keener, Leathers, Littlejohn, Locke, Lord, Mebane, Miller, Mills, Moore, McLean, McNair, Odom, R. T. Paine, C. L. Payne, Perkins, Phifer, Poindexter,
Those who voted in the negative, were

**Messrs. Atkins, E. Barnes, J. Barnes, Beaman, Brame, Bridgers, Brogden, Bullock, Collins, Cunningham, J. G. Dickson, Dunn, Ellis, Fleming, Gatling, Graves, Guyther, Hamrick, Harrison, Hawkins, Jones, Kelly, Kirk, Lea,**

**Messrs. Lemmond, Mangum, Martin, Mitchell, Murphy, McIntyre, McNeill, Nixon, Pratt, Rankin, Regan, Reinhardt, Richardson, H. Robinson, Sanders, Scales, Shaw, Stone, Taliafero, White, Wilder, N. L. Williamson, R. P. Williamson, N. Wilson.—48.**
On motion of Mr. Guthrie,

Ordered, That said Bill, as now amended, be printed, and made the special order of the day for Tuesday next, at 11 o'clock.

Mr. Mills called up for consideration, the Bill to revive and continue in force, an Act passed in the year 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buneombe County.

Mr. Ellis moved to amend said Bill, by adding the following Proviso:

Provided, however, That so much of said Act as requires the State to subscribe twenty-five hundred dollars in the Stock of said Company, shall not be revived by this Act.

The question on the adoption of this amendment, was decided in the negative—Yea 51, Nays 61.

The Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Adams, Atkins, Barco, E. Barnes, J. Barnes, Beaman, Bramc, Bridgers, Brogden, Bullock, Collins, Cunningham, J. G. Dickson, Dunn, Ellis, Gatling, Gee, Graves, Lea, Lemmond, Mangum, Martin, Mitchell, Murphy, McIntyre, McNeill, Nixon, Phifer, Pratt, Reinhardt, Richardson, H. Robinson, Sanders, Seales, Shaw, Shepard,
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The question, Shall the said Bill pass the second reading, was decided in the affirmative.

Mr. Ellis presented a Resolution, authorizing and directing the share of the Literary Fund to which the County of Rowan is entitled, to be paid to the Justices of the Peace for County purposes.

Said Resolution was read and referred to the Committee on Education.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment, the Bill to amend the Charter of the City of Raleigh.

When the said Bill was read the second time and passed,

Mr. Caldwell, from the Select Committee raised upon the subject of the use and occupation made of the Committee Rooms in the Capitol, made a detailed report.

Which was, on motion of Mr. Ellis, laid upon the table.

The Bill to secure to the citizens of this State, the right of Fishing in the navigable waters of the State;

The Bill to amend an Act for the better establishment and better regulation of Common Schools;

The Bill to repeal in part the 11th section of the 62d chapter of the Revised Statutes, concerning the Powers and Jurisdiction of Justices of the Peace, and to amend the same;

The Bill for the relief and benefit of Orphans;

The Bill to amend the 123d chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property;

The Resolution in favor of Priscilla Goodwin;

Were each read the third time, passed, and ordered to be Engrossed.

The Engrossed Bill to incorporate Cross Creek Lodge, No. 4, of the Independent Order of Odd Fellows, in the Town of Fayetteville, was read the third time, passed, and ordered to be Enrolled.

On motion of Mr. Scales, the Engrossed Bill to prevent the levying of Executions upon Growing Crops, until such Crops are matured, was referred to a Select Committee.

And the following members were appointed by the Speaker, to compose this Committee, viz: Messrs. Scales, Poindexter, Mebane, Smith and Murphy.

On motion of Mr. Caldwell, the Bill to change the place of holding the County Courts of McDowell County, was taken up for consideration, read the second time, amended, and passed.
The Bill to locate the residences of Judges of the Superior Courts, hereafter to be elected, was read the third time.

Mr. Guthrie moved the said Bill be postponed indefinitely.

The question thereon was determined in the negative—Yea 54, Nay 58.

Yeas and Nays demanded by Mr. Brogden.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, Atkins, Barco, Guyther, Harrison, Hawkins.
The question—Shall said Bill pass the third reading, was decided in the negative—Yea 56, Nays 59.
Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

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Clayton, Perkins,
Credle, Prentiss,
Davenport, Regan,
J. G. Dickson, Richardson,
W. Dickson, Ruane,
Ehringhaus, H. Robinson,
Fagg, Sanders,
Fleming, Sharp,
Foy, Shepard,
Gailing, Thrash,
Gee, Washington,
Grist, Watters,
Guyther, Whitehurst,
Harrison, N. L. Williamson,

Those who voted in the negative, were

Messrs. Brower, Messrs. Mangum,
Brown,  Martin,
Bullock,  Mcbane,
Calloway,  Miller,
Church,  Mills,
Cochran,  Mitchell,
Collins,  McLean,
Cunningham, McNair,
Davis,  C. L. Payne,
Doak,  Phifer,
Douthit,  Poindexter,
Dunn,  Pratt,
Ellis,  Puryear,
Emerson,  Rankin,
Faucett,  Reid,
Gambill,  Reinhardt,
George,  T. Robinson,
Golding,  Rush,
Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petition from certain citizens of McDowell County, in relation to hunting and killing stock in the mountains; and asked to be discharged from the further consideration of the subject.

Mr. Lord, from the same Committee, asked to be discharged from the further consideration of the petition from Yancey County, relating to the payment of Jury Tickets.

And Mr. Lord, from the same Committee, asked to be discharged from the further consideration of the petition from citizens of Beaufort and Craven Counties, in relation to the creation of a new County, out of a portion of their limits.

These reports were concurred in, and the Committee discharged as asked.

Mr. Lord, from the same Committee, reported unfavorably on the Bill authorizing the County Court of Cherokee, to lay a tax on certain lands in said County.

When said Bill was read the second time and rejected.

Mr. Lord, from the same Committee, to whom the subject was referred of taxing Peddlars, reported a Bill to amend the 13th Section of the 10th Chapter of the Revised Statutes.

Which was read the first time and passed.

Mr. Puryear, from the Select Committee to whom was referred the Bill to provide for the opening and clearing out of Muddy Creek and its branches, in Stokes County, reported the same with an amendment.

Which was concurred in, and the Bill read the second time and passed.
Mr. Lord, from the Committee on Propositions and Grievances, reported without amendment the Bill supplemental to an Act passed in the year 1838, entitled an Act, supplemental to an Act passed in the year 1834, to lay off and establish a Road from Morgan- ton, in Burke County, by Burnsville, in Yancey County to the Tennessee line.

When said Bill was read the second time and passed.

The Resignations of Wm. Merritt, of Chatham, and of Jos. Roberts, of Rockingham Counties, Justices of the Peace, were presented, read and accepted.

Mr. Ellis called up for consideration, the report of the Select Committee raised to inquire into the condition, use, and occupation of the Committee Rooms.

When the same was concurred in.

And thereupon, Mr. Ellis presented a Resolution, relating to Committee Rooms in the Capitol.

Which was read the first, second and third times, two-thirds of the House concurring, passed, and ordered to be Engrossed.

Received a message from the Senate, informing that they had passed the Bill, authorizing Samuel Chunn to establish a Toll Bridge over French Broad River, in the County of Buncombe, with an amendment; and asking the concurrence of this House.

The amendment was read and agreed to, and the Senate so informed.

A message from the Senate, informing that they had also passed the Engrossed Bill, to amend the Sections of the Revised Statutes concerning Clerks and Registers, with amendments; and asking the concurrence of the Commons.

The amendments were concurred in, and the Senate so informed.

The House then took a recess until 3 o’clock, P. M.

THREE O’CLOCK, P. M.

The House, in pursuance of a Joint Order heretofore made, proceeded to the appointment of Justices of the Peace for the several Counties.
The recommendation of Justices from the County of Union, was, on motion of Mr. Waddill, laid on the table.

The House, then adjourned until Monday morning 10 o'clock.

Monday, Dec. 30, 1844.

In pursuance of notice heretofore given, Mr. Jones moved that the 31st, 50th and 51st Rules of Order be suspended for the residue of the Session.

The motion prevailed.

On motion of Mr. Cunningham, the memorial of Porteus Moore was recommitted to the Committee on Claims.

Mr. Whitehurst, from the Select Committee raised on the subject, reported a Bill to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots.

Which was read the first time and passed.

Messrs. Miller, Shepard, Street and Sanders were appointed on behalf of the Commons, to compose the Joint Select Committee on Enrolled Bills the present week.

Mr. Mills, from the Committee on Finance, reported a Resolution in relation to the Public Treasurer.

Which was read the first time and passed.

Mr. Mills moved that said Resolution be read the second time.

The motion prevailed; and the question—Shall the said Resolution pass the second reading, was decided in the affirmative—Yea 103, Nays 2.

The Yeas and Nays demanded by Mr. J. Barnes.
Those who voted in the affirmative, were

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Those who voted in the negative, were

Messrs. J. Barnes and Fleming.—2.

On motion, the said Resolution was again read the third time, passed, and ordered to be Engrossed.

Mr. Mills, from the same Committee, reported a Bill to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of $100,000, to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company.

Which was read the first time and passed.

And on motion of Mr. Mills, ordered that said Bill be printed, and made the special order of the day for to-morrow, at 12 o'clock.

Received a message from the Senate, informing that they had passed the Engrossed Bill concerning the admissibility of evidence against the Sureties of Officers, with an amendment.

And also, the Bill to give exclusive Jurisdiction to the Superior Courts of the Counties of Yancy, and others, with an amendment, and asking the concurrence of this House.

The proposed amendments were agreed to, and the Senate so informed.

On motion of Mr. Moore,

Resolved, That it shall be the duty of the Engrossing Clerks to re-
On motion of Mr. Moore,

Resolved, That no Private Bill shall be introduced from and after Tuesday, the 31st instant.

Mr. Poindexter presented a Bill to incorporate the Trustees of the Bethania Literary Society and Academy, in Stokes County. Which was read the first time and passed.

The Bill making compensation to Tales Jurors in the County of Person, was read the second time and passed.

The Speaker laid before the House a communication from His Excellency, the Governor, transmitting the resignation of Geo. E. Badger, as a Trustee of the University of North Carolina.

The said resignation was read and accepted, and ordered to be sent to the Senate.

Received a message from the Senate, agreeing to the proposition of this House, to refer to the Committee on the Library, the documents transmitted by the Governor, from the Secretary of State of the United States.

The Bill to amend an Act passed January 7, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same, was read the second time and passed.

Received a message from the Senate, informing that Messrs. Gwynn and Halsey compose their branch of the Joint Select Committee on Enrolled Bills, for the present week.

On motion of Mr. Moore, the Bill to amend an Act, to incorporate the President, Directors and Company of the Yadkin Toll Bridge, was taken up for consideration, and read the second time.

Mr. Caldwell moved to amend said Bill, by striking out the rates of toll, and inserting an amendment reducing said rates, marked A; and demanded the Yeas and Nays.

Mr. Lord called for a division of the question; and the question being taken on striking out, was decided in the negative—Yeas 39, Nays 66.
Those who voted in the affirmative, were

Messrs. Barco,  
Beaman,  
Bond,  
Brame,  
Brower,  
Caldwell,  
Calloway,  
Church,  
Clayton,  
Cochran,  
Collins,  
Doak,  
Douthit,  
Emerson,  
Gatling,  
Gambill,  
Grist,  
Guthrie,  
Hackney,  
Jackson,

Messrs. Leathers,  
Littlejohn,  
Mitchell,  
McLean,  
McNair,  
Poindexter,  
Reinhardt,  
Roane,  
H. Robinson,  
T. Robinson,  
Rush,  
Smith,  
Street,  
Taliafero,  
Thrash,  
Trull,  
Whitehurst,  
R. P. Williamson,  
N. Wilson.—39.

Those who voted in the negative, were

Messrs. Adams,  
Atkins,  
D. A. Barnes,  
J. Barnes,  
Bridgers,  
Broden,  
Brown,  
Burgin,  
Cherry,  
Credle,  
Cunningham,  
Davenport,  
Davis,  
J. G. Dickson,  
W. Dickson,  
Dunn,

Messrs. Locke,  
Lord,  
Mangum,  
Martin,  
Mebane,  
Mills,  
Moore,  
Murphy,  
McNeill,  
Nixon,  
R. T. Paine,  
C. L. Payne,  
Perkins,  
Phifer,  
Prentiss,  
Puryear,
The question—Shall the said Bill pass the second reading, was decided in the affirmative.

On motion of Mr. Ellis, the said Bill was again read the third time, passed, and ordered to be Engrossed.

The Bill extending the time for perfecting Titles to Lands heretofore entered, was read the third time, passed, and ordered to be Engrossed.

Mr. Cunningham presented a Resolution in favor of Porteus Moore.

Which was read the first time and passed, and referred to the Committee on Claims.

Mr. Kirk, who voted in the majority on the question by which the Bill to locate the residences of Judges of the Superior Courts hereafter to be elected was rejected, now moved that the House do re-consider that vote.

Mr. R. T. Paine moved that this motion to re-consider do lie on the table.

And this motion prevailed.

Received from His Excellency, Gov. Morehead, by his Private Secretary, Mr. Reynolds, a communication upon the subject of a Correspondence printed by order of the Senate, between the Governor and John H. Wheeler, Public Treasurer.

Mr. Cherry moved that the said communication be sent to the Senate, with a proposition that it be printed, and referred to a
Select Committee, consisting of three on the part of each House. Pending the discussion on this motion, the House took a recess until three o'clock, P. M.

Three o'clock, P. M.

On motion of Mr. Hayes,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so amending the law, as to give any two Justices of the Peace of this State jurisdiction of all cases of Assault and Battery or Affray, in their respective Counties; and that they report by Bill or otherwise.

Mr. Haughton presented a Bill respecting the inspection of Flour. Which was read the first time and passed.

The House resumed the consideration of the subject in which it was engaged on taking the last recess; and after discussion, and before the question pending thereon was taken,

The House, on motion, adjourned until to-morrow morning 10 o'clock.
to whom was referred the memorial of the Synod of North Carolina, in relation to sending a Special Agent to Europe, to procure copies of Official Documents for the early History of the State, reported that it is not expedient at this time, to make an appropriation for this purpose, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

On motion of Mr. Mills, the House proceeded to the unfinished business in which it was engaged on the last adjournment.

Whereupon, it was ordered that the said communication of His Excellency, the Governor, be transmitted to the Senate, with a proposition that it be printed, and referred to a Joint Select Committee of three members on the part of each House.

Mr. Guthrie introduced a Resolution, relating to the interchange of Documents.

Which was read the first time and passed.

Mr. Caldwell presented a Bill, to incorporate the Trustees of the Morganton Academy.

Which was read the first time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment, the Resolution in favor of the Commissioners of the City of Raleigh.

Which was read the first time and passed.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the memorial of C. C. Battle, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Fagg presented a Bill, to prevent Constables from serving any Civil Process, or Magistrates from hearing or determining any Civil Warrant, at any place of divine worship.

Which was read the first time and passed.

The Bill to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road Company, was read the third time and amended; and the question—Shall the said Bill pass the third reading, was decided in the affirmative—Yea 63, Nay 49.

The Yeas and Nays called for by Mr. Nixon.

Those who voted in the affirmative, were

Messrs. Barco, D. A. Barnes, Bond, Messrs. Jackson, Keener, Leathers,
Those who voted in the negative, were

Messrs. Adams, Atkins, E. Barnes, J. Barnes, Beaman, Brame, Bridgers, Brogden, Collins, Cunningham,

Messrs. Mangum, Martin, Mitchell, Murphy, McIlwaine, McNeil, Nixon, Pratt, Rankin, Regan,
Ordered that said Bill be Engrossed.

The Bill to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of $100,000 to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company, was read the second time.

Mr. Fleming moved to amend the Bill, by adding after the first section, the following:

Be it further enacted, That before endorsing said Bonds by the Treasurer, the Stockholders shall give Bond and Security, for the indemnity of the State against all loss in consequence of such endorsement, to be approved by the Governor.

The question on the adoption of this amendment, was decided in the affirmative—Yea 60, Nays 50.

Yea and Nays demanded by Mr. Taliafero.

Those who voted in the affirmative, were

Messrs. Adams, Atkins, E. Barnes, J. Barnes, Beaman, Brame, Messrs. Lemmond, Mangum, Martin, Mitchell, Murphy, McIntyre,
| Brogden, | McNeill, |
| Brower, | Nixon, |
| Brown, | Prontiss, |
| Calloway, | Rankin, |
| Collins, | Regan, |
| Cunningham, | Reinhardt, |
| J. G. Dickson, | Richardson, |
| Douthit, | H. Robinson, |
| Dunn, | Rush, |
| Edwards, | Sanders, |
| Ellis, | Scales, |
| Fleming, | Shaw, |
| Gatling, | Shepard, |
| Graves, | Smith, |
| Guthrie, | Stone, |
| Guyther, | Taliafero, |
| Hackney, | Thrash, |
| Hamrick, | White, |
| Harrison, | Whitehurst, |
| Jackson, | Wilder, |
| Jones, | N. L. Williamson, |
| Kelly, | R. P. Williamson, |
| Kirk, | N. Wilson, |
| Lea, | Woodward.—60. |

Those who voted in the negative, were

**Messrs.** Barco,
D. A. Barnes,
Bond,
Burgin,
Caldwell,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Ehringhaus,
Emerson,
Fagg.

**Messrs.** Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Mills,
Moore,
McLean,
McNair,
C. L. Payne,
Perkins,
Phifer,
Poindeaster,
Pratt,
Puryear,
Reid,
Roane,
On motion of Mr. Moore,

Ordered, That said Bill do lie on the table.

The Bill to prevent the levying of Executions upon Growing Crops, until said Crops are matured, was taken up.

The question being on the amendment proposed to the Bill by the Select Committee;

And pending this question, the House took a recess till three o'clock, P. M.

Three o'clock, P. M.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, viz:

A Bill to incorporate Washington Academy, in Duplin County;
A Bill in favor of Poor Debtors;
A Bill to amend the Revised Statutes, entitled Courts of Equity;
A Bill to incorporate the Town of Rockingham, in the County of Randolph;
A Bill to prevent frauds in levying Executions issued by a single Magistrate upon Lands, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under Execution;
A Bill to incorporate a Military Company, in the County of Anson;
And a Resolution in favor of Jno. A. Averitt, Sheriff of Onslow, and asking the concurrence of this House.
The said Bills and Resolution were read the first time and passed.
Received a message from the Senate, informing that they had accepted the recommendation of certain persons as Justices of the Peace for the County of Union, made by the Senator and Members of the Commons from the County of Mecklenburg, and asking the concurrence of this House.
Mr. Waddill moved that said recommendations be laid on the table.
This question was decided in the affirmative—Yea's 64, Nays 42. Yeas and Nays demanded by Mr. Dunn.

Those who voted in the affirmative, were

Messrs. Adams,
Adkins,
Barco,
D. A. Barnes,
Bond,
Brame,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Emerson,
Fagg,
Faucett,

Messrs. Haughton,
Jackson,
Keener,
Leathers,
Locke,
Lord,
Mebane,
Mills,
Moore,
McLean,
McNair,
McNeill,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Turyear,
Roane,
T. Robinson,
Rush,
Sharp,
Those who voted in the negative, were

Messrs. E. Barnes, J. Barnes, Beaman, Bridgers, Brogden, Collins, Cunningham, J. G. Dickson, Dunn, Edwards, Ellis, Fleming, Graves, Hamrick, Harrison, Jones, Kelly, Kirk, Lea, Lemmond, Mangum,

Smith, Street, Thrash, Troll, Waddill, Washington, Watters, Whitehurst, T. Wilson.—64.

Received a message from the Senate, communicating a report from the Joint Select Committee raised upon the subject, and asking the concurrence of the House therein.
The report was read, and the same, together with the Resolutions, were unanimously adopted, and ordered to be spread upon the Journal, in the following words, viz:

"The General Assembly of North Carolina have learned that since their last Session, one of the most distinguished of our citizens has died.

"On the 29th of January last, William Gaston, one of the Judges of the Supreme Court of North Carolina, after an illness of a few hours, departed this life.

"The General Assembly of the State, from the unsullied character and inestimable worth of this distinguished citizen, is conscious that no acts or words can express their deep veneration for his character, or their sorrow for his irreparable loss.

"Storied urn or animated bust cannot remind us more sensibly of his exalted worth, for this is impressed deeply on every heart.

"Literally baptized in the blood of his distinguished ancestor, who fell in the Revolutionary struggle of our country, he was early impressed with an abiding love of his native State, and devoted the whole energies of his well-disciplined mind to its service.

"In all the varied stations of importance to which he was called by the confidence of his fellow-citizens, he devoted with untiring energy, all the powers of his mind to the promotion of the public weal.

"As a man, he was exemplary in all the relations of life: a devoted husband, an affectionate father. As a Statesman, he was pure and patriotic; the honor of his country was the chief object of his heart; as an advocate, he was faithful and zealous; as a Judge, he was learned and impartial; and he died, as the whole of his life had been spent, in the service of the State.

"When such a man dies, the State may well mourn. The sensation caused by his death, testified the estimation in which he was held by his countrymen. Nothing could excel his long, bright and glorious career in life, but the tranquil manner in which he left it.

"We are informed, by the proceedings of the Supreme Court on the mournful occasion of his death, that at the moment of his dissolution, his mind was cheerful, and his conversation instructive. Full of years, and full of honors, he left without a struggle or a murmur, a world of gloom for an eternity of glory. Truly was it said by one who knew him well, that he was a good man and a great Judge.

"The General Assembly of the State of North Carolina feel their inability to express their own feelings, or those of their constituents, in view of the loss which the State has sustained; yet they deem it
due to the memory of departed talents, and gratitude for his long and faithful services, to offer the following

RESOLUTIONS:

"Resolved, by the General Assembly of the State of North Carolina, That in the death of William Gaston, one of the Judges of the Supreme Court, the State has experienced a loss of one of its most patriotic citizens—a faithful public servant, and a learned and impartial Judge.

"That in the course of a long and varied life, his bright career is left to us an example worthy of all imitation, and his unsullied character one of the brightest jewels of the State.

"That the Governor of the State transmit a copy of these Resolutions, with the Preamble, to the family of the deceased; and that they be spread on the Journals of both branches of the General Assembly."

A message from the Senate, informing that they had passed the following Engrossed Bills, viz:

A Bill concerning a Penitentiary;
And a Bill more effectually to prevent the imprisonment of Honest Debtors; and asking the concurrence of this House.

The said Bills were read the first time and passed.

A message from the Senate, informing that Messrs. Halsey and Walker form their branch of the Joint Select Committee, to whom was referred the message of His Excellency, the Governor, in relation to the History of the State.

A message from the Senate, informing that they had passed the Bill extending the time for perfecting titles to land heretofore entered, with an amendment; and asking the concurrence of this House.

The amendment was concurred in, and the Senate so informed.

Received from His Excellency, the Governor, by his Private Secretary, Mr. Reynolds, a communication, calling the attention of the Legislature to the law directing the appointment, and the continuance in office, of Secretary of State, Treasurer and Council of State.

Which was read, and referred to the Committee on the Judiciary.
Also, another communication from the Governor, transmitting a claim from David Patton, for additional compensation for his services in superintending the building of the State Capitol.

Which was referred to the Committee on Claims.

Received also from His Excellency, Governor Morehead, another communication, in reply to a Resolution calling upon him for information, relating to an Asylum for the Blind, and Deaf and Dumb, and Insane.

The communication was read, and on motion of Mr. Littlejohn, ordered that it be printed.

Mr. Brown presented a Bill, to appoint Commissioners for the Town of Rockford, in the County of Surry.

Which was read the first time and passed.

Mr. Moore called up for consideration, the Bill laid upon the table, on his motion, this morning, entitled a Bill, to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of $100,000, to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company.

And the question, Shall the said Bill pass the second reading, was decided in the affirmative—Yea's 68, Nay's 41.

Yea's and Nay's demanded by Mr. Guthrie.

Those who voted in the affirmative, were

**Messrs. Atkins, Barco, D. A. Barnes, Brower, Brown, Caldwell, Calloway, Cherry, Church, Cochran, Creede, Davenport, Davis, Duak, Douthit, Emerson.**

**Messrs. Mebane, Mills, Mitchell, Moore, Murphy, McIntyre, McLean, McNair, Nixon, R. T. Paine, C. L. Payne, Perkins, Phifer, Poindexter, Pratt, Puryear.**
Those who voted in the negative, were


On motion of Mr. Mills, the Bill was again read the third time.

Mr. Guthrie moved to strike out of the Bill, the section and amendment adopted on the second reading of the Bill this morning.

And this question to strike out, was decided in the affirmative—Yeas 62, Nays 49.

Yeas and Nays demanded by Mr. Puryear.

Those who voted in the affirmative, were

Messrs. Barco, D. A. Barnes, Bond, Brower, Brown, Burgin, Caldwell, Calloway, Cherry, Church, Clayton, Cochran, Credle, Davenport, Davis, W. Dickson, Doak, Douthit, Emerson, Fagg, Faucett, Foy, Gambill, George, Golding, Grist, Guthrie, Hackney, Harris, Houghton, Hayes,

Those who voted in the negative, were

**Messrs. Adams, Atkins, E. Barnes, J. Barnes, Beaman, Brame, Bridgers, Brogden, Collins, Cunningham, J. G. Dickson, Dunn, Edwards, Ellis, Fleming, Gatling, Graves, Hamrick, Harrison, Jackson, Jones, Kelly, Kirk, Lea, Lemmond,**


The question—Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 63, Nays 48.

The Yeas and Nays demanded by Mr. Atkins.

Those who voted in the affirmative, were

**Messrs. Barco, D. A. Barnes, Bond, Bridgers, Brower, Brown,**

**Messrs. Keener, Leathers, Littlejohn, Locke, Lord, Mebane,**
Those who voted in the negative, were


Messrs. Mangum, Martin, Mitchell, Murphy, McIntyre, McNeill, Nixon, Rankin, Regan, Reinhardt, Richardson, H. Robinson, Sanders, Scales
Ordered that said Bill be Engrossed.
On motion of Mr. Mills,

Ordered, That the Bill providing for the re-organization of the Portsmouth and Roanoke Rail Road Company, be made the special order of the day for to-morrow, half past 10 o'clock.

The House then adjourned until to-morrow morning 10 o'clock.

Wednesday, Jan. 1, 1845.

The Speaker appointed Messrs. Poindexter, Mebane and Atkins to compose, on behalf of the Commons, the Joint Select Committee raised upon the Message of His Excellency, the Governor, of the 30th ult, in relation to the Correspondence published by order of the Senate, between the Governor and Public Treasurer.
Mr. Mills presented the following Resolution, viz:

Whereas, the people of North Carolina are anxious to have within her borders, Asylums for the Deaf and Dumb, and Blind, and Insane; and unless the General Government will pay over the Fourth Instalment of the surplus revenue, as provided by an Act of Congress, passed in the year 1836, and which the National faith stands pledged to carry out, these humane institutions cannot be erected without heavy taxation: And whereas, it now appears, that owing to obligations entered into previous to the meeting of this General Assembly, it becomes indispensably necessary to raise money to meet the said obligations, without a resort to taxation. Therefore,

Be it Resolved, by the General Assembly of the State of North Carolina, That in the opinion of this Legislature, it is the duty of our Senators and Representatives in Congress, to use their efforts to procure the payment of said instalment, amounting to $477,919 39, that the finances of the State may be relieved from embarrassment, and that the State may be enabled, without taxation, to establish the charitable institutions demanded by the people.

Resolved, That the Governor of this State be requested to forward a copy of these Resolutions to each of our Senators and Representatives in Congress, with a request that they lay them before their respective bodies.

These Resolutions were read the first time and passed.

On motion of Mr. Mills, the said Resolutions were again read the second time,

And the question—Shall the said Resolutions pass the second reading, was decided in the affirmative—Yea 63, Nays 44.

The Yeas and Nays demanded by Mr. Mills.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,

Messrs. Keener,
Leathers,
Locke,
Lord,
Mebane,
Mills,
Moore,
McLean,
McNair,
R. T. Paine,
Those who voted in the negative, were

Messrs. E. Barnes,  Messrs. Lea,  
J. Barnes,        Lemmond,  
Beaman,          Martin,  
Brame,           Mitchell,  
Brogden,         McIntyre,  
Bullock,         Nixon,  
Collins,         Rankin,  
Cunningham,      Regan,  
J. G. Dickson,   Reinhardt,  
Dunn,            Richardson,  
Edwards,         H. Robinson,  
Ellis,           Sanders,  
Fleming,         Scales,  
Gatling,         Shaw,  
Graves,          Stone,  
Hamrick,         Shepard,  
Harrison,        Taliaferro,
On motion of Mr. Scales,

Ordered, That said Resolutions be made the special order of the day for Friday next, at 3 o'clock, P. M.; and that they be printed.

Mr. Shepard presented a Bill to restrain Notaries from exacting exorbitant Fees for their services.
Which was read the first time and passed.
On motion of Mr. Doak,

Resolved, That this House will begin to-night, to hold Sessions after night, until the Bills now on the Speaker's table are disposed of.

The House now proceeded to the consideration of the Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

And pending the question on the passage of the Bill the second reading, the Speaker announced that the hour had arrived when, by the Joint Order of the two Houses, the qualification of the Governor elect was to take place.

Whereupon, a message was sent to the Senate, informing that body of the readiness of this House to receive the Senate in the Hall of the Commons to witness the Inauguration.

The Senate thereupon appeared in the Commons Hall, and were received by the Members of the House, standing and uncovered.

The Speaker of the Senate took his seat on the right of the Speaker of the House at the Speaker's desk, and the Senators took their seats on the right of the Chair.

When William A. Graham, the Governor elect, attended by the Ex Governor, John M. Morehead, the Judges of the Supreme Court, and the Joint Select Committee heretofore appointed, appeared before the General Assembly; and after delivering an Address, took and subscribed the Oaths of Office prescribed by law, for the qualification of the Governor of the State.
The Oaths having been administered by the Hon. Chief Justice Ruffin.

His Excellency, Gov. Graham, with his attendants, having withdrawn from the Hall, the Speaker of the Senate announced that the Senate would retire to their Chamber.

This was done accordingly, and the Speaker of the Commons having called the House to order, on motion, the House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion, leave of absence from the service of the House from and after this day, until the end of the Session, was granted to Mr. Sharpe.

Mr. Lord, from the Committee on Propositions and Grievances, to whom the Memorials of John D. Hawkins and others were referred, reported a Resolution in favor of John D. Hawkins, of Franklin County, and William E. Wyche and others, of Granville County.

Which was read the first time and passed.

Mr. Lord, from the same Committee, reported with an amendment the Bill relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties.

The amendment was concurred in, and the Bill read the second time and passed.

Mr. Lord, from the same Committee, reported a Bill, to allow the Justices of the Peace of Hyde County to lay a tax, for the purpose of purchasing the Mattamuskeet and Rosebay Turnpike.

Which was read the first and second times and passed.

Mr. T. Wilson, from the Committee on Claims, reported a Resolution in favor of A. H. Van Bokkelin.

Which was read the first time and passed.

Mr. T. Wilson, from the same Committee, reported unfavorably on the Bill to lease a Silver Mine to Thomas W. P. Poindexter, the discoverer, and for other purposes.

When the same was read and laid on the table.
Mr. Washington, from the Committee on Internal Improvement, reported without amendment, the Bill to authorize the Portsmouth and Roanoke Rail Road Company, to charge Tolls on their Bridge over Roanoke River, near the Town of Weldon.

When the said Bill was read the second time and passed.

The Bill to revive an Act for the better regulation of the Town of Warrenton, in Warren County, was read the second time and passed.

Mr. Wilder, from the Select Committee to whom was referred the Bill to authorize the business of Banking in the State of North Carolina, reported unfavorably thereon, and asked that the Committee be discharged from the further consideration of the subject.

The Committee was discharged, and on Mr. Jones's motion, the said Bill was laid upon the table till the fourth of March next.

The House proceeded to the consideration of the Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

And pending the question on the passage of the Bill the second reading, the House took a recess until half-past six o'clock.

Half past 6 o'clock, P. M.

The question pending on the last adjournment of the House was, on motion of Mr. Jones, made the special order of the day for tomorrow, at half-past ten o'clock.

The Engrossed Bill to incorporate the Franklinsville Guards in the County of Randolph;

The Engrossed Bill to prevent the obstruction of Fish passing up the Creek called Six Runs, in the County of Sampson;

The Engrossed Bill making compensation to the Jurors of the County of Hyde;

The Bill more effectually to suppress the offence of trading with Slaves;
The Engrossed Bill to amend the 5th Section of the 19th Chapter of Revised Statutes;

The Engrossed Bill to extend the provisions of an Act passed in 1830–1, entitled an Act for the relief of such persons as may suffer from the destruction of the records of the County of Hertford, occasioned by the burning of the Court House and Clerk's Offices;

The Engrossed Bill to alter the mode of appointing Constables in Tyrrell County;

The Engrossed Bill to attach a portion of the Militia of the 69th Regiment to the 68th Regiment;

And the Engrossed Bill to repeal an Act passed in 1828, so far as it extends to the County of Martin;

Were severally read the third time, passed, and ordered to be Enrolled.

The Bill to cede a portion of Rutherford County to the County of Cleveland;

The Bill to amend an Act, entitled an Act, to punish the defaults of Returning Officers, in the election of Electors for President and Vice President of the United States;

The Bill to incorporate a Corps of Cavalry in the County of Perquimans;

The Bill to appoint Commissioners to view and lay off a Road in the County of Ashe;

And the Bill to give to the County Court of Stanly County, two Jury Terms;

Were severally read the third time, passed, and ordered to be Engrossed.

The Engrossed Bill to protect the public Bridges in Tyrrell and Washington Counties;

And the Engrossed Bill, to alter the mode of appointing Constables in Beaufort County;

Were each read the third time and passed.

Ordered that the concurrence of the Senate be asked in the amendments heretofore made to said Bills.

The Bill to open the Pedee and Yadkin Rivers;

The Resolution in favor of Michael Francis;

And the Resolution in favor of Thomas Wilson, Sheriff of Yancey County;

Were each read the third time, passed and ordered to be Engrossed.
The Engrossed Bill to provide for a vacancy in the office of County Surveyor;  
And the Engrossed Resolution in favor of Wm. J. Lewis;  
Were each read the third time, passed, and ordered to be Enrolled.  
The Bill concerning Sheriffs and Constables;  
The Bill to authorize Wm. Bland, of Chatham County, to construct a dam across Haw River, and erect a Mill thereon;  
The Bill to incorporate the Fayetteville Library Institute;  
The Bill assenting to the purchase by the United States, of certain land in the Town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain conditions;  
The Bill to compel the Entry-taker of Union County to keep his office in the Court House of said County;  
The Bill for a Canal from Cape Fear to Lumber River;  
The Bill to incorporate the Town of Pittsboro', in the County of Chatham;  
The Bill to loan to the North Carolina Military Academy, at Raleigh, for the use of the Cadets thereof, the necessary Military Equipments;  
The Bill to exempt Justices of the Peace from working on Roads;  
And the Bill to provide a suitable punishment for owners or occupiers of Houses burning the same, under the circumstances therein mentioned;  
Were severally read the third time, passed, and ordered to be Engrossed.  
The Bill to lay off a public Road in Cherokee County, and to make an appropriation for the same, was read the third time.  
And the question—Shall the said Bill pass the third reading, was decided in the affirmative—Yea's 46, Nays 33.  
Yea's and Nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs. Bond,  
Brower,  
Brown,  
Burgin,  

Messrs. Kirk,  
Leathers,  
Locke,  
Mebane,
Those who voted in the negative, were

Messrs. Atkins,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
J. G. Dickson,
Douthit,
Dunn,
Edwards,
Gatling,
Graves,
Hackney,
Hamrick,
Hawkins,
Jones,
Kelly,

Mills,
McLean,
McNair,
R. T. Paine,
C. L. Payne,
Phifer,
Poindexter,
Puryear,
Rankin,
Regan,
Reid,
Reinhardt,
Roane,
Street,
Thrash,
Trull,
Waddill,
Washington,
Whitehurst.—46.

Messrs. Lemmond,
Mitchell,
McIntyre,
McNeill,
Perkins,
Pratt,
Richardson,
H. Robinson,
Rush,
Sanders,
Scales,
Shaw,
Smith,
Taliafero,
N. L. Williamson,
R. P. Williamson.—33.
Ordered that said Bill be Engrossed.

The Bill supplemental to an Act passed in the year 1838, supplemental to an Act passed in 1834, to lay off and establish a Road from Morganton, in Burke County, by Burnsville, in Yancey County, to the Tennessee line.

The Bill to revive and continue in force an Act passed in the year 1841, entitled an Act, to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County;

The Bill to change the place of holding the County Courts of McDowell County;

The Bill making compensation to Tales Jurors in the County of Person;

The Bill to provide for the opening and clearing out of Muddy Creek and its branches, in Stokes County;

The Bill to incorporate the Carthage Male and Female Academy, in the County of Moore;

The Bill concerning Passengers and Vessels coming to the Ports of this State;

The Bill to amend the Acts relative to the Charter of the City of Raleigh;

The Resolution in favor of the Commissioners of Raleigh;

The Bill relating to Buncombe Turnpike Road, in Buncombe and Henderson Counties;

Were each read the third time, passed, and ordered to be Engrossed.

Mr. Roane presented a Bill, to improve a part of the State Road leading from the Town of Franklin, in Macon County, across the Nantahala and Valley River Mountain, to the new Town called Murphy.

And also, the Bill to establish and regulate a Turnpike Road in the County of Macon, to be called the Tennessee River Turnpike Company.

These Bills were read the first time and passed, and referred to the Committee on Internal Improvement.

The Engrossed Bill to amend an Act passed January 7th, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Compa-
ny, and for the relief of the same, was, on motion of Mr. Mc-
bane, laid on the table.

The House then adjourned until to-morrow morning 10 o'c-
clock.

Thursday, Jan. 2, 1845.

Mr. Washington, from the Committee on Internal Improve-
ment, reported with an amendment, the Bill to authorize the
making a Turnpike Road in the County of Wilkes, and to incor-
porate a Company for that purpose.

The amendment was concurred in, and the Bill read the second
time and passed.

On motion, the said Bill was again read the third time and
passed, and ordered to be Engrossed.

Mr. Gambill presented a Bill, to regulate Constables' Sales.
Which was read the first time and passed.

Mr. Street presented a Bill, to repeal an Act passed in the year
1842, entitled an Act, to repeal an Act passed in the year 1835,
ettled an Act to abolish the office of County Trustee in the Coun-
ty of Moore, and for other purposes.

Mr. Church, a Bill to amend an Act passed at the Session of
the Legislature of '40-'41, entitled an Act for the establishment
and better regulation of Common Schools;

And Mr. a Bill bearing the same title with the last
named.

These Bills were read the first time and passed.

Mr. Guthrie presented a Bill from the Joint Select Committee
on the Library, entitled a Bill in relation to the State Library and the Capitol.

Which was read the first time and passed.

Mr. Woodward presented a Bill, to amend an Act passed at the last Session of the General Assembly, entitled an Act to amend an Act concerning Coroners.

Which was read the first time and passed.

Mr. Ehringhaus, from the Committee on Military Affairs, reported the Bill to incorporate a Volunteer Infantry Company in Washington, Beaufort County, with an amendment.

Which was concurred in, and the Bill, as amended, read the second time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported unfavorably on the petition from Carteret County, in relation to fees of the Sheriff of said County, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. White presented a Bill, to repeal a part of the 16th Section of 52d Chapter of Revised Statutes, entitled an Act concerning the General Assembly of the State of North Carolina, and to amend the same.

Which was read the first time and passed, and referred to the Committee on Privileges and Elections.

Mr. D. A. Barnes, from the Committee on Private Bills, to whom a petition on the subject was referred, reported a Bill to repeal an Act, entitled an Act, to repeal the 3d Section, passed in the year 1825, Chapter 1272, entitled an Act, to direct the manner in which Licenses shall hereafter be issued to Retailers of Spirituous Liquors, so far as regards the Counties of New Hanover and Richmond.

Which was read the first time and passed.

Mr. Caldwell, from the Select Committee to whom the memorial from Haywood and Macon Counties was referred, reported a Resolution relating to the Cherokee Indians residing in North Carolina.

Which was read the first time and passed.

The House resumed the consideration of the Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Mr. Ellis moved to amend said Bill by adding certain sections, and a division of the question being called, the question on the
adoption of the first amendment in the following words, *viz.* at the close of the third section, add

"Except so much of the Charter heretofore granted to said Portsmouth and Roanoke Rail Road Company, as authorizes the President and Directors of said Company, by themselves, their officers, agents, or servants, to enter upon any Lands adjacent to the line of the said Road, without the consent of the proprietors thereof, and take therefrom, Wood and Stone, for the repairing and keeping up said Road."

Was submitted to the House, and was decided in the negative—Yeas 52, Nays 62.

Yeas and Nays demanded by Mr. Sanders.

Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beamam,
Brame,
Brogden,
Brown,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Foy,
Gailing,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Odom,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
Waddill,
White,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—52.
Those who voted in the negative, were


Received a message from the Senate, proposing to rescind the Joint Resolution heretofore made, to adjourn the two Houses on the 6th instant, sine die.

Ordered, on motion of Mr. T. Wilson, that said message do lie on the table.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the Resolution in favor of Porteus Moore.
When the same was read and rejected.
The House then took a recess till 3 o'clock, P. M.

Three o'clock, P. M.

The House resumed the consideration of the Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Mr. Ellis moved to amend said Bill, by adding the following section:

Sec. XI. And be it further enacted, That if a Judgment or Decree shall at any time be obtained before any competent Tribunal in this State against the Company hereby created, and the same shall not be paid by the Company, it shall be lawful for the Plaintiff in such Judgment, to sue out his Execution, and cause to be seized and sold by the officer to whom the same is directed, any Locomotive, Car, Engine, Coach and other goods and chattels of said Company; and should no goods and chattels of said Company be found, or not a sufficiency thereof, after a sale, to satisfy such Execution, then and in that case, it shall be lawful for the officer having such execution, to levy the same upon any, or all of said Road lying within his County; and the same on the premises, or in view thereof, or some part thereof, to expose to sale to the highest bidder, together with the Timber, Iron Rails, &c., and all the fixtures and Machinery pertaining, or in any wise attached thereto.

Sec. XII. That unless, by the assent of this Legislature first had and obtained, it shall not be lawful for the said Company to make any transfer or assignment, whether by Mortgage, Deed in Trust, or otherwise, of the said Rail Road, or any part thereof; or of any property, real or personal, belonging to the same, whereby to give a preference to any creditor of said Company, or to any individual, or body corporate, having any demand against the same; but any and every such
assignment or transfer so made as aforesaid, shall, as against any creditor of said Company, or person, or body corporate, having a demand against the same, be absolutely void, and of no effect.

Sec. XIII. Be it further enacted, That the Stockholders in the said Company shall be individually liable for the debts, contracts, and liabilities of the said Company, as follows, that is to say: Whenever it shall be suggested to any Court in this State, by any creditor of said Company, having a Judgment or Decree therein against the same, that execution has issued thereon against the said Company, both to the County of Halifax and Northampton, (which the Plaintiff in such Judgment or Decree is hereby allowed to do, at the same time taking satisfaction however upon one only of his executions,) and that the officers to whom the same were directed have returned the same unsatisfied, for want of property of the Company wherewith to satisfy the same, it shall be the duty of said Court to grant to the Plaintiff a Scire Facias, or Writ in the nature thereof, to be directed to the Stockholders in the said Company, and requiring them to appear and shew cause if any they have, why the Plaintiff in such Judgment or Decree against said Company, shall not have execution for the same against them, and service of the said Scire Facias upon such of the Stockholders as reside in this State, shall be deemed and taken as service of the same upon the Stockholders residing out of the State; so as to enable the Plaintiff to proceed to Judgment against them on his said Scire Facias, in case they fail to appear, as though the same had been personally served upon them; and should the Defendants on the trial of the said Scire Facias, fail to shew good cause to the contrary, Judgment final shall be rendered by the Court upon the same, in favor of the Plaintiff, for the full amount of his said Judgment or Decree, and he shall have execution thereon for the same, to be satisfied out of the Defendants in the said Scire Facias, or any of them.

Sec. XIV. Be it further enacted, That when any Judgment shall be obtained against the said Company, before any Justice of the Peace, and the officer, to whom execution shall issue thereon against said Company, shall make return of nothing to be found, it shall be the duty of the Justice to whom the same shall be returned, if the Plaintiff shall desire him so to do, to certify the same, and make due return of the said Judgment and proceedings thereupon, to the next County Court of his County where the same proceedings may be had, as are provided in the foregoing Section.

Sec. XV. Be it further enacted, in order the more effectually to enforce the provisions aforesaid against the Stockholders in said Company, that it shall be the duty of the President of the said Company, when the same shall be duly organized, to report to the Governor of
this State the names of all the Stockholders in the said Company; and he shall thereafter, on the first of January in each and every year, report in like manner, who are the Stockholders in the same; which said reports shall be filed in the Executive Office, and a copy of the same duly certified by the Governor, and which it shall be his duty to cause to be made out and delivered to any person applying for the same, shall be prima facie evidence in any proceedings under this Act against the said Stockholders, that the persons whose names are therein stated, were Stockholders in the said Company at the time of the making the said return by the President thereof; and the said persons, each and every one of them, shall be deemed and held liable under this Act, as Stockholders, in any proceeding instituted against them by any creditor of the said Company, in less than twelve calendar months from the date of any such return, notwithstanding any transfer or assignment of his or their Stock upon the books of said Company, or otherwise. And if the President of said Company shall fail or neglect to make his said returns of the names of the Stockholders in said Company, as required by this Act, he shall be guilty of a misdemeanor, and it shall be the duty of the Attorney General, or other officer prosecuting on behalf of the State in the Superior Court of Northampton County, to institute a prosecution against him; and upon conviction, he shall be fined and imprisoned, or either, at the discretion of the Court. And it shall be the duty of the Governor, whenever the said President of said Company shall fail or neglect to make his returns as aforesaid, to cause the same to be duly certified to the Attorney General, or other officer prosecuting for the State in said Court; and which said certificate shall be evidence against the Defendant, in any such prosecution.

Sec. XVI. Be it further enacted, in order to prevent fraud in the assignment or transfer of Stock by the Stockholders in said Company, to persons who are insolvent or irresponsible, with the intent to escape the liabilities hereby imposed upon them, that when any creditor of said Company shall have obtained his Judgment or Decree against said Company, as aforesaid, and the same shall be unsatisfied as aforesaid, for want of property in the Company, he shall be authorized to file his Bill in Equity against any or all of such Stockholders, as shall have made an assignment or transfer of his Stock in said Company, with such fraudulent intent, &c., &c.

The question on adopting this amendment was decided in the negative—Yea 48, Nays 63.

The Yeas and Nays demanded by Mr. Ellis.
Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmonnd,
Mangum,
Martin,
Murphy,
McIntyre,
McNeill,
Nixon,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—48.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,

Messrs. Hayes,
Jackson,
Keener,
Leathers,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
The question, Shall the said Bill pass the second reading, was decided in the affirmative—Yeas 61, Nays 53.

Those who voted in the affirmative, were

Those who voted in the negative, were

**Messrs. Atkins,**
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Graves,
Guyther,
Hackney,
Hamrick,

**Messrs. Mangum,**
Martin,
Murphy,
McIntyre,
McNeill,
Nixon,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Rush,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
The Bill, on motion of Mr. Moore, was again read the third time, and amended on the several motions of Messrs. Moore and Bridgers.

And the question, Shall the said Bill pass the third reading, was decided in the negative—Yeas 56, Nays 58.

Those who voted in the affirmative, were


Messrs. Guthrie, Haughton, Hayes, Keener, Leathers, Locke, Lord, Mebane, Miller, Mills, Moore, McLean, McNair, Odom, R. T. Paine, C. L. Payne, Perkins, Phifer, Poindexter, Puryear, Reid, Roane, T. Robinson,

Those who voted in the negative, were


The Bill to establish a new County by the name of Graham, was read the second time.
Mr. Scales moved that said Bill be postponed indefinitely.
The question thereon was decided in the affirmative—Yeas 56, Nays 54.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. Hawkins presented a Resolution in favor of William T. Bain.
Which was referred to the Committee on Claims.
The Resolution concerning the Bonus or surplus profits in the Bank of the State, was read the second time, and on motion of Mr. Mebane referred, together with the papers accompanying, to the Committee on Finance, with instructions to report as speedily as practicable.
The House then took a recess till half-past six o'clock, P. M.

HALF PAST 6 O'CLOCK, P. M.

The Bill to incorporate a Volunteer Infantry Company, in
Washington, Beaufort County, was read the third time, passed, and ordered to be Engrossed.

The Bill to authorize the Portsmouth and Roanoke Rail Road Company to charge Tolls on their Bridge over Roanoke River, near the Town of Weldon, was read the third time, passed, and ordered to be Enrolled.

The Bill to allow the Justices of Hyde County to lay a tax for the purpose of purchasing Mattamuskeet and Rosehay Turnpike; and the Bill to revive an Act for the better regulation of the Town of Warrenton, in Warren County;

Were read the third time, passed, and ordered to be Engrossed.

On motion of Mr. Ehringhaus, the Bill for the better regulation of the Militia of the State of North Carolina, was made the order of the day for to morrow, at 12 o'clock.

The Engrossed Bill to repeal part of an Act of the General Assembly, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Yancey, was read the third time, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

The Bill to make Real Estate Assets, was read the second time and passed, and made the special order of the day for to morrow.

The Bill more effectually to prevent the imprisonment of Honest Debtors, was read the second time.

And the question—Shall the said Bill pass the second reading, was decided in the affirmative—Yeas 70, Nays 32.

Those who voted in the affirmative, were

**Messrs. Adams,**  
**Atkins,**  
**Barco,**  
**D. A. Barnes,**  
**Bond,**  
**Brogden,**  
**Brower,**  
**Brown,**  
**Bullock,**  
**Burgin,**  
**Caldwell,**  
**Calloway,**  

**Messrs. Jackson,**  
**Jones,**  
**Keener,**  
**Kelly,**  
**Leathers,**  
**Locke,**  
**Lord,**  
**Mangum,**  
**Mebane,**  
**Miller,**  
**McLean,**  
**McNeill,**
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On motion, the said Bill was read the third time, passed, and ordered to be Enrolled.

The Engrossed Bill in favor of Poor Debtors, was read the second time and passed.

The Bill to prevent the levying of Executions upon Growing Crops, until said Crops are matured, was read the second time and passed, and made the order of the day for to-morrow.

The Bill entitled the Homestead Bill, was read, and on motion of Mr. Guthrie, indefinitely postponed.

The Engrossed Bill to incorporate a Milling Company in the County of Anson, was read the third time, passed, and ordered to be Enrolled.

The Bill for the relief of Samuel Lowers, was read the second time and passed.

The Engrossed Bill to authorize the Court of Pleas and Quarter Sessions of Beaufort County, to appoint special Justices of the Peace, and making compensation to such Justices for certain services, was read the second and third times, passed, and ordered to be Enrolled.

The Bill to incorporate the Trustees of Morganton Academy, was read the second and third times, passed, and ordered to be Engrossed.

The Resolution relating to the interchange of Documents, was read the second time and passed.

The Bill concerning the inspection of Flour, was read the second time and passed.

The House then adjourned till to-morrow morning ten o'clock.

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Friday, Jan. 3, 1845.

Mr. Ellis, from the Committee on Privileges and Elections, reported unfavorably on the Bill to repeal a part of the 16th section
of 52d chapter of Revised Statutes, entitled an Act concerning the General Assembly, and to amend the same.

When said Bill was read the second time and rejected.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the Bill, to create a County by the name of Blakely.

When said Bill was read, and on Mr. Lord's motion, laid upon the table.

Mr. Moore, from the Committee on the Judiciary, prayed that the Committee be discharged from the further consideration of two Bills referred to them, to prohibit the levying of Executions upon Growing Crops.

The Committee was discharged.

The said Bills, on Mr. Moore's motion, were indefinitely postponed.

The Bill to alter the time of holding the Superior Courts of Law and Equity for the Counties of Guilford and Orange, was read the second time, amended on motion of Mr. Scales, and passed.

The Engrossed Bill in favor of Poor Debtors, was read the third time.

The question, Shall the said Bill pass the third reading, was decided in the affirmative—Yea 101, Nays 12.

The Yeas and Nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

**Messrs. Adams,**
**Barco,**
**D. A. Barnes,**
**E. Barnes,**
**Bond,**
**Brame,**
**Brogden,**
**Brower,**
**Brown,**
**Bullock,**
**Burgin,**
**Caldwell,**
**Calloway,**
**Cherry,**

**Messrs. Kelly,**
**Kirk,**
**Leathers,**
**Lemmond,**
**Littlejohn,**
**Locke,**
**Lord,**
**Martin,**
**Mebane,**
**Miller,**
**Mills,**
**Moore,**
**Murphy,**
**Mr. Lean,**
Those who voted in the negative, were

Messrs. Atkins, J. Barnes, Beaman, Messrs. Mitchell, McIntyre, Nixon,
Ordered that said Bill be Enrolled.

Mr. Shepard presented a Bill, to amend the Revised Statutes, entitled "Religious Societies."

Which was read the first, second, and third times, passed, and ordered to be Engrossed.

Mr. Watters, who voted in the majority on the question deciding against the passage of the Bill, providing for the re-organization of the Portsmouth & Roanoke Rail Road Company, moved that the House do reconsider that vote.

Pending the question on this motion, the House proceeded to the special order of the day, being the Engrossed Bill to change the location of the Court House of the County of Lincoln, and for other purposes.

The question being on the passage of the Bill the second reading, the House took a recess till 3 o'clock, P. M.

Three o'clock, P. M.

Mr. T. Wilson, from the Committee on Claims, to whom was referred the memorial of David Patton, reported the same to the House without action, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Foy moved that the vote of the House yesterday, by which
it was decided that the Bill to create a new County by the name of Graham, should not pass, be now reconsidered.

This question was laid on the table.

On motion of Mr. Trull,

Resolved, That the Committee on Education be instructed to enquire into the expediency of having published, copies of the Constitution of the United States, and of this State—one copy for each voter; and that they report by Bill or otherwise.

The Engrossed Bill concerning a Penitentiary, was, on motion of Mr. Haughton, referred to the Select Committee raised on that subject.

The House proceeded to consider the Bill to change the location of the Court House of the County of Lincoln, and for other purposes.

The question—Shall the said Bill pass the third reading, was decided in the negative—Yeas 54, Nays 57.

Yeas and Nays demanded by Mr. Haughton.

Those who voted in the affirmative, were

Messrs. Atkins, E. Barnes, J. Barnes, Beaman, Brogden, Brower, Bullock, Cochran, Collins, Credle, Cunningham, Dunn, Edwards, Ellis, Fleming, Gatling, George, Graves,

Messrs. Martin, Mitchell, Murphy, McIntyre, McNeill, Nixon, Poindexter, Rankin, Regan, Reinhardt, Richardson, H. Robinson, Rush, Sanders, Shaw, Shepard, Stone, Taliafero,
Hackney, 
Hanrick, 
Harrison, 
Jackson, 
Jones, 
Kirk, 
Lca, 
Lemannond, 
Mangum, 
Trull, 
White, 
Whitehurst, 
Wilder, 
N. L. Williamson, 
R. P. Williamson, 
N. Wilson, 
T. Wilson, 
Woodward.—54.

Those who voted in the negative, were

Messrs. Adams, 
Barco, 
D. A. Barnes, 
Bond, 
Brame, 
Bridgers, 
Brown, 
Burgin, 
Caldwell, 
Calloway, 
Cherry, 
Church, 
Clayton, 
Davenport, 
Davis, 
W. Dickson, 
J. G. Dickson, 
Doak, 
Douthit, 
Ehringhaus, 
Emerson, 
Pagg, 
Faucett, 
Foy, 
Gambill, 
Gee, 
Golding, 
Grist, 
Harris, 
Haugliioa, 
Ha 
Hawkins, 
Hayes, 
Keener, 
Kelly, 
Leathers, 
Littlejohn, 
Lord, 
Mebane, 
Miller, 
Mills, 
Moore, 
McLean, 
Odom, 
C. L. Payne, 
Perkins, 
Phifer, 
Pratt, 
Prentiss, 
Purdy, 
T. Robinson, 
Scales, 
Smith, 
Street, 
Thrash 
Waddill, 
Washington, 
Watters.—57.
The question, Will the House reconsider the vote of yesterday, by which was rejected the Bill providing for the re-organization of the Portsmouth and Roanoke Rail Road Company, was taken up and decided in the affirmative—Yea 63, Nay 48.

The Yeas and Nays demanded by Mr. Wilder.

Those who voted in the affirmative, were

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brane,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Graves,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,
McInyure,
McNeill,
Nixon,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
Washington,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—48.

The said Bill being again taken up, Mr. Fleming offered the following amendment:

"Be it further enacted, That the property of said Company, after sale, shall be liable for its contracts."

The question on the adoption of this amendment, was decided in the negative—Yeas 52, Nays 59.
The Yeas and Nays demanded by Mr. Fleming.
Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brown,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Faucett,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,

Messrs. Lea,
Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
Whitehurst,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—52.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Brower,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,

Messrs. Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,
Cochran, Cochran,
Credle, Credle,
Davenport, Davenport,
Davis, Davis,
W. Dickson, W. Dickson,
Doak, Doak,
Douthit, Douthit,
Ehringhaus, Ehringhaus,
Emerson, Emerson,
Fagg, Fagg,
Gambill, Gambill,
Gee, Gee,
George, George,
Golding, Golding,
Grist, Grist,
Harris, Harris,
Hackney, Hackney,
Haughton, Haughton,
Hayes, Hayes,
Keener, Keener,

Odom, Odom,
C. L. Payne, C. L. Payne,
Perkins, Perkins,
Phifer, Phifer,
Poindexter, Poindexter,
Puryear, Puryear,
Reid, Reid,
Roane, Roane,
T. Robinson, T. Robinson,
Rush, Rush,
Smith, Smith,
Street, Street,
Thrash, Thrash,
Trull, Trull,
Waddill, Waddill,
Washington, Washington,
Watters, Watters,
R. P. Williamson, R. P. Williamson,
T. Wilson, T. Wilson.—59.

The question—Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 61, Nays 50.
Yeas and Nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs. Adams, Messrs. Keener,
Barco, Leathers,
D. A. Barnes, Littlejohn,
Bond, Locke,
Bridgers, Lord,
Brower, Mebane,
Brown, Miller,
Burgin, Mills,
Caldwell, Moore,
Calloway, McLean,
Church, McNair,
Clayton, Odom,
Credle, C. L. Payne,
Davenport, Perkins,

Those who voted in the negative, were


Messrs. Lemmond, Mangum, Martin, Mitchell, Murphy, McIntyre, McNeill, Nixon, Prentiss, Rankin, Regan, Reinhardt, Richardson, H. Robinson, Sanders, Scales, Shaw, Shepard, Stone, Taliaferro,
Ordered that said Bill be Engrossed.

The message from the Senate, proposing to rescind the Joint Resolution heretofore made to adjourn the two Houses on the 6th inst. was taken up for consideration and concurred in.

Mr. Moore presented a Resolution concerning the Printing of the Inaugural Addresses of the Governors of the State.

Which was read the first time and passed.

Mr. Wilder presented a Resolution in favor of Justin Martin-dale.

Which was referred to the Committee on Claims.

On motion, leave of absence from the service of the House, from and after Sunday next, was granted to Mr. Smith;

And to Mr. Puryear, from and after Monday next.

The House then adjourned until to-morrow morning 10 o’clock.

Saturday, Jan. 4, 1845.

Mr. R. T. Paine, introduced a Bill to incorporate a Corps of Cavalry in the County of Chowan.

Which was read the first, second, and third times, passed, and ordered to be Engrossed.
The Bill for the relief of Samuel Lowers, was read the third time, passed, and ordered to be Engrossed.

The Bill to establish a new County by the name of Williams, was read the second time.

And the question, Shall the said Bill pass the second reading, was decided in the negative—Yea 15, Nays 97.

The Ycas and Nays demanded by Mr. Taliafero.

Those who voted in the affirmative, were

Messrs. Atkins,
Clayton,
Douthit,
Emerson,
Fagg,
George,
Rankin,
Reid,

Messrs. Reinhardt,
Roane,
T. Robinson,
Shaw,
Watters,
White,
N. Wilson.—15.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Brower,
Brown,
Rullock,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Cochran,
Collins,

Messrs. Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Mangum,
Martin,
Mebane,
Miller,
Mills,
Mitchell,
Moore,
Murphy,
McIntyre,
McEgan,
McNair,
The Bill to create a County by the name of Blakely, was called up for consideration by Mr. Atkins, and on his motion amended. When Mr. Cunningham moved to strike out the enacting clause of the Bill.
And this motion prevailed.
Mr. Littlejohn presented a memorial from sundry citizens of Granville County, praying the passing of a law, allowing to Constables commissions on sums by them collected.
Which was referred to the Committee on the Judiciary.
The Bill to improve a part of the State Road leading from the
Town of Franklin, in Macon County, across the Nantahala and Valley River Mountain, to the new Town called Murphy, was read the third time.

And the question—Shall the said Bill pass the third reading, was decided in the negative—Yeas 50, Nays 57.

Yeas and Nays demanded by Mr. Mangum.

Those who voted in the affirmative, were

**Messrs. D. A. Barnes,**
Bond,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Davis,
W. Dickson,
Doak,
Ehringhaus,
Emerson,
Fagg,
Fleming,
Gambill,
George,
Golding,
Grist,
Harris,
Haughton,
Hayes,
Keener,
Leathers,

**Messrs. Littlejohn,**
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
R. T. Paine,
C. L. Payne,
Phifer,
Poindexter,
Puryear,
Regan,
Reid,
Reinhardt,
Roane,
T. Robinson,
Street,
Thrash,
Trull,
Washington,
Watters,
White,
T. Wilson.—50.

Those who voted in the negative, were

**Messrs. Adams,**
Atkins,
Barco,
E. Barnes,

**Messrs. Jones,**
Kelly,
Kirk,
Lee,
The Bill to incorporate the Town of Rockingham, in the County of Richmond, was read the second and third times, passed, and ordered to be Enrolled.

Received a message from the Senate, informing that they had passed the following Engrossed Bills and Resolutions, and asking, the concurrence of this House, viz:

- A Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same;
- A Bill to abolish the Board of Internal Improvement, and for other purposes;
- A Bill to provide for the removal of the obstructions to the navigation of Roanoke River, occasioned by the erection of the Petersburg Rail Road Bridge across the same;
- A Resolution in favor of Wm. Thompson;
- A Resolution in favor of John H. Wheeler, Public Treasurer;
- A Resolution in relation to a National Flag.
The Bills and Resolutions were read the first time and passed.
The above named Resolution in favor of John H. Wheeler, Public Treasurer, was, on motion, referred to the Committee on Claims.
The Resolution in favor of William Thompson, was read the second and third times, passed, and ordered to be Enrolled.
The Resolution in relation to a National Flag, was read the second time and passed.
The resignation of Alexander Cunningham, as a Justice of the Peace of the County of Person, was presented, read and accepted.
The Engrossed Bill more effectually to secure debts due for Cherokee Lands, and to facilitate the collection of the same, was read the second time and passed, and made the order of the day for Monday, at 10 o'clock.
The House proceeded to the special order of the day, and took up the Resolutions in relation to the Fourth Instalment.
Mr. Scales moved to strike out the whole of said Resolutions after the word "Whereas," and insert the following:

"The General Government is now in debt about twenty-four millions of dollars; and whereas it appears by the last Message of the President of the United States, that there will be in the Treasury of the United States at the close of the fiscal year, about seven millions of dollars, which has unnecessarily accumulated under the operation of the present high Tariff, but which can be applied to the payment of the National debt, by the creation of a sinking fund for that purpose, and an unnecessary surplus in future prevented by a reduction of the Taxes according to the recommendation of the said Message, and the Report of the Secretary of the Treasury; and although the present General Assembly is somewhat embarrassed in consequence of payments made and to be made for Rail Roads, yet North Carolina is willing and able, as she has always been, to meet her own liabilities without supplicating the General Government for relief.

Be it therefore Resolved, That the Senators from this State be instructed, and the Representatives requested to use their utmost exertions to reduce the present Tariff to the wants of the Government, economically administered, and to apply any surplus in the Treasury to the extinguishment of the present National debt."

Mr. Caldwell called for a division of the question.
And the question being taken first on striking out, was decided in the negative—Yeas 48, Nays 62.

Those who voted in the affirmative, were

Messrs. Atkins, E. Barnes, J. Barnes, Beaman, Brame, Bridgers, Brogden, Bullock, Collins, Cunningham, J. G. Dickson, Dunn, Edwards, Ellis, Fleming, Gatling, Graves, Hamrick, Harrison, Hawkins, Jackson, Jones, Kelly, Kirk,


Those who voted in the negative, were

Messrs. Adams, Barco, D. A. Barnes, Bond, Brower,

Messrs. Haughton, Hayes, Keener, Leathers, Littlejohn,
Mr. Scales offered the following amendment:

*Be it further Resolved, That no more Revenue should be collected from the people, than is absolutely necessary to defray the expenditures of the General Government, economically administered.*

The Speaker ruled this amendment out of order, from which decision Mr. Scales appealed, and the question, Shall the decision of the Chair stand as the Judgment of the House, was decided in the affirmative.

Mr. Scales moved further to amend the Bill, by adding the following after the first resolution, viz:

*Resolved, That our Senators in Congress be instructed, and our Rep-
The resolution. The question on the adoption of this amendment, was decided in the negative—Yeas 17, Nays 91.

Those who voted in the affirmative, were

Messrs. E. Barnes,
Calloway,
Dunn,
Hackney,
Haughton,
Jackson,
Littlejohn,
Mebane,
Mitchell,

Messrs. R. T. Paine,
Perkins,
Prentiss,
Scales,
Shepard,
Washington,
Watters,
Whitehurst.—17.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Cherry,
Church,
Clayton,

Messrs. Jones,
Keener,
Kelly,
Kirk,
Lea,
Leathers,
Lemmond,
Locke,
Lord,
Mangum,
Martin,
Miller,
Mills,
Moore,
Murphy,
McIntyre,
McLean,
McNair,
The question, Shall the said Resolutions pass the third reading, was decided in the affirmative—Yeas 65, Nays 49.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,

Messrs. Keener,
Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Those who voted in the negative, were

**Messrs. Atkins,**
E. Barnes,
J. Barnes,
Beanan,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,

**Messrs. Lemmond,**
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Ordered that the same be Engrossed.

Mr. T. Wilson presented a Resolution in favor of Samuel J. Finch.

Which was read the first time and passed, and referred to the Committee on Claims.

The House then took a recess till 3 o'clock.

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THREE O'CLOCK, P. M.

The resignation of William Ennett, a Justice of the Peace of the County of Onslow, was presented, read and accepted.

The Bill to amend the Revised Statutes, entitled Rivers and Creeks, was read the second time and passed.

The Resolution in favor of William Davidson, was read the second and third times, passed, and ordered to be Engrossed.
Mr. Doak, from the Select Committee raised on the Message of His Excellency, the Governor, reported a Resolution relating to the History of the State.

Which was read the first time and passed.

On motion, leave of absence from the service of the House, from and after Monday next, was granted to Messrs. Murphy, Prentiss and H. H. Robinson; and from and after Wednesday next, to Mr. Clayton.

The Bill for the better regulation of the Militia of the State of North Carolina, was taken up and read the second time.

Mr. Poindexter moved to amend the Bill, by striking out the 6th Section thereof.

The question thereon was decided in the affirmative—Yea 63, Nays 49.

Yea and Nays demanded by Mr. Hackney.

Those who voted in the affirmative, were

Messrs. Atkins, Barco, E. Barnes, Bond, Bridgers, Brogden, Brower, Brown, Bullock, Caldwell, Calloway, Clayton, Cochran, Collins, Cunningham, Davenport, Davis, W. Dickson, J. G. Dickson, Douthit, Edwards, Fleming, Gatling,

Those who voted in the negative, were

**Messrs.** Adams,
D. A. Barnes,
J. Barnes,
Beam,
Brame,
Burgin,
Cherry,
Church,
Credle,
Doak,
Dunn,
Ehringhaus,
Ellis,
Fagg,
Faucett,
Foy,
Gambill,
Guyther,
Hamrick,
Hawkins,
Hayes,
Jackson,
Jones,
Kelly,
Kirk,

**Messrs.** Lea,
Leathers,
Mangum,
Mebane,
Miller,
Mitchell,
Moore,
Murphy,
McNeill,
Nixon,
Odom,
Phifer,
Prentiss,
Reid,
T. Robinson,
Scales,
Stone,
Th rash,
Trull,
Waddill,
Washington,
Watters,
Wilder,
Woodward.—49.

The question—Shall said Bill pass the second reading, was determined in the negative—Yeas 53, Nays 59.
Yeas and Nays demanded by Mr. Hackney.

Those who voted in the affirmative, were

Messrs. J. Barnes,
Bond,
Brame,
Bullock,
Cherry,
Church,
Cochran,
W. Dickson,
J. G. Dickson,
Dunn,
Ehringhaus,
Pagg,
Fleming,
Foy,
Gambill,
Gee,
Golding,
Guyther,
Hamrick,
Hawkins,
Hayes,
Jackson,
Jones,
Keener,
Kirk,
Locke,
Lord,

Messrs. Mangum,
Mebane,
Mitchell,
Moore,
Murphy,
McIntyre,
McLean,
Nixon,
Odum,
Phifer,
Prentiss,
Puryear,
Regan,
Reid,
Rowe,
Stone,
Taliafero,
Thrash,
Tulloch,
Waddill,
Washington,
Watters,
White,
N. L. Williamson,
T. Wilson,
Woodward.—53.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
E. Barnes,
Beanan,

Messrs. Harrison,
Haughton,
Kelly,
Leathers,
Lemmond,
Littlejohn,
Mr. J. G. Dickson, who voted in the majority on the question by which the Engrossed Bill for changing the location of the Court House of Lincoln County, was rejected, moved that the House do now reconsider that vote.

And Mr. Lord moved to lay that motion on the table till 4th March next.

This question was decided in the affirmative—Yea's 60, Nay's 46

Those who voted in the affirmative, were

Messrs. Adams, Barco, D. A. Barnes, Bond, Messrs. Hayes, Keener, Kelly, Leathers,
Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,

Mesers. Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Poindexter,
Rankin,
Reinhardt,
Richardson,
H. Robinson,
Mr. R. T. Paine moved that the House do now reconsider the vote just given.

And the question thereon was decided in the negative.

Mr. Bridgers moved that the House do now adjourn till Monday morning 10 o'clock.

The question thereon was decided in the negative— Yeas 54, Nays 54.

Those who voted in the affirmative, were

Messrs. Atkins,
Barco,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brown,
Bullock,
Burgin,
Cherry,
Cochran,
Collins,
Cunningham,
W. Dickson,
Edwards,

Messrs. Jackson,
Lemmond,
Littlejohn,
Locke,
Mangum,
Martin,
Mebane,
Miller,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Phifer,
Poindexter,
Prentiss,
Scales,
**JOURNAL OF THE HOUSE OF COMMONS.**


Those who voted in the negative, were

<table>
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<tr>
<th>Messrs. Adams</th>
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<td>T. Wilson.</td>
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—54.
The Speaker voted in the negative.
Whereupon, the House adjourned until half-past 7 o'clock, P. M.

HALF PAST 7 O'CLOCK, P. M.

The Resolution in favor of memorializing Congress to rebuild the Branch Mint at Charlotte, was read the second time and passed.

The Engrossed Bill to lease a Silver Mine to George Southerlin, the discoverer, and for other purposes, was read the second and third times, passed, and ordered to be Enrolled.

The Bill concerning Fraudulent Conveyances, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to prohibit Constables from Levyin;j any Process, or Magistrates from hearing or determining any Civil Warrant at any place of Divine Worship, was read the second time.

And the question, Shall the said Bill pass the second reading was decided in the affirmative—Yeas 73, Nays 13.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
Bond,
Brogden,
Brown,
Bullock,

Messrs. Jones,
Keenec,
Kirk,
Lea,
Leathers,
Lemmon,
Lord,
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<td>Haughton</td>
<td>Whitehurst</td>
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<tr>
<td>Hayes</td>
<td>78</td>
</tr>
</tbody>
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Those who voted in the negative, were

**Messrs.** D. A. Barnes,
J. Barnes,
Beaman,
Brame,
Davenport,
Fleming,
Hawkins,

**Messrs.** Kelly,
Moore,
H. Robinson,
Shaw,
R. P. Williamson,
N. Wilson.—18.
Ordered that said Bill be referred to the Committee on the Judiciary.

Mr. Cherry, from the Committee on Finance, reported unfavorably on the Resolution for dividing the bonus or surplus profits in the Bank of the State.

Which was read and laid on the table.

The Bill to amend the Revised Statutes, entitled an Act concerning Legacies, Filial Portions and Distributive Shares, and the Revised Statutes entitled Descents, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to incorporate the Trustees of the Bethania Literary Society and Academy, in Stokes County, was read the second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill to prevent the felling of timber in the Creeks and Rivers within the County of Cabarrus;

The Engrossed Bill to incorporate the Fayetteville Library Institute, in the Town of Fayetteville;

The Engrossed Bill to amend an Act passed in 1836-7, to incorporate the Town of Greensboro', in the County of Guilford;

Were each read the second and third times, passed, and ordered to be Enrolled.

The Bill to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots, was read the second time and passed.

The Bill to prevent obstructions in Hitchcock's Creek, in the County of Richmond;

And the Bill to improve the navigation of Cypress Creek, in Bladen County;

Were each read the second and third times, passed, and ordered to be Engrossed.

The Bill concerning the Superior Courts of Cleveland County, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to incorporate Dunn Faison Academy, in the County of Duplin, was read the second and third times, passed, and ordered to be Engrossed.

Mr. Moore, from the Committee on the Judiciary, reported the Bill to prevent Constables from levying Warrants at Camp Meetings, with an amendment.

The amendment was agreed to.

And the question—Shall said Bill pass as amended, was decided in the affirmative—Yeas 84, Nays 7.
Yeas and Nays demanded by Mr. D. A. Barnes.

Those who voted in the affirmative, were

**Messrs. Adams,**  
Barco,  
D. A. Barnes,  
Beaman,  
Bond,  
Brogden,  
Brower,  
Brown,  
Bullock,  
Burlin,  
Caldwell,  
Calloway,  
Cherry,  
Church,  
Clayton,  
Cochran,  
Collins,  
Credle,  
Cunningham,  
Davenport,  
Davis,  
W. Dickson,  
J. G. Dickson,  
Doak,  
Douthit,  
Dunn,  
Edwards,  
Ellis,  
Emerson,  
Pagg,  
Paucett,  
Fleming,  
Gambill,  
Gatling,  
Gee,  
George,  
Golding,  
Graves,  

**Messrs. Jones,**  
Keener,  
Kirk,  
Lea,  
Leathers,  
Leermond,  
Littlejohn,  
Lord,  
Mangum,  
Martin,  
Mebane,  
Miller,  
Mills,  
Moore,  
McLean,  
McNeill,  
R. T. Paine,  
C. L. Payne,  
Perkins,  
Phifer,  
Puryear,  
Rankin,  
Regan,  
Reid,  
Reinhardt,  
Roane,  
Rush,  
Scales,  
Shaw,  
Smith,  
Stone,  
Street,  
Taliafero,  
Thrash,  
Trull,  
Waddill,  
Washington,  
Watters,
 Those who voted in the negative, were

**Messrs. J. Barnes,**
Brame,
Harris,
Hawkins,

**Messrs. Kelly,**
Brame,
White,
Whitehurst,
N. L. Williamson,
R. P. Williamson.—84.

Ordered that said Bill be Engrossed.
The Bill concerning the Writ of Replevin, was read the second time and amended, and passed.
The Bill to divide the Militia of the County of Anson into two Regiments;
The Bill to form and establish a new Regiment out of the Militia in the County of Union;
And the Resolution for the relief of Thomas W. Rooker,
Were each read the second and third times, passed, and ordered to be Engrossed.
The House then adjourned until Monday morning 10 o'clock.

**Monday, Jan. 6, 1845.**

Messrs. C. L. Payne, Nixon, Haughton and Wilder were ap-
pointed the Joint Select Committee on Enrolled Bills the present week, on behalf of the Commons.

The resignation of John Rhodes, as a Justice of the Peace of the County of Wilkes, was read and accepted.

Mr. Moore presented a Bill, to prevent obstructions to the free navigation of the waters of this State.

And also a Bill to prevent obstructions to the passage of fish up Fishing Creek.

Mr. Littlejohn, a Bill to amend the 2d Section of the 56th Chapter of the Revised Statutes, entitled an Act concerning Hunting.

Also, a Bill to prevent Fraudulent voting.

Also a Bill to amend 30th Section of 105th Chapter of Revised Statutes, concerning Salaries and Fees. And

Mr. N. Wilson, a Bill to extend the jurisdiction of Justices of the Peace, in and for the County of Catawba, in certain cases.

These Bills were read the first time and passed.

Mr. Moore, from the Committee on the Judiciary, who were instructed to enquire into the expediency of giving to any two Justices of the Peace, jurisdiction of all cases of Assaults and Batteries, reported that it is not expedient to legislate in the manner proposed, and prayed to be discharged from the further consideration of the subject.

The report was concurred in.

On motion, leave of absence from the service of the House, from and after Wednesday next, was granted to Messrs. Mills and Jackson.

Mr. Moore, from the Judiciary Committee, reported with an amendment the Bill concerning Crimes and Punishments.

The amendment was concurred in, and the Bill read the second time and passed.

Received a message from the Senate, informing that they had rejected the Engrossed Resolution in favor of Priscilla Goodwin; and that Messrs. Jeffreys and Lindsay form their branch of the Joint Select Committee on Enrolled Bills the present week.

Mr. McLean, from the Select Committee on the Penitentiary, reported with an amendment, the Engrossed Bill concerning a Penitentiary.

The amendment was concurred in.

Mr. R. T. Paine moved that said Bill do lie on the table.
The question thereon was decided in the negative—Yeas 11, Nays 90.
Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Brane,
Collins,
Ellis,
Hawkins,
Keener,
Martin,

Messrs. Moore,
R. T. Paine,
Richardson,
Taliafero,
N. Wilson.—11.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beamman,
Bond,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Cunningham,
Davenport,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,

The said Bill was read the second time as amended, and passed. Mr. Taliaferro, who voted in the majority on the question rejecting the Bill to improve a part of the State Road leading from the Town of Franklin, in Macon County, across the Nantahala and Valley River Mountain, to the new Town called Murphy, moved that the House do now reconsider that vote.

The motion to reconsider was laid on the table.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, viz: A Bill to modify an Act concerning Slaves and Free Persons of Color, passed in 1830; A Bill to incorporate Washington Lodge No. 3, of the Independent Order of Odd Fellows, in the Town of Murfreesboro'; A Bill concerning the agents of Cherokee Lands; and A Bill to amend the 10th Section of 45th Chapter of Revised Statutes, and asking the concurrence of this House.

The said Bills were read the first time and passed.

A message from the Senate, informing that they had passed the Engrossed Bill concerning the Superior Courts of Currituck County, with an amendment, and asking the concurrence of this House.
The amendment was read and concurred in.

A message from the Senate, informing that they had passed the Engrossed Bill providing for the appointment of Engrossing Clerks, with an amendment, and asking the concurrence of this House.

The amendment was read, and the House decided that they would not concur therein; and the Senate was so informed.

A message from the Senate, informing that they had postponed till 4th March next, the Engrossed Bill to repeal in part the 11th Section of 62d Chapter Rev. Stat., concerning the Powers and Jurisdiction of Justices of the Peace, and to amend the same.

A message from the Senate, informing that they concur in the amendments made by the House of Commons, to the Engrossed Bill to alter the mode of appointing Constables in Beaufort County, and the Bill to protect the Public Bridges in Tyrrell and Washington Counties.

Ordered that said Bills be Enrolled.

A message from the Senate, informing that they had passed the Engrossed Bill to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road, with sundry amendments, and asking the concurrence of the House.

Among the amendments proposed by the Senate, was the following, viz:

"And be it further enacted, That when it shall appear that the proceeds of said Road are insufficient to keep said Road in repair, and pay all expenses of running the same, then it shall be the duty of the Governor to stop all operations on the Road."

And the question—Will the House concur in this amendment, was decided in the affirmative—Yea 96, Nays 9.

Yea and Nays demanded by Mr. Guyther.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,

Messrs. Hayes,
Jackson,
Jones,
Kelly,
Those who voted in the negative, were

**Messrs. Ellis,**  
Grist,  
Keener,  
Pratt,  
Sanders,

**Messrs. Scales,**  
Shaw,  
Waddill,  
White.—9.

The amendments to said Bill were all concurred in, and the Senate so informed.

The Engrossed Bill to prevent the levying of Executions upon Growing Crops until said Crops are matured, was read the third time.

The question being on the adoption of the amendment marked A—and this question was decided in the affirmative—Yea's 84, Nays 17.

Yea's and Nays demanded by Mr. Cunningham.

Those who voted in the affirmative, were

**Messrs. Adams,**  
Barco,  
E. Barnes,  
J. Barnes,  
Beaman,  
Bond,  
Brame,  
Bridgers,  
Brogden,  
Brown,  
Bullock,  
Burgin,  
Caldwell,  
Calloway,  
Cherry,

**Messrs. Kirk,**  
Lea,  
Leathers,  
Lemmond,  
Littlejohn,  
Lord,  
Miller,  
Mills,  
Moore,  
McIntyre,  
McNair,  
McNeill,  
Nixon,  
Odom,  
R. T. Paine,
Those who voted in the negative, were

Messrs. Atkins,
D. A. Barnes,
Brower,
Cochran,
Collins,
Hackney,
Haughton,
Hawkins,
Keener,

Messrs. Locke,
Mangum,
Martin,
Phifer,
Roane,
Street,
Thrash,
White.—17.
The question—Shall the said Bill pass the third reading, was decided in the affirmative.

The House then took a recess till 3 o'clock.

THREE O’CLOCK, P. M.

Mr. Washington presented a Resolution relating to the Statue of Washington.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill to incorporate Washington Lodge No. 3, of the Independent Order of Odd Fellows, in the Town of Murfreesboro’, was read the second and third times, passed, and ordered to be Enrolled.

Mr. Washington, from the Committee on Internal Improvement, reported without amendment the Bill to establish and regulate a Turnpike Road in the County of Macon, to be called the Tennessee River Turnpike Company.

When said Bill was read the first and second times and passed.

Mr. Washington, from the same Committee, reported without amendment the Bill to appoint Commissioners to examine and lay off a Road in the County of Wilkes.

When the same was read the second time and passed.

Mr. Jones presented the following Resolution:

Resolved, That a message be sent to the Senate, proposing that both Houses of this General Assembly adjourn sine die on Thursday, the 9th inst.; and that the Clerks make up the estimates to that time.

Mr. Foy moved that said Resolution be laid on the table.

This question was decided in the negative.
Mr. Moore moved to postpone the further consideration of the question until Friday next.

This question was decided in the negative—Yeas 40, Nays 67. Yeas and Nays demanded by Mr. Perkins.

Those who voted in the affirmative, were

**Messrs.** Adams,
Atkins,
Beaman,
Bond,
Bridgers,
Brown,
Burgin,
Cherry,
Cochran,
Cunningham,
W. Dickson,
Ehringhaus,
Emerson,
Fagg,
Foy,
Gatling,
Graves,
Grist,
Guyther,
Hamrick,

**Messrs.** Harris,
Hayes,
Keener,
Lea,
Littlejohn,
Mangum,
Mebane,
Miller,
Moore,
McNeill,
R. T. Paine,
Reid,
T. Robinson,
Shaw,
Taliafero,
Watters,
Whitehurst,
Wilder,
N. Wilson,
Woodward.—40.

Those who voted in the negative, were

**Messrs.** Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Brame,
Brogden,
Brower,
Bullock,
Caldwell,
Calloway,

**Messrs.** Kelly,
Kirk,
Leathers,
Lemmond,
Locke,
Lord,
Martin,
Mills,
McIntyre,
McLean,
The question, Shall said Resolution be adopted, was decided in the affirmative.

On motion of Mr. R. T. Paine, the House took up the consideration of the motion made by Mr. Kirk, and heretofore laid upon the table, viz: to re-consider the vote of the House, by which was rejected the "Bill to locate the Residence of Judges of the Superior Courts hereafter to be elected."

When Mr. Kirk withdrew his said motion to re-consider,

The Chair decided this motion to be in order, and from this decision Mr. Moore took an appeal.

Mr. Hawkins moved that the question on the appeal be postponed till the fourth of March next.

And this motion prevailed—Yea 65, Nays 43.

Yeas and Nays demanded by Mr. Moore.
Those who voted in the affirmative, were

**Messrs.**

- Beaman
- Brower
- Brown
- Bullock
- Burgin
- Calloway
- Church
- Coehran
- Collins
- Cunningham
- Davis
- W. Dickson
- Doak
- Douthit
- Ellis
- Emerson
- Faucett
- Fleming
- Gambill
- George
- Golding
- Graves
- Grist
- Hackney
- Hamrick
- Harris
- Haughton
- Hawkins
- Hayes
- Jones
- Kirk
- Lea
- Leathers

**Messrs.**

- Littlejohn
- Locke
- Lord
- Mangum
- Martin
- Mebane
- Miller
- Mills
- McLean
- McNair
- Nixon
- C. L. Payne
- Perkins
- Poifer
- Poindexter
- Pratt
- Regan
- Reid
- Reinhardt
- T. Robinson
- Rush
- Scales
- Shepard
- Street
- Troth
- Waddill
- Washington
- White
- Whitehurst
- R. P. Williamson
- N. Wilson

—65:

Those who voted in the negative, were

**Messrs.**

- Adams
- Atkins
- Barco

**Messrs.**

- Gee
- Guyther
- Harrison
The Resolutions in favor of memorializing Congress to re-build the Branch Mint at Charlotte, was read the third time, after having been amended on the motion of Mr. Caldwell.

And the question, Shall said Resolutions as amended, pass the third reading, was decided in the affirmative—Yeas 95, Nays 10.

Those who voted in the affirmative, were

Messrs. Adams,
    Atkins,
    Barco,
    D. A. Barnes,
    J. Barnes,
    Beaman,
    Bridgers,
    Brogden,
    Brower,
    Brown,
    Bullock,
    Burgin,
    Caldwell,

Messrs. Kirk,
    Lea,
    Lemmon,
    Locke,
    Lord,
    Mangum,
    Martin,
    Mebane,
    Miller,
    Mills,
    Moore,
    McIntyre,
    McLean,
Calloway,  
Cherry,  
Church,  
Clayton;  
Cochran,  
Collins,  
Credle,  
Cunningham,  
Davenport,  
W. Dickson,  
J. G. Dickson,  
Dow,  
Douthit,  
Dunn,  
Edwards,  
Ellis,  
Emerson,  
Pagg,  
Fleming,  
Foy,  
Gambill,  
Gatling,  
Gee,  
George,  
Golding,  
Graves,  
Grist,  
Hackney,  
Hamrick,  
Harrison,  
Haughton,  
Hayes,  
Jackson,  
Jones,  
Keener,  
McNair,  
McNeill,  
Odum,  
R. T. Paine,  
C. L. Payne,  
Perkins,  
Phifer,  
Pointdexter,  
Pratt,  
Rankin,  
Regan,  
Rent,  
Reinhardt,  
Richardson,  
Réoule,  
T. Robinson,  
Rush,  
Scales,  
Shaw,  
Shepard,  
Street,  
Talifero,  
Trill,  
Waddill,  
Washington,  
Watters,  
White,  
Whitehurst,  
Wilder,  
N. L. Williamson,  
R. P. Williamson,  
N. Wilson,  
T. Wilson,  
Woodward.—95.

Those who voted in the negative, were

Messrs. Bond,  
Brame,  
Faucett,  
Guyther,  
Harris,  

Messrs. Hawkins,  
Kelly,  
Leathers,  
Littlejohn,  
Sanders.—10.
Ordered, that the said Resolutions be Engrossed.

Mr. Wilder presented a Resolution in favor of Reeder and Lougee.

Which was read the first time and passed, and referred to the Committee on Claims.

The House then adjourned until 7 o'clock.

**Seven o'clock, P. M.**

Mr. R. T. Paine introduced a Resolution in favor of the Doorkeepers.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

Received a message from the Senate, proposing that the two Houses adjourn *sine die* on Thursday next, the 9th inst.

Ordered, on motion of Mr. Jones, that said message do lie on the table.

A message from the Senate, informing that they had passed the Engrossed Bill supplemental to an Act passed at the present Session of the General Assembly, entitled an Act, to amend an Act to incorporate the President and Directors and Company of the Yadkin Toll Bridge, and asking the concurrence of this House.

The said Bill was read the first, second and third times, passed, and ordered to be Enrolled.

A message from the Senate, informing that they had passed the Engrossed Bill, supplemental to an Act passed at the General Assembly of 1842, entitled an Act to lay off and establish a County by the name of McDowell, with sundry amendments, and asking the concurrence of this House.
The said amendments were concurred in, except the amendment marked A, in which the House do not concur.

The Bill concerning the Writ of Replevin, was read the second time and passed.

The Bill to amend the 30th Section of 88th Chapter of the Revised Statutes, concerning Pilots;

And the Resolutions relating to the Interchange of Documents;

Were each read the third time, passed, and ordered to be Engrossed.

The Bill to amend the Revised Statutes, entitled Rivers and Creeks, was read the third time, passed, and ordered to be Engrossed.

The Bill to alter the time of holding the Superior Courts of Law and Equity for the Counties of Rockingham and Guilford, was taken up and amended.

The Resolution in favor of Isaac White was read, and on motion of Mr. Jones, postponed till 4th March next.

The Bill concerning Crimes and Punishments;

And the Bill concerning the inspection of Flour;

Were each read the third time, passed, and ordered to be Engrossed.

The Engrossed Resolution in relation to a National Flag, was read the third time, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

Received a message from the Senate, transmitting a communication from His Excellency, Gov. Graham, in relation to the Bridge erected over Roanoke River by the Petersburg Rail Road Company, and proposing that the same be printed.

The proposition was agreed to.

A message from the Senate informing that they had passed the Engrossed Bill to appoint Commissioners to view and lay off a Road in the County of Ashe, with amendments and asking the concurrence of this House.

The said amendments were read and agreed to, and the Senate so informed.

A message from the Senate, informing that they had rejected the Engrossed Bill, to amend an Act entitled an Act, concerning Widows—Revised Statutes, chapter 121, sections 18, 19 and 20.

Mr. Moore, from the Committee on the Judiciary, reported a Bill to increase the Fees of Constables in the County of Granville.
Which was read the first time and passed.

Mr. Washington presented a Bill to amend the 7th Section of the Revised Statutes, entitled Guardian and Ward.

Which was read the first and second times and passed.

The Engrossed Bill to amend an Act, entitled an Act, to punish the default of Returning Officers in the election of President and Vice President of the United States, passed in 1842-3, was read the second and third times, passed, and ordered to be Enrolled.

The Bill to amend the 13th Section of 102d Chapter of the Revised Statutes, was read and ordered to lie on the table.

The Bill concerning the election of Constables, in the County of Iredell, was read the second time and passed, and on motion, laid on the table.

The Engrossed Bill to appoint Commissioners for the Town of Asheborough, in the County of Randolph, and to incorporate the same, was read the second and third times, passed, and ordered to be Enrolled.

Mr. Cherry presented a Resolution, directing the collection of the Bonds due the President and Directors of the Literary Fund.

Which was read the first and second times and passed.

The Bill to extend the jurisdiction of Justices of the Peace, in and for the County of Catawba, in certain cases, was read the second time; and on motion of Mr. D. A. Barnes, postponed indefinitely—Yeas 46, Nays 23.

Yeas and Nays demanded by Mr. N. Wilson.

Those who voted in the affirmative, were:

**Messrs. Adams,**
- Atkins,
- Barco,
- D. A. Barnes,
- J. Barnes,
- Beam,
- Brame,
- Bridgers,
- Brower,
- Brown,
- Caldwell,
- Cherry,
- Collins,
- Davenport,

**Messrs. Guytier,**
- Hawkins,
- Haughton,
- Jones,
- Leathers,
- Littlejohn,
- Lord,
- Mangum,
- Mebane,
- Miller,
- Mills,
- Moore,
- McLean,
- Odom.
Those who voted in the negative, were

Messrs. Brogden, 
Burnin, 
Church, 
Cochran, 
Dunn, 
Ellis, 
Fleming, 
Foy, 
Golding, 
Harrison, 
Keener, 
Kelly,

The House then adjourned until to-morrow morning 10 o'clock.

Tuesday, Jan. 7, 1845.

Mr. T. H. Robinson, from the Committee on Agriculture, re-
ported a Bill, providing for an Agricultural, Geological and Mineralogical survey of the State.
Which was read the first time and passed.
The Bill to make Real Estate Assets, was taken up, and read the third time.
Mr. Poindexter moved to amend said Bill, by striking out the whole thereof, after the enacting clause, and inserting as an amendment, the printed Bill from the Senate, marked A.
And Mr. D. A. Barnes called for a division of the question.
The question being taken on striking out, was decided in the negative.
And the said Bill passed the third reading.
Ordered that said Bill be Engrossed.
The Bill to amend the 7th Section of Rev. Stat., entitled Guardian and Ward, was read the third time, passed, and ordered to be Engrossed.
The Engrossed Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same, was read the third time.
Mr. D. A. Barnes moved to amend said Bill in the second Section, by adding after the word "Principal," the words, "and their sureties."
This amendment was rejected.
And the question—Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 82, Nays 24.

Those who voted in the affirmative, were

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<td>Caldwell,</td>
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Those who voted in the negative, were

Messrs. D. A. Barnes, E. Barnes, J. Barnes, Brame, Collins, Cunningham, J. G. Dickson, Dunn, Edwards, Mangum, Martin, Odom, Richardson, Sanders, Scales, Shepard, Taliaferro,
Ordered that said Bill be Enrolled.

Received a message from the Senate, informing that the following Engrossed Bills, viz:

A Bill to secure to citizens of this State, the right of fishing in the navigable waters of this State;

A Bill to amend the 103d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property; and

A Bill to prevent obstructions in Hitchcock's Creek, in the County of Richmond,

Had been passed in that House, with sundry amendments; and asking the concurrence of this House.

The said amendments were read and concurred in.

A message from the Senate, informing that they had rejected the Engrossed Bill for the relief and benefit of Orphans.

And the Engrossed Bill to compel the Entry-taker of Union County to keep his office at the Court House in said County.

A message from the Senate, informing that they had passed the following Engrossed Bills, and asking the concurrence of this House, viz:

A Bill to make County Surveyors act as Processioners, in certain cases;

A Bill making further compensation to the Jurors of Northampton County;

A Bill declaratory of the meaning of the Act, entitled an Act, to aid the Internal Improvements of this State;

A Bill to authorize the holding of two additional Terms of the Court of Pleas and Quarter Sessions for the County of Catawba, at which there shall be no Jury Trials;

A Bill to amend an Act, entitled an Act, to authorize the laying out and establishing a Turnpike Road from the South Carolina line to Cain Creek Bridge, in Buncombe County;

A Bill to prevent Free Negroes and Mulattoes from trafficking in Ardent Spirits;

A Bill to locate the Court House in the County of Catawba, at the Town of Newton;
A Resolution in favor of William Ennett.
A Resolution directing the Literary Board to lend $1500 to the Asheville Boarding House Company; and
A Bill to authorize the payment of Tales Jurors in the County of Stokes.

The said Bills and Resolutions were read the first time and passed; and the last-named Bill was, on motion of Mr. Poindexter, ordered to be laid on the table.

The resignation of William Grey, as a Justice of the Peace of the County of Martin, was read and accepted.

The House then took a recess until 3 o'clock, P. M.

Three o'clock, P. M.

Received a message from the Senate, informing that they had passed the Engrossed Bill to consolidate and amend the Acts heretofore passed on the subject of Common Schools, and asking the concurrence of this House.

The said Bill was read the first time and passed.

Mr. T. Wilson, from the Committee on Claims, reported a Resolution in favor of the Commissioners of the Town of Wilmington.

Which was read the first time and passed.

Mr. Wilson, from the same Committee, reported favorably on the Resolution in favor of Justin Martindale;

The Resolution in favor of Reeder & Longee;

And the Resolution in favor of Samuel J. Finch.

These Resolutions were read the second and third times, passed, and ordered to be Engrossed.
Mr. Cherry, from the Committee on Education, reported unfavorably on the Resolution in favor of Rowan County. Said Resolution was amended on motion of Mr. J. Barnes. And Mr. Haughton moved that said Resolution be postponed indefinitely. The question thereon was decided in the affirmative—Yeas 85, Nays 19.

Those who voted in the affirmative, were

Messrs. Adams, Atkins, Barco, D. A. Barnes, Beaman, Bond, Brame, Brower, Brown, Bullock, Burgin, Caldwell, Calloway, Cherry, Church, Clayton, Cochran, Credle, Cunningham, Davenport, W. Dickson, Doak, Douthit, Ehringhaus, Emerson, Fagg, Fleming, Foy, Gambill, Gatling, Gee, George;

Those who voted in the negative, were

Messrs. E. Barnes,
J. Barnes,
Brogden,
Collins,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Harrison,
Kirk,

Messrs. Lenmond,
Mangum,
Martin,
Reinhardt,
Sanders,
Shepard,
White,
N. L. Williamson,
N. Wilson.—19.

Mr. Caldwell moved that the House do now take up the motion heretofore laid on the table, to re-consider the vote of the House, by which was rejected the Bill to establish a new County by the name of Graham.

And the question, Will the House re-consider said vote, was decided in the negative—Yea's 46, Nays 54.

Those who voted in the affirmative, were

Messrs. Atkins,
Brogden,
Brower,

Messrs. Hayes,
Keener,
Locke,
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**Those who voted in the negative, were**

**Messrs. Adams,**
- Barco,
- D. A. Barnes,
- E. Barnes,
- J. Barnes,
- Beaman,
- Bond,
- Brame,
- Bullock,
- Burgin,
- Collins,
- Cunningham,
- Davenport,
- J. G. Dickson,
- Dunn,
- Edwards,
- Ehringhaus,
- Gatling,

**Messrs. Lea,**
- Leathers,
- Lemmond,
- Littlejohn,
- Mangum,
- Martin,
- Mebane,
- Mitchell,
- McIntyre,
- McNeill,
- Nixon,
- Odom,
- Pratt,
- Rankin,
- Regan,
- Reinhardt,
- Richardson,
- Sanders,
The Engrossed Bill concerning a Penitentiary, was read the third time.
Mr. R. T. Paine moved to amend said Bill, by striking out the whole thereof, after the enacting clause, and inserting an amendment marked A.

The question on this motion was decided in the negative—Yea 3, Nays 97.

Those who voted in the affirmative, were

Messrs. Cherry, Mr. R. T. Paine.—3.
Littlejohn,

Those who voted in the negative, were

Messrs. Adams, Messrs. Keener,
Atkins, Kelly,
Barco, Kirk,
D. A. Barnes, Lea,
E. Barnes, Leathers,
J. Barnes, Lemmond,
Beaman, Locke,
Bond, Lord,
Brame, Mangum,
Bridgers, Martin,
Brodgon, Mebane,
Brower, Mills,
The question—Shall said Bill pass the third reading, was decided in the affirmative.

Ordered that the concurrence of the Senate be asked in the amendments heretofore made.
The Resolution directing the collection of the Bonds due the President and Directors of the Literary Fund, was read the third time.

And the question—Shall said Bill pass the third reading, was decided in the affirmative—Yea 52, Nay 42.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
J. Barnes,
Bond,
Brame,
Brogden,
Brower,
Bullock,
Burgin,
Caldwell,
Calloway,
Cherry,
Clayton,
Cochran,
Credle,
Davenport,
J. G. Dickson,
Douthit,
Edwards,
Ellis,
Gambill,
Gee,
George,
Golding,
Griff,
Guyther,

Messrs. Harris,
Harrison,
Hawkins,
Jackson,
Keener,
Kelly,
Littlejohn,
Locke,
McLean,
McNair,
R. T. Paine,
Perkins,
Phifer,
Regan,
Richardson,
Roane,
T. Robinson,
Rush,
Sanders,
Street,
Trull,
Washington,
Watters,
N. L. Williamson,
N. Wilson,
T. Wilson.—52.

Those who voted in the negative, were

Messrs. Atkins,
D. A. Barnes,
E. Barnes,

Messrs. Leathers,
Lemmon,
Lord,
Ordered that said Resolution be Engrossed.

The Engrossed Bill to amend the Revised Statutes, entitled Courts of Equity, was read the second time and rejected.

Mr. Lord, from the Committee on Propositions and Grievances, reported a Bill to amend the 59th Chapter of the Revised Statutes, and 49th Section of said Act.

Which was read the first time and passed.

The Bill to amend 13th Section of the 102d Chapter of the Revised Statutes, was read the second time; and on motion of Mr. Brogden, indefinitely postponed.

The Bill to alter the time of holding the Superior Courts of Law and Equity for the Counties of Guilford, Rockingham and Orange, was read, and on motion of Mr. Mebane, laid on the table.

The following Protest of Mr. Fleming, was, on his motion, ordered to be spread on the Journal:

"The undersigned, being unable to subscribe to the Resolution authorizing the Treasurer to borrow upon the credit of the State, $150,000, to meet her liabilities as security for the Rail Roads, would most respectfully beg leave to state his objections on the Journals, viz:

He is decidedly opposed to authorizing the State, by pledging the property of her citizens, to borrow any amount of money at an interest of 6 per cent., when the same may be had at 4 or 4 1/2 per cent., upon State security, thereby (in case the money is borrowed from the Banks,
as the Resolution allows,) taxing our citizens about $3000 annually, for the benefit of said Bank, beyond what is actually necessary. It further provides not only for the payment of the debt falling due on the first day of January next, (which perhaps is justifiable from necessity,) but without suggesting any means for its discharge, authorizing additional loans for the succeeding year, and still no provision for their re-payment.

I must therefore look upon this Resolution as a staving off of responsibility upon some succeeding Legislature, to provide not only to meet the principal, but its accumulated interest, when our citizens may be in no better condition to meet the increased and increasing debt. Why have not those who have had charge of the matter, introduced some Bill imposing duties upon luxuries, or issuing Treasury notes to meet this responsibility, before this late day in the Session, if they have it under contemplation? By a Resolution of both Houses, we adjourn on Monday next, and as yet no provision has been made to meet any liabilities, but by borrowing. In my humble opinion, we had better discharge the debt by providing some suitable means for its extinguishment, than by transferring it to a Bank; and let us in future profit by the bitter experience of the past, and keep clear of endorsing for insolvent Companies when the industry of the country has to suffer by the experiment.

States, like individuals, can testify to the sad reality of borrowing, or making one debt discharge another, is inevitably followed by bankruptcy and ruin. And this principle, if once adopted, will ere long end in the destruction of our School Fund, and consequently deprive the poorer class of our population of those charitable means of instruction now provided by law.

The undersigned can therefore sanction no course which must visit its misfortunes upon that class of people most entitled to our consideration.

Respectfully submitted,

SAMUEL FLEMING.

Dec. 30, 1844."

The House now took a recess till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr. Waddill presented a Resolution in favor of Thos. W. Cash.
Which was read the first time and passed, and referred to a Select Committee, consisting of Messrs. Waddill, Atkins and Odom.

Mr. Harrison, who voted in the majority, moved that the House do now reconsider their vote of this day, by which was passed the Resolution directing the collection of Bonds due the President and Directors of the Literary Fund.

The question on reconsidering this vote, was decided in the negative—Yeas 42, Nays 51.

Those who voted in the affirmative, were

**Messrs. D. A. Barnes,**
Beaman,
Bridgers,
Brogden,
Brown,
Bullock,
Church,
Collins,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Hackney,
Hamrick,
Harrison,
Jackson,
Jones,
Kirk,
Lea,
Littlejohn,

**Messrs. Lord,**
Mangum,
Martin,
Mitchell,
McIntyre,
McNair,
McNeill,
Phifer,
Rankin,
Reinhardt,
Richardson,
Scales,
Shaw,
Stone,
Taliafero,
Watters,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
Woodward.—42.

Those who voted in the negative, were

**Messrs. Adams,**
Barco,
J. Barnes,
Bond,

**Messrs. Keener,**
Kelly,
Leathers,
Locke,
The Engrossed Bill, to consolidate and amend the Acts heretofore passed on the subject of Common Schools, was read the second time, and amended on motion of Mr. Brown.

Mr. Cochran moved to strike out from the first section, the words, "Federal Population."

The question thereon was decided in the negative—Yea's 33, Nays 60.

Those who voted in the affirmative, were

Those who voted in the negative, were

Messrs. Adams, Atkins, Barco, D. A. Barnes, J. Barnes, Beaman, Bond, Brame, Bridgers, Brogden, Bullock, Cherry, Collins, Credle, Davenport, W. Dickson, J. G. Dickson, Doak, Dunn, Edwards, Emerson, Gatling, Gee, Hackney, Harris, Harrison, Haughton, Hawkins, Jackson, Jones,

Rush, Scales, Shaw, Taliaferro, Thrash, Trull, White, N. Wilson.—33.

The question, Shall the said Bill pass the second reading, was decided in the affirmative.

On motion, the said Bill was read the third time and passed.

Ordered, that the concurrence of the Senate be asked in the amendment heretofore made.

Mr. Stone moved to re-consider the vote, by which was passed the third reading, the Engrossed Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

And Mr. Caldwell moved that this motion be postponed till the 4th March next.

This question was decided in the affirmative—Yeas 67, Nays 27.

Those who voted in the affirmative, were

Mr. Atkins, from the Select Committee to whom was referred the Resolution in favor of Thomas W. Cash, reported the same without amendment.

When the said Resolution was read the second time and passed, Mr. Caldwell moved to amend the same, by adding a Proviso.

Which was agreed to, and the question, Shall the said Resolution pass the third reading, was decided in the affirmative—Yeas 58, Nays 34.
Those who voted in the affirmative, were

Messrs. Atkins,
Barco,
D. A. Barnes,
Burgin,
Caldwell,
Church,
Cherry,
Clayton,
Coehran,
W. Dickson,
Doak,
Douthit
Fagg,
Fleming,
Gatling,
Gee,
George,
Golding,
Graves,
Hackney,
Harris,
Haughton,
Hawkins,
Hayes,
Jackson,
Keener,
Kirk,
Lea,
Littlejohn,

Messrs. Locke,
Lord,
McBanc,
Mills,
Moore,
McNair,
Nixon,
Odom,
R. T. Paine,
C. L. Payne,
Phifer,
Pratt,
Rankin,
Regan,
Reid,
Roane,
Sanders,
Scales,
Shepard,
Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
White,
Wilder,
R. P. Williamson,
Woodward.—58.

Those who voted in the negative, were

Messrs. Adams,
J. Barnes,
Beaman,
Bond,
Brame,
Brogdan,

Messrs. Hamrick,
Harrison,
Jones,
Kelly,
Leathers,
Mangum,
Ordered that said Resolution be Engrossed.

Received a message from the Senate, informing that they had passed the Engrossed Bill to provide for the re-organization of the Portsmouth and Roanoke Rail Road Company, with an amendment, and asking the concurrence of this House.

Mr. Washington moved that the said proposed amendment and the said Bill be postponed indefinitely.

And this question was decided in the affirmative—Yea 58; Nays 41.

Those who voted in the affirmative, were

Messrs. Atkins, J. Barnes, Beaman, Brame, Brogden, Brower, Bullock; Cochran, Collins, Credle, Cunningham, J. G. Dickson, Doak, Dunn,  

Messrs. Kelly, Kirk, Lea, Mangum, Martin, McIntyre; McNeill, Nixon, Pratt, Rankin; Regan, Richardson; Roane, Rush,
Those who voted in the negative, were

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Received a message from the Senate, informing that they had passed the Engrossed Bill to authorize the removal of the County seat in Wayne County, from the Town of Waynesboro', to the Village of Goldsboro', in said County of Wayne, in the event the people of said County shall vote for such removal; and asking the concurrence of this House.

Said Bill was read the first time and passed.

On motion, leave of absence was granted to Mr. Reid from and after Wednesday next.

And to Mr. T. Wilson, from and after Thursday next.

Received a message from the Senate, informing that they insist upon their amendment to the Engrossed Bill for the appointment of Engrossing Clerks.

Ordered that the Commons insist upon their disagreement to said amendment; and ask a Committee of Conference on the disagreeing votes of the two Houses.

The Bill to prevent obstructions to the free navigation of the waters of this State, was read the second time.

Mr. Ellis moved to lay the said Bill upon the table.

The question thereon was decided in the negative—Yea's 32, Nays 59.

Those who voted in the affirmative, were

Messrs. Atkins, Brame, Bullock, Collins, Cunningham, J. G. Dickson, Edwards, Ellis, Fleming, Graves, Hamrick, Harris, Harrison, Hawkins, Kirk, Lea, M

Those who voted in the negative, were

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Mr. Fleming moved that the House do re-consider their vote, postponing indefinitely, the Senate's amendment to the Engrossed Bill, to provide for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Which motion to re-consider was laid on the table.

Mr. moved that the Bill to prevent obstructions to the free navigation of the waters of this State, be postponed indefinitely.
This question was decided in the negative.
And pending the question, on the passage of the Bill the second reading, the House adjourned until to-morrow morning 10 o'clock.

Wednesday, Jan. 8, 1845.

Mr. Caldwell presented a Resolution concerning the Doorkeepers.
Which was read the first, second, and third times, passed, and ordered to be Engrossed.
Mr. Littlejohn, from the Select Committee raised on that part of the Governor's Message relating to Asylums, made a report accompanied by a Bill, to provide for the Education and maintenance of the poor and destitute Deaf Mutes and Blind persons in the State.
The said Bill was read the first time and passed.
And the said report was, on motion of Mr. R. T. Paine, ordered to be printed.
Mr. Littlejohn, from the same Committee, reported a Bill for the establishment of a Lunatic Asylum.
Which was read the first time and passed.
Mr. Poindexter asked and obtained leave to withdraw from the files, the map connected with the memorial from Milton, and the certificate referred to in the petition of Risque.
Received a message from the Senate, agreeing that the two Houses shall adjourn sine die on Thursday next, as proposed by this House.
Received a message from the Senate, transmitting Reports from the majority and minority of the Joint Select Committee raised on the Communication of His Excellency, Governor Morehead, of 30th Dec. 1841, relating to the Correspondence between the Governor and John H. Wheeler, Public Treasurer.

The report of the majority of the Committee was read and concurred in.

On motion of Mr. Atkins, the report of the minority was read. And Mr. Fleming moved that the letter of John H. Wheeler, accompanying said minority report, be also read.

Mr. T. H. Robinson moved that the motion of Mr. Fleming be laid on the table.

And this motion prevailed—Yeas 60, Nays 47.

Yeas and Nays demanded by Mr. N. Wilson.

Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmond,
Mangum,
Martin,
Mitchell,
McIntyre,
McNair,
McNeill,
Nixon,
Rankin,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—47.

Mr. Ellis moved that these reports, together with the accompanying papers, be printed.
And Mr. Caldwell moved that the motion of Mr. Ellis be laid on the table.
And this motion prevailed—Yeas 58, Nays 47.

Those who voted in the affirmative, were

Messrs. Adams, 
Barco, 
Brower, 
Brown, 
Burgin, 
Caldwell, 
Calloway, 
Cherry, 
Church, 
Clayton, 
Cochran, 
Credle, 
Davenport, 
W. Dickson, 
Doak, 
Douthit, 
Ehringhaus, 
Emerson, 
Fagg, 
Gambill, 
Gee, 
George, 
Golding, 
Grist, 
Guyther, 
Hackney, 
Harris, 
Haughton, 
Hayes, 

Messrs. Keener, 
Leathers, 
Littlejohn, 
Locke, 
Lord, 
Mebane, 
Moore, 
McLean, 
McNair, 
Odom, 
R. T. Paine, 
C. L. Payne, 
Perkins, 
Phifer, 
Poindexter, 
Pratt, 
Regan, 
Reid, 
Roane, 
T. Robinson, 
Rush, 
Street, 
Thrash, 
Trull, 
Waddill, 
Washington, 
Watters, 
Whitchurch, 
T. Wilson—58.

Those who voted in the negative, were

Messrs. Atkins, 
E. Barnes, 
D. A. Barnes, 
J. Barnes, 

Messrs. Lea, 
Lemmond, 
Mangum, 
Martin,
Received a message from the Senate, informing that they insist on the amendment marked A, to the Engrossed Bill supplemental to an Act passed at the last Session of the General Assembly, entitled an Act to lay off and establish a County by the name of McDowell.

Ordered that the House do recede from their disagreement to said amendment.

Received a message from the Senate, refusing to concur in the amendment made by this House, to the Engrossed Bill to prevent the levying of Executions upon Growing Crops, until said Crops are matured.

Ordered that the House do recede from their said amendment.

Ordered that said Bill be Enrolled.

Received a message from the Senate, informing that they had reconsidered their vote, rejecting the Engrossed Bill to revive and continue in force an Act passed in 1811, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in
Buncombe County; and that they had passed said Bill with an amendment transmitted, marked A; and asking the concurrence of this House.

The said amendment was read and concurred in.

A message from the Senate, informing that they had passed the Engrossed Bill, to change the place of holding the County Courts of McDowell County, with an amendment marked A, and asking the concurrence of this House.

The amendment was read and concurred in.

A message from the Senate, informing that they had passed the Engrossed Bill, to alter the time of holding the Superior Courts of the Counties of Rockingham and Guilford, was read the first, second and third times, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

Received a message from the Senate, informing that they agree to the amendments made by this House to the Engrossed Resolution in relation to a National Flag;

Also, the Engrossed Bill concerning a Penitentiary;

Also, the Engrossed Bill to consolidate and amend the Acts heretofore passed on the subject of Common Schools.

Ordered that said Bills be Enrolled.

Also, the Engrossed Bill to regulate the 70th and 71st Regiments of North Carolina Militia.

The Engrossed Bill to repeal a part of an Act of the General Assembly, Rev. Stat., Chap. 89, Sec. 1, as to the time and manner of electing Wardens of the Poor, so far as relates to Northampton County;
The Bill to amend the 103d Chap. Rev. Stat, entitled an Act concerning the improvement of Rivers and Creeks—to prevent obstruction to their navigation;

And the Bill to revive and continue in force an Act passed at the Session of 1831–2, entitled an Act to re-enact and extend the provisions of an Act passed in the year 1829, entitled an Act, to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes; and asking the concurrence of this House.

These Bills were read the first, second and third times, passed, and ordered to be Enrolled.

The House then took a recess till 3 o'clock, P. M.

THREE o'clock, P. M.

On motion, leave of absence from the service of the House, from and after to-morrow, was granted to Messrs. Jones and Barco.

Mr. Roane presented a Bill to amend an Act passed in 1843, entitled an Act to incorporate the Nantahala Turnpike Company.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

A message from the Senate, informing that they had postponed indefinitely the following Engrossed Bills, viz:

A Bill to amend the Act of 1792, and other subsequent Acts, in relation to the Charter of the City of Raleigh;

A Bill to authorize William Bland, of Chatham County, to construct a Dam across Haw River, and to erect a Mill thereon;

And a Bill for the relief and benefit of Orphans.

The Resolution in favor of the Commissioners of the Town of
Wilmington, and others, was read the second and third times, passed, and ordered to be Engrossed.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the petition of the Heirs of John Pintard, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

The Bill to amend an Act, entitled an Act concerning Hunting, was read the second time and indefinitely postponed.

A message from the Senate, informing that they had passed the Engrossed Bill, fixing the Tolls in future for crossing Davis' Bridge, over Rockfish Creek, on the line between the Counties of Robeson and Cumberland; and asking the concurrence of this House.

The said Bill was read and rejected.

On motion, the House proceeded to the consideration of the question raised on the motion to reconsider the vote of yesterday, postponing indefinitely the amendment made by the Senate, to the Engrossed Bill providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

And the question—Will the House reconsider that vote, was decided in the affirmative—Yea 52, Nays 51.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Bridgers,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Cradle,
Davenport,
W. Dickson,

Messrs. Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Ehringhaus,  Poindexter,
Fagg,    Reid,
Foy,    Roane,
Gambill,    T. Robinson,
Gee,    Street,
Golding,    Thrash,
Grist,    Tiull,
Guyther,    Waddill,
Hackney,    Watters,
Haughton,    Whitehurst,
Hayes,    R. P. Williamson,
Keener,    T. Wilson.—52:

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Brower,
Bullock,
Cochran,
Collins,
Cunningham,
J. G. Dickson,
Doak,
Dunn,
Edwards,
Ellis,
Emerson,
Fleming,
Gatling,
George,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,

Messrs. Kirk,
Lex,
Lemmond,
Mangum,
Martin,
Mitchell,
McIntyre,
McNeil,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
Washington,
White,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—51.
The question recurring on the motion to postpone indefinitely the said amendment, the said Bill was decided in the negative—Yeas 48, Nays 53.

Those who voted in the affirmative, were

Messrs. Atkins,  
E. Barnes,  
J. Barnes,  
Beaman,  
Brame,  
Brogden,  
Bullock,  
Cunningham,  
J. G. Dickson,  
Dunn,  
Edwards,  
Ellis,  
Fleming,  
Gauling,  
George,  
Graves,  
Hackney,  
Hamrick,  
Harris,  
Harrison,  
Hawkins,  
Jones,  
Kelly,  
Kirk,  

Messrs. Lea,  
Leemond,  
Mangum,  
Martin,  
Mitchell,  
McIntyre,  
McNeill,  
Nixon,  
Rankin,  
Regan,  
Reinhardt,  
Richardson,  
Sanders,  
Scales,  
Shaw,  
Shepard,  
Stone,  
Taliafero,  
Washington,  
White,  
Wilder,  
N. L. Williamson,  
N. Wilson,  
Woodward.—48.

Those who voted in the negative, were

Messrs. Adams,  
Barco,  
D. A. Barnes,  
Bond,  

Messrs. Leathers,  
Littlejohn,  
Locke,  
Lord,
The question now being—Will the House concur in the said amendment of the Senate to the said Bill, was decided in the affirmative—Yeas 85, Nays 10.

Those who voted in the affirmative, were

Messrs. Adams, Atkins, Barco, D. A. Barnes, J. Barnes, Beaman, Messrs. Hawkins, Hayes, Jones, Keener, Kelly, Lea,
Those who voted in the negative, were

Messrs. E. Barnes, George,

Messrs. Mitchell, R. T. Paine,
The Resolution in favor of Adrian H. Van Bokkelin, was read the second and third times and passed.

And the Resolution in favor of Samuel J. Finch, was read the third time and passed.

A message from the Senate, informing that they had passed the Engrossed Bill to amend an Act, entitled an Act, to provide for the collection and management of a Revenue for this State.

And the Engrossed Bill to amend an Act, to incorporate the Town of Shelby, and for other purposes, and asking the concurrence of this House.

The said Bills were read the first, second and third times, passed, and ordered to be Enrolled.

A message from the Senate, informing that they had passed the Engrossed Bill, to provide for the Education and maintenance of the poor and destitute Deaf Mutes and Blind persons in the State, and asking the concurrence of this House.

The said Bill was read the first and second times, and passed.

The Resignations of William Dryton and Thomas Howell, Justices of the Peace for Yancy County, were read and accepted.

Received a message from the Senate, informing that they had passed the Engrossed Resolution, authorizing the employment of assistant Engrossing Clerks, and asking the concurrence of this House.

The said Resolution was read three times, and ordered to be Enrolled.

A message from the Senate, proposing that the two Houses do adjourn sine die, on to-morrow morning at 7 o'clock.

Ordered that said message do lie on the table.

On motion, leave of absence was granted to Messrs. Perkins, Credle and Davenport, after to-morrow.

Mr. Caldwell asked and obtained leave to withdraw from the files of the House, the Petitions from Burke in relation to the laying out of a new County, from a portion of her limits.

Received a message from the Senate, informing that they had
passed the Engrossed Bill to provide for making a survey from Raleigh to Fayetteville, West to the Georgia line, and asking the concurrence of this House.

The said Bill was read the first and second times, and passed. The Bill was again read the third time, and the question, Shall said Bill pass the third reading, was determined in the affirmative—Yeas 46, Nays 46.

The Speaker voting in the affirmative.

Those who voted in the affirmative, were

Messrs. Bond,        Messrs. Keener,
Brower,       Lea,
Burgin,       Littlejohn,
Caldwell,    Lord,
Calloway,    Moore,
Cherry,       McLean,
Church,       McNair,
Cochran,     McNeill,
Credle,       Nixon,
W. Dickson,  R. T. Paine,
Doak,         C. L. Payne,
Emerson,      Poindexter,
Fagg,         Regan,
Foy,          Reid,
Gambill,     Roane,
Gee,          T. Robinson,
George,       Shaw,
Graves,       Street,
Guyther,     Trull,
Hackney,     Waddill,
Harris,       Washington,
Haughton,     Watters,
Hayes,       Whitehurst.—46.

Those who voted in the negative, were

Messrs. Atkins,—        Messrs. Kirk,—
Barco,—        Leathers,—
J. Barnes,—        Lemmond,—
The House then took a recess until 7 o'clock, P. M.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, viz:

A Bill to authorize the Court of Pleas and Quarter Sessions of Pitt County to appoint special Justices, and making compensation to such Justices, for certain services;
A Bill to repeal an Act passed in the year 1825, concerning Fire Companies in the Town of Fayetteville;
And a Resolution authorizing R. W. Ashton to enclose a State lot in the City of Raleigh;
And asking the concurrence of this House
The said Bills and Resolution were read the first, second and third times, passed, and ordered to be Enrolled.
On the passage of the Resolution authorizing R. W. Ashton to enclose a State lot in the City of Raleigh, the third reading, the Yeas and Nays were demanded; and the vote was—Yea 64, Nays 13.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Cradle,
Cunningham,
W. Dickson,
Doak,
Dunn,
Ellis,
Emerson,
Pagg,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guyther,
Hackett,
Those who voted in the negative, were

Messrs. E. Barnes,
J. Barnes,
Brame,
Brogden,
Bullock,
J. G. Dickson,
Edwards,

Messrs. Hawkins,
Kelly,
Perkins,
Sanders,
Taliasfero,
N. Wilson.—13.

Received a message from the Senate, informing that they had passed the Engrossed Resolution, authorizing the Governor to employ Counsel in behalf of the State, whenever the public interest shall require; and asking the concurrence of this House.

The said Resolution was read three times, passed, and ordered to be Enrolled.

A message from the Senate, concurring in the amendments of this House, to the Engrossed Resolution on the subject of memorializing Congress to rebuild the Branch Mint at Charlotte;

And also, the Engrossed Bill to alter the time of holding the Superior Courts of Law and Equity for the Counties of Rockingham and Guilford.

A message from the Senate, informing that they had passed the Engrossed Preamble and Resolutions concerning John H. Wheeler, Public Treasurer, with an amendment marked A; and asking the concurrence of this House.
The said amendment was read, and the House decided that they would not concur therein.

A message from the Senate, informing that they had passed the Engrossed Resolution, appropriating $1000 for the purchase of Furniture for the Governor's House, and asking the concurrence of this House.

The said Resolution was read three times, passed, and ordered to be Enrolled.

The Engrossed Resolution in favor of John H. Wheeler, Public Treasurer, was read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill to alter the time of holding Courts, was, on motion of Mr. Trull, indefinitely postponed.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Bill to amend an Act concerning the improvements of Rivers and Creeks, and to prevent obstructions to their navigation.

When said Bill was, on motion, laid upon the table.

The Bill to repeal the Acts relating to the manner in which Licenses shall hereafter be issued to retailers in New Hanover and Richmond;

The Resolution concerning the Printing of the Inaugural Addresses of the Governors of the State;

Were each read the second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill to authorize the holding of two additional Terms of the Courts of Pleas and Quarter Sessions, in and for the County of Catawba, at which there shall be no Jury Trials;

And the Engrossed Resolution in favor of John A. Averett, Sheriff of Onslow County;

Were each read the second and third times, passed, and ordered to be Enrolled:

Received a message from the Senate, informing that they had passed the Engrossed Bill to locate the Residences of the Judges hereafter to be elected, and asking the concurrence of this House.

The said Bill was read the first time and passed.

The Bill was again read the second time, and on motion, the further consideration thereof was postponed till 6th of March next.

—Yeas 51, Nays 48.
Those who voted in the affirmative, were

Messrs. Brower,
Brown,
Bullock,
Calloway,
Church,
Cochran,
Cunningham,
W. Dickson,
Doak,
Ellis,
Fleming,
Gambill,
George,
Golding,
Graves,
Hackney,
Hamrick,
Harrison,
Haukton,
Hawkins,
Kirk,
Lea,
Leathers,
Littlejohn,
Lord,
Mangum,

Messrs. Martin,
Mebane,
Miller,
McLean,
McNair,
Nixon,
C. L. Payne,
Phifer,
Pinckney,
Pratt,
Regan,
Reid,
Reinhart,
T. Robinson,
Scales,
Sheppard,
Stone,
Street,
Taliafero,
Trull,
Waddill,
White,
Wilder,
R. P. Williamson,
N. Wilson.—51.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,

Messrs. Gatling,
Gee,
Gnyther,
Hayes,
Jones,
Keener,
Kelly,
Received a message from the Senate, informing that they insist on their amendment made in the Resolution relating to John H. Wheeler, Public Treasurer.

Mr. Moore moved that the House do adhere to their disagreement to the Senate's amendment to the said Resolution.

And the question—Will the House so adhere, was decided in the affirmative—Yea 47, Nays 13.

Those who voted in the affirmative, were

**Messrs. Adams,**  
Barco,  
D. A. Barnes,  
Brower,  
Brown,  
Burgin,  
Caldwell,  
Cherry,  

**Messrs. Harris,**  
Haughton,  
Hayes,  
Leathers,  
Littlejohn,  
Lord,  
Mebane,  
Moore,  

**Messrs. Moore,**  
McIntyre,  
McNeill,  
Odom,  
R. T. Paine,  
Perkins,  
Richardson,  
Roane,  
Sanders,  
Shaw,  
Thrash,  
Washington,  
Watters,  
Whitehurst,  
N. L. Williamson,  
Woodward.—48.
Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
J. G. Dickson,
Dunn,
Edwards,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmon,
Mangum,
Martin,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—43.
The Engrossed Bill to provide for the Education and maintenance of the poor and destitute Deaf Mutes and Blind persons in this State, was read the third time.

And the question—Shall said Bill pass the third reading, was decided in the affirmative—Yea 51, Nays 44.

Those who voted in the affirmative, were

Messrs. Adams, Atkins, D. A. Barnes, Brower, Brown, Bullock, Burgin, Caldwell, Calloway, Cochran, Credle, W. Dickson, Doak, Emerson, Fagg, Fleming, Gambill, George, Golding, Guyther, Harris, Haughton, Hayes, Jones, Keener, Leathers,


Those who voted in the negative, were

Ordered that said Bill be Enrolled.

The Bill to appoint Commissioners for the Town of Rockford, in the County of Surry, was read the second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill to locate the Court House in the County of Catawba, at the Town of Newton;

The Engrossed Bill to incorporate Washington Academy, in the County of Duplin;

And the Engrossed Resolution in favor of William Ennett; Were each read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, to prevent fraud in levying Executions issued by a single Magistrate, upon lands, &c. was read the second and third time, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

The Resolution in favor of Wyche & Hawkins, was read the second time and rejected.

A message from the Senate, informing that they had rejected
the Engrossed Bill to lay off a public Road in Cherokee County, and to make an appropriation for the same.

And had also rejected the Engrossed Bill to make Real Estate Assets.

And also the Engrossed Resolutions in favor of the Fourth Instalment.

The House then adjourned until to-morrow morning 10 o'clock.

Thursday, Jan. 9, 1845.

The Resolution for enclosing the Capitol Square, was read the second time and passed; and the said Resolution was read the third time.

And the question—Shall the said Resolution pass the third reading, was decided in the negative—Yea 29, Nays 47.

Those who voted in the affirmative, were

Messrs. D. A. Barnes, Bond, Bridgers, Burgin, Cochran,

Messrs. Mebane, Mitchell, Moore, McLean, R. T. Paine,
Cunningham,  
Doak,  
Ellis,  
Emerson,  
George,  
Harris,  
Keener,  
Littlejohn,  
Lord,  
Mangum,  

Phifer,  
Poindexter,  
Reid,  
Shepard,  
Washington,  
Watters,  
White,  
Wilder,  
Woodward.—29.

Those who voted in the negative, were

Messrs. Adams,  
Atkins,  
E. Barnes,  
J. Barnes,  
Beamam,  
Brame,  
Brogden,  
Brower,  
Brown,  
Calloway,  
Collins,  
Credle,  
J. G. Dickson,  
Dunn,  
Edwards,  
Pagg,  
Fleming,  
Gambill,  
Gatling,  
Golding,  
Hackney,  
Hamrick,  
Harrison,  
Kelly,  

Messrs. Kirk,  
Leathers,  
Lemmond,  
Martin,  
McIntyre,  
McNeill,  
Nixon,  
Perkins,  
Pratt,  
Rankin,  
Regan,  
Reinhart,  
Roane,  
Scales,  
Shaw,  
Stone,  
Street,  
Taliafero,  
Thrash,  
Trull,  
Whitehurst,  
N. L. Williamson,  
N. Wilson.—47.

The Bill to amend the 59th Chapter of the Rev. Stat. and 49th
Section of said Act, was read the second and third times, amended and passed, and ordered to be Engrossed.

On motion,

**Ordered**, That a message be sent to the Senate, proposing that the two Houses do adjourn to-morrow, at 7 o'clock.

The Bill to restrain Notaries from exacting exorbitant fees for their services, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to repeal an Act passed in the year 1812, entitled an Act, to repeal an Act passed in the year 1835, entitled an Act to abolish the office of County Trustees in the County of Moore, and for other purposes;

The Bill to prevent Free Negroes and Mulattoes from trafficking in Ardent Spirits;

And the Resolution relating to the Cherokee Indians residing in North Carolina;

Were each read the second and third times, passed, and ordered to be Engrossed.

The Resolution relating to the State Library, was read the second and third times, amended and passed, and ordered to be Engrossed.

Received a message from the Senate, informing that they adhere to their amendment marked A, to the Engrossed Resolution in relation to the Public Treasurer.

The Engrossed Resolution in favor of the Students of the Raleigh Academy, was read the second time, and on motion, laid on the table.

A message from the Senate, agreeing to the amendments of this House, to the Engrossed Bill to prevent Frauds in levying Executions issued by a single Magistrate.

Ordered that said Bill be Enrolled.

Received a message from the Senate, informing that they had passed the Engrossed Bill to incorporate the Mining, Manufacturing and Land Association.

And also, a Bill supplemental to an Act passed by the present General Assembly, entitled an Act to attach that part of Carteret County known as Ocracoke, to Hyde.

Also, the Engrossed Resolution authorizing the Governor to
foreclose the Mortgage executed by the Club Foot and Harlow's Creek Canal Company; and asking the concurrence of this House.

The said Bills and Resolutions were each read three times, passed, and ordered to be Enrolled.

The Engrossed Bill to confirm a sale by James W. Guinn, Agent for the State, was read the second and third times, amended, and passed.

Ordered that the concurrence of the Senate be asked in said amendment.

The Bill providing for an Agricultural, Mineralogical and Geological Survey of the State, was read, and on motion of Mr. N. Wilson, indefinitely postponed.

The Engrossed Resolution in favor of the Students of the Raleigh Academy, was, on motion of Mr. Washington, re-considered, read the second and third times, passed, and ordered to be Enrolled.

Mr. R. T. Paine moved that the House do now re-consider their vote, by which was passed the third reading, the Engrossed Resolution in favor of John H. Wheeler, Public Treasurer.

Mr. Ellis moved that this motion to reconsider be laid upon the table.

And this motion prevailed.

The Engrossed Bill to provide for the removal of the obstructions to the navigation of Roanoke River, occasioned by the erection of the Petersburg Rail Road Bridge across the same, was read the second time and amended.

And the question—Shall said Bill pass, was decided in the affirmative—Yea 63; Nays 7.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
E. Barnes,
J. Barnes;

Messrs. Lea,
Lemmond,
Littlejohn,
Lord,
Those who voted in the negative, were

Messrs. D. A. Barnes, Hackney, Haughton, Moore,

Mssrs. Shepard, Street, Watters.—7.

The House then took a recess until 3 o'clock, P. M.
THREE o’CLOCK, P. M.

Mr. Reid presented a Resolution relating to the Estimates of Allowances.

Which was read three times, passed, and ordered to be Engrossed.

On the passage of this Bill the third reading, Mr. Littlejohn demanded the Yeas and Nays.

And the vote was—Yea 71, Nay 3.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
D. A. Barnes,
E. Barnes,
Beaman,
Bond,
Brame,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Church,
Cochran,
Collins,
Credle,
Cunningham,
W. Dickson,
J. G. Dickson,
Doak,
Dunn,
Edwards,
Ellis,
Emerson,
Fagg,
Fleming,
George,
Golding,
Grist,

Messrs. Lemmond,
Mangum,
Martin,
Mebane,
Miller,
Mitchell,
McLean,
McNeill,
Odum,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Rankin,
Regan,
Reid,
Reinhardt,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Street,
Taliaferro,
Thrash,
Washington,
Watters,
Those who voted in the negative, were

Messrs. Keener, Leathers,  
Mr. Littlejohn. — 3.

Received a message from the Senate, informing that they had passed the Engrossed Bill in addition to the Revised Statutes, entitled Wills and Testaments, and to amend the same; and to repeal part of the 15th Section of Revised Statutes, entitled Lands of Deceased Debtors, with an amendment, and asking the concurrence of this House.

The said amendment was read and concurred in.

A message from the Senate, informing that they had passed the Engrossed Bill for the more speedy administration of justice, and asking the concurrence of this House.

The said Bill was read three times, passed, and ordered to be Enrolled.

A message from the Senate, concurring in the amendments made by this House, to the Engrossed Bill to confirm a sale by James W. Guinn, Agent for the State.

The Bill to amend an Act passed at the Session of the Legislature of 1840-1, entitled an Act for the establishment and better regulation of Common Schools, was read, and on Mr. Moore's motion, postponed indefinitely.

A message from the Senate, informing that they had passed the Engrossed Bill to amend 59th Chapter of Revised Statutes, and 49th Section of said Act, with an amendment, and asking the concurrence of this House.
The said amendment was read and concurred in.

The Engrossed Bill to abolish the Board of Internal Improvement, and for other purposes, was read and postponed indefinitely.

The Bill to make Real Estate Assets in certain cases, was read the second time and laid upon the table.

The Bill to amend an Act passed at the last Session of the General Assembly, entitled an Act to amend an Act concerning Coroners;

The Resolutions relating to the History of the State, were read the second and third times, passed, and ordered to be Engrossed.

The Bill to authorize the several Banks in this State to issue notes of a less denomination than three dollars;

And the Resolution in favor of John I. Pasteur;

Were each read the second time, and rejected.

The Bill to amend the 30th Section of the 105th Chapter of the Revised Statutes, concerning Salaries and Fees, was read the second time and rejected.

The Bill to prevent the obstruction to the passage of fish up Fishing Creek, was read the second and third times, passed, and ordered to be Engrossed.

On motion, leave was granted to Messrs. Reid, Kirk and George, to withdraw from the files, the petitions and papers by them respectively presented, in regard to the establishment of the new Counties named Graham and Williams.

The Bill to prevent Fraudulent Voting, was read the second and third times, amended and passed, and ordered to be Engrossed.

The Bill to amend the 2d Section of the 56th Chapter of the Revised Statutes, entitled an Act concerning Hunting, was read, and on motion of Mr. Cunningham, postponed until the 4th March next.

The Bill for the establishment of a Lunatic Asylum, was read the second time and rejected.

The Engrossed Bill concerning the Agents of Cherokee Lands, was read the second and third times, passed, and ordered to be Enrolled.

A message from the Senate, concurring in the amendments made by this House, to the Engrossed Bill to provide for the removal of the obstructions to the navigation of Roanoke River, occasioned by the erection of the Petersburg Rail Road Bridge across the same.

Ordered that said Bill be Enrolled.
The Bill to amend the 10th Section of 45th Chapter Revised Statutes, was read the second and third times, passed, and ordered to be Enrolled.

The Bill to amend an Act for the establishment and better regulation of Common Schools, was read, and on motion of Mr. Scales, postponed indefinitely.

The Bill to establish and regulate a Turnpike Road in the County of Macon, to be called the Tennessee River Turnpike Road, was read the second and third times, passed, and ordered to Engrossed.

The Bill to appoint Commissioners to examine and lay off a Road in the County of Wilkes;

And the Bill to increase the fees of Constables, in the County of Granville;

Were severally read, and laid on the table.

The Engrossed Resolution directing the Literary Board to lend $1500 to the Asheville Boarding House Company, was read the second and third times, passed, and ordered to be Enrolled.

The Bill concerning the election of Sheriffs, was read the second time, and laid upon the table.

The Engrossed Bill to amend an Act, entitled an Act, to authorize the laying out and establishing a Turnpike Road, from the South Carolina line to Cain Creek Bridge, in Buncombe County; and

The Bill declaratory of the meaning of the Act, entitled an Act, to aid the Internal Improvements of this State;

Were each read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill to authorize the removal of the County seat in Wayne County, from the Town of Waynesboro', to the Village of Goldsboro', was read the second and third times, passed, and ordered to be Enrolled.

The Bill making compensation to the Jurors of the County of Northampton;

The Engrossed Bill to make County Surveyor act as Processioner, in certain cases;

The Bill for the education and maintenance of the poor and destitute Deaf Mutes and Blind persons in this State;

And the Bill to regulate Constables' Sales;

Were each read, and laid on the table.

The Engrossed Bill to modify an Act concerning Free Negroes
and Slaves, passed in 1830, was read the second and third times, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

The House then took a recess until 7 o'clock, P. M.

Seven o'clock, P. M.

Mr. Scales moved that the House do re-consider the vote rejecting the Resolution providing for the enclosing the Capitol Square.

The motion prevailed.

The said Resolution was amended, on motion of Mr. Washington and Mr. Wilder, and passed the second reading.

Received a message from the Senate, agreeing to the amendments made by this House, to the Engrossed Bill to modify an Act concerning Slaves and Free Negroes, passed in 1830.

Ordered that said Bill be Enrolled.

Mr. Cherry presented a Resolution directing the collection of the Bonds due the Literary Fund.

Which was read three times and passed, and ordered to be Engrossed.

The Resolution providing for enclosing the Capitol Square, was read the third time.

And the question—Shall said Bill pass the third reading, was decided in the negative—Yeas 27, Nays 50.
Those who voted in the affirmative, were

Messrs. D. A. Barnes,
   Bullock,
   Caldwell,
   Cherry,
   Cochran,
   Cunningham,
   Doak,
   Ellis,
   Emerson,
   George,
   Grist,
   Harris,
   Littlejohn,
   Lord,

Messrs. Mangum
   Miller,
   Moore,
   McLean,
   Phifer,
   Reid,
   Scales,
   Shaw,
   Washington,
   Watters,
   Wilder,
   R. P. Williamson,
   Woodward.—27.

Those who voted in the negative, were

Messrs. Adams,
   Atkins,
   E. Barnes,
   J. Barnes
   Beaman,
   Bond,
   Brane,
   Brogden,
   Brower,
   Brown,
   Bargin,
   Church,
   Collins,
   Credle,
   W. Dickson,
   J. G. Dickson,
   Dunn,
   Fagg,
   Fleming,
   Foy,
Mr. Moore presented a Resolution, providing for the purchase of a Bell for the use of the Legislature.
Which was read three times, passed, and ordered to be Enrolled.

Mr. Moore presented a Bill, to protect the Capitol Square from injury.
Mr. Mangum moved that said Bill be rejected.
The question thereon was decided in the negative—Yeas 22, Nays 61.

Those who voted in the affirmative, were

Messrs. E. Barnes,
J. Barnes,
Beaman,
Brogden,
Collins,
J. G. Dickson,
Dunn,
Ellis,
Harrison,
Lemmon,
Mangum,

Messrs. Martin,
Odom,
Regan,
Richardson,
Shaw,
Stone,
Taliafero,
Washington,
White,
Wilder,
N. Wilson.—22.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
D. A. Barnes,
Bond,

Messrs. Haughton,
Kelly,
Kirk,
Leathers,

The said Bill thereupon passed the three several readings, and was ordered to be Engrossed.

Mr. White presented a Resolution, directing the Secretary of State, to receive proposals for enclosing the Capitol Square.

Which was read three times, passed, and ordered to be Engrossed.

Received a message from the Senate, informing that they had rejected the Engrossed Resolution, directing the collection of Bonds due the Literary Board.

A message from the Senate, informing that they had passed the Engrossed Resolution relating to the History of the State, with an amendment, and asking the concurrence of this House.

On motion of Mr. Hayes, leave was granted to withdraw the papers relating to the claim of Rensalser B. Smith.
A message was received from the Senate, informing that they had passed the Engrossed Bill to encourage the culture and manufacture of Silk and Sugar among the Cherokee Indians, and asking the concurrence of this House.

The said Bill was read three times, amended and passed.

Ordered that the concurrence of the Senate be asked in said amendment.

A message from the Senate, informing that they had rejected the Engrossed Bill to prevent obstructions to the passage of fish up Fishing Creek.

A message from the Senate, informing that they concur in the amendments to the Engrossed Bill to amend 59th Chap. Rev. Stat. and 49th Sec. of said Act, with an amendment superadded.

The House then adjourned until to-morrow morning 5 o'clock.

FRIDAY, JAN. 10, 1845.

Five o'clock, A. M.

Received a message from the Senate, informing that they had laid upon the table the Engrossed Bill to protect the Capitol Square from injury.

A message from the Senate, concurring in the amendments made by the House of Commons, to the Engrossed Bill to encourage the culture and manufacture of Silk and Sugar among the Cherokee Indians in this State.

Ordered that said Bill be Enrolled.
On motion of Mr. Graves,

Ordered, That a message be sent to the Senate, informing that body that the House of Commons, having acted on all the public business before them, are now ready to adjourn sine die.

Received a message from the Senate, informing that that body is also ready to adjourn sine die.

Mr. Graves presented the following Resolution:

Resolved, That the thanks of this House are due, and are hereby tendered to the Honorable Edward Stanly, for the ability, dignity and impartiality with which he has discharged the duties of Speaker of this House.

This Resolution was read, and the question put by the Principal Clerk of the House.

When the same was adopted unanimously.

Whereupon, the Speaker made his acknowledgements to the House in an appropriate address, and adjourned the same without day.  By order of

EDWARD STANLY,
Speaker House of Commons.

CHAS. MANLY, C. H. C.