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

Ashe—Benjamin C. Calloway.
Beaufort—Edward Stanly, Thomas D. Sma.w.
Bladen—James H. Blom
Brunswick—Henry H. Watters.
Burke—Wm. F. McKesson, Joseph J. Erwin.
Cabant—Joseph W. Scott, Lewis B. Krimminger.
Caldwell—Elisha B. Miller.
Camden—Dennis D. Ferebee.
Carteret—Jennings Piggott.
Caswell—John B. McMullen, Richard Jones.
Chatham—Daniel Hackney, Thomas Lasater, Maurice Q. Waddell.
Cherokee—George W. Hayes.
Chowan—Robert T. Paine.
Cleveland—Joshua Beane.
Columbus—Nathan L. Williamson.
Cumberland—Piggott, Geo. W.
Currituck—Thomas Griggs.
Davidson—Charles Hoover, Henry Walser.
Davie—Gustavus A. Miller.
Duplin—Isaac B. Kelly, James P. Davis.
Edgecomb—Wyatt Moyle, Wm. F. Dancy.
Franklin—James Collins, Wm. K. Martin.
Gates—Reddick Callign.
Guilford—Nathan Hunt, Edmund W Ogburn, Peter Adams.
Halifax—Lemuel M. Long, Matthew C. Whitaker.
Haywood—Andrew Ferguson.
Henderson—
Hertford—Kenneth Rayner.
Hyde—Wilson Creedle.
Iredell—Rufus Reid, Wesley H. George, William H. Haynes.
Johnston—Lunsford Richardson.
Jones—William Foy.
Lenoir—Jesse Jackson.
Lincoln—James H. White, Nathaniel Wilson, Franklin D. Reinhardt, John Webster.
Macon—John Y. Hicks.
Martin—Archibald H. Coffield.
Mecklenburg—John W. Potts, John N. Davis, Robert Lem mond.
Montgomery—Zebedee Russell.
Moore—Murdock B. Person.
Nash—William D. Harrison.
New Hanover—Edward D. Hall, Thomas H. Williams.
Northampton—Ethan J. Peebles, David A. Barnes.
Onslow—Harvy Cox.
Orange—Giles Mebane, Ciesley F. Faucett, John B. Leath-
ces, Sidney Smith.
Pasquotank—William Charles.
Perquimons—Tristrim L. Skinner.
Person—James Holeman.
Pitt—Elias J. Blount, Henry F. Harris.
Randolph—Alfred Brower, Isaac White.
Richmond—Walter L. Steele.
Robeson—Neill Regan, John McNeill.
Rockingham—Daniel W. Courts, Joseph W. Neal.
Rowan—Isaac Ribelen, John W. Ellis.
Rutherford—Wm. F. Jones, Simeon McCurry.
Sampson—David Murphy, Arthur Brown.
Surry—Richard C. Pyryear, Hugh Gwynn, James Sheek.
Tyrrell—Silas Davenport.
Warren—John H. Hawkins, Alex'r. A. Austin.
Washington—Thomas B. Nicholls.
Wayne—Elias Barnes, Curtis H. Brogden.
Wilkes—James Wellborn, Jesse J. Gambill.
Yancey—Samuel Wellborn.

A quorum, consisting of a majority of the whole number of members being present, Mr. Gilliam moved that Edward Stanly, of Beaufort county, be appointed Speaker; and on motion of Mr. Flemming, Daniel W. Courts, of Rockingham, was added to the nomination.

The House thereupon proceeded to vote; and upon calling the roll, the following members voted for Mr. STANLY, viz:


And the following members voted for Mr. COURTS, viz:


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. Gilliam and Flemming, and made his acknowledgments to the House, in an appropriate Address.

Mr. Mebane moved that the House proceed to the election of Principal Clerk, and nominated for the appointment Charles Manly, of the City of Raleigh; and the question on concurring in this nomination, was passed unanimously in the affirmative.
On motion of Mr. Paine, James R. Dodge, of Surry, was in like manner unanimously appointed Assistant Clerk.

On motion of Mr. Gilliam, the House proceeded to the appointment of Door Keeper, Samuel J. Finch having been nominated for the place by Mr. Gilliam; and John C. Moore, by Mr. Leathers.

The House voted as follows:

FOR SAMUEL J. FINCH,

FOR JOHN C. MOORE,

FOR JOHN B. TINNEY,
For Mr. ANDERSON, Mr. Harrison, 1.
For Mr. BROOKSWEET, Mr. E. P. Miller, 1.

On motion of Mr. Hayes, William R. Lovell was appointed assistant door keeper; and then,

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

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 the Senate in the despatch of business.

Received from the Senate a message, giving notice of the due organization of that body.

On motion of Mr. D. A. Barnes,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee to consist of two members on the part of each House, whose duty it shall be to wait upon his Excellency Gov. Graham, 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.

On motion of Mr. Flemming,

Ordered, That a committee of five be appointed to prepare and report Rules of Order for the government of this House the present session; and on motion of Mr. Paine, the Rules of Order adopted at the last session were resolved to be held in force in the mean time. The Speaker appointed the following persons to compose said committee, viz: Messrs. Flemming, Gilliam, Paine, Moye and Davenport.

A message from the Senate was received, concurring in the proposition of this House to raise a joint select committee to wait upon his Excellency the Governor, and informing that Messrs. Waddell and Graves form their branch of said committee. Ordered that Messrs. D. A. Barnes and Courts compose said committee on the part of this House.

On motion of Mr. Puryear,

Ordered, that a message be sent to the Senate, proposing to go immediately into an election of one Engrossing Clerk, and informing that Valentine Garland, Kemp P. Hill, John Cameron, David Lewis, J. F. Hughes and G. E. B. Singletary, are nominated for the appointment.

A message from the Senate agreeing to this proposition, and informing that Messrs. Melchor and Stowe form their branch of the committee to superintend the election. Ordered that Messrs. Puryear and Harris compose said committee on behalf of the Commons.
The House thereupon proceeded to vote as follows:

FOR MR. GARLAND,

FOR MR. HILL,

FOR MR. LEWIS,

FOR MR. CAMERON,

FOR MR. SINGLETARY,

FOR MR. HUGHES,
Messrs. Speaker, Blount, Dancy, Hackney, Harris, Lasater, 6.

Mr. Puryear, from the committee appointed to conduct 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, transmitting the following communication, which was read for information:

STATE DEPARTMENT,
Nov. 17, 1846.
To the Hon. General Assembly of the State of North Carolina.
Gentlemen:
Western R. R. Gales, Esq. is the contractor for the printing to be done for the present General Assembly, and has given
bond with approved security for faithfully discharging that duty.

Very respectfully,
yourt ob't. serv't.,
WM. HILL.

A message was received from the Senate, proposing to raise a joint select committee of three on the part of each House, to prepare rules of order to regulate the intercourse between the two Houses. The proposition was agreed to, and Messrs. Mebane, Ellis and D. A. Barnes were appointed the committee on the part of the Commons.

Mr. Courts, on behalf of the joint select committee appointed to wait on his Excellency Gov. Graham, and to inform him of the organization of the Legislature, reported that the Governor would, at 12 o'clock to day, make a communication to the General Assembly in writing.

On motion of Mr. Paine,
Ordered, That a message be sent to the Senate, proposing that another vote be had immediately for an Engrossing Clerk.

Received from the Senate a message, concurring in this proposition, and informing that Messrs. McMillan and Hill form the committee on their part to superintend the election. Ordered that Messrs. Foy and Kelly compose said committee on the part of the Commons.

The House then voted as follows, viz.

FOR MR. GARLAND,

FOR MR. HILL,
Mr. Kelly, from the committee appointed to superintend the election, reported that Valentine Garland had received a majority of the whole number of votes of both Houses, and that he was duly elected. The report was concurred in.

Received from His Excellency Gov. Graham, by his private Secretary Mr. Henry W. Graham, the following communication, which, having been read, on motion of Mr. Gilliam, it was ordered that the same be transmitted to the Senate, with the accompanying Documents, and with a proposition that the message be printed, five copies for each member of the Assembly.

GOV. GRAHAM'S MESSAGE.

To the Honorable, the General

Assembly of North Carolina:

The periodical meeting of the representatives of the people, animated with a zeal for the public welfare, bringing to the Capitol a knowledge of the sentiments, wishes and wants of their constituents, as well as of the most recent experience of the action of the Government, in every region of the State, and clothed with powers more important, than have been granted to any other of our public agents, is habitually expected, as an occurrence of interest by every citizen. To none does it come with a more welcome satisfaction, than to that department of our system, which is charged with the administration of public affairs, and with watching over the public interest in the vacation of the Legislature.

Before presenting to your consideration, the matters of general concern demanding our joint counsels and mutual endeavors, for the well being of the State, I deem it meet to remind you, of our obligations of gratitude to the Supreme Ruler of
the Universe, for the preservation of our Institutions, and the
countless blessings of his Providence, which have been contin-
ued to us through another two years of our political existence.
Though we have been afflicted by disease, to a greater and
more fatal extent than has usually fallen to our lot, have suf-
f ered from drought, and consequently a failure of corps, and
from casualties by flood and fire, yet have we abundant rea-
son to rejoice, in what has been vouchsafed to us, rather than
to repine, at what has been suffered or denied.

The Revenue and Finance of the State, always a subject of
moment to the people, and to the Legislature, will derive ad-
dition importance at your present Session from [the circum-
stances which now surround us. The Reports of the Public
Treasurer, and Comptroller of Public Accounts, will make
you acquainted with the transactions at the department since the
last adjournment of the Legislature, and the demands which
will fall upon it, before the next biennial meeting. Our pre-
sent political arrangement, comprising biennial Sessions of the
Legislature, and seven Judges of the Superior Courts, besides
the Judicial and Executive establishments formerly existing,
has now continued for ten years. During this period, the av-
average expenditure for the ordinary support of the Govern-
ment (exclusive of disbursements for re-building the Capitol, and the
interest on a loan effected to pay the State’s subscription for
Stock in the present Bank of the State, in former years, and of
payments on account of surety-ships for Rail Road Compa-
nies, more recently,) may be stated with sufficient accuracy at
about $67,500 per annum: or $90,000 for the odd, and $45,-
000 for the even year of the series—the difference being ob-
obiously occasioned by the Session of the Legislature in each al-
ternate year. In the same time, the income from ordinary
sources of Revenue has averaged $83,000, the excess of which,
over and above the ordinary expenses, has been devoted to the
account of re-building the Capitol, interest on the State’s debt,
as before mentioned, until it was discharged, and of her liabil-
ities for these Rail Road Companies. These extraordinary de-
mands on the Treasury, by reason of the Rail Road liabilities,
have so accumulated from the failure of the Legislature, at
either of the two last sessions, to make timely provision to meet
them, as to increase the difficulty of your task. But, it is be-
lieved, that this may be readily overcome by proper and ener-
getic action now, without imposing onerous or unjust burthens
upon our constituents.
For the Wilmington and Raleigh Rail Road Company, the State became surety by the act of 1840, for the sum of $300,000, payable in six annual instalments of $50,000 each—beginning on the 1st of January 1842, and ending the 1st of January 1847: The first of these instalments was paid by the Company. The second falling due the 1st of January 1843, while the General Assembly was in session, and being apprised that the Company was unable to discharge it, they directed the Literary Board to invest $50,000 of its funds, by purchasing the bonds, which constituted the evidence of this debt.—These bonds are still held as a part of the funds of that Board. But, for the instalment, payable the 1st of January, 1844, no provision was made in the event of its falling on the State; which contingency happening, it was taken up by the Treasurer, with the public funds, and that set of bonds is now held at the Treasury. By the Act of the Legislature, at the last Session, other bonds indorsed by the State were allowed to be issued, in lieu of those becoming due in 1845-1846, on which credits were extended to 1848-1849, the interest whereof has been kept down by the Company, as it has been also on those held by the Literary Board, and the Public Treasurer. A new mortgage on all the property of the Company, was taken, to secure the State against this new indorsement. I am not informed whether this Company is prepared to pay off the remaining instalment on the 1st of January next, but their income is undoubtedly sufficient for the payment of all their interest on loans, and the gradual reduction of their principal debt.—While this continues to be the case, there can be no objection to continuing the State's credit to them, to the extent of her present liabilities. It is not therefore anticipated, that any demand on the Treasury will, in future, arise from the affairs of the Company.

By an Act of the General Assembly in 1839, the State became, in like manner, surety to the Raleigh and Gaston Rail Road Company, for the sum of $500,000, of which the interest was to be paid semi-annually as it accrued, and the principal to be redeemed at the pleasure of the Legislature, at any time after the 1st of January 1860. A like suretyship for $300,000 was undertaken for this Company by an Act, passed in 1841, the interest whereof was to be paid as on the former loan, and the one-tenth of the principal to be repaid on the 1st of January, in each year from 1845 to 1854 inclusive. Of this class of bonds, it is understood that $13,000 was never used by the Company, and, therefore, that the State, as an ac-
Commodation indorser, is not liable on them. This latter Company, having paid no part of its principal debt, and but a single instalment of interest, its whole liability has, for the present, fallen on the State, which has, thus far, kept down the interest on both descriptions of bonds, and discharged two instalments of principal, being $30,000 each; and becoming payable in the years 1845 and 1846 respectively.—To accomplish this, however, some portion of the Literary Fund has been used and $50,000 have been borrowed from the Bank of Cape Fear. The State is, therefore, still bound for the interest semi-annually, on the whole sum remaining, viz. $740,000, until paid, as also for $30,000 per annum of principal, for the next eight years, and the residue of $500,000 at such time after the 1st of January 1860, as the Legislature shall hereafter appoint.—For her indemnity against these responsibilities, she has 1st, the proceeds of sale of the Raleigh and Gaston Rail Road, if it shall be deemed expedient to make a re-salé, or its income, over and above expenses, if retained. 2nd, the obligations of individual Stockholders, under the 14th section of the act of 1839, and of the Stockholders and subscribers, who gave bond under the Act of 1841.—Whether these resources can be relied on, to indemnify the State ultimately, against her whole liability for this Company, admits of question; but that they will afford the means of indemnity to a very considerable extent, is not doubted.—These means, however, will not be in hand, in season to meet the more immediate calls on the Treasury, as before stated, and the scrupulous fidelity and honor; with which North Carolina has ever maintained her public engagements, require that ample means shall be provided in advance, to save the public faith in any contingency. While, therefore, your efforts will be directed to the most eligible mode of making this indemnity effectual, it is indispensable that measures shall be adopted for an increase of the Revenue. How this can be realized with the least hardship to the people, has employed my anxious reflections, and the result is offered with the deference due to the superior wisdom of the Legislature.

Our income, at present, is derived chiefly from levies on Lands and persons. These should not be augmented, until other sources of Revenue have been tried; but the rates, now laid, should be faithfully paid, and punctually and fully exacted. And, independently of the pressing wants of the Treasury, I should have recommended a new assessment of
Lands, with a view to greater accuracy in the fixation of value on each tract, and some provision for a more correct enlistment of Polls, as a measure of justice to the State and of equalizing effect among her citizens. Our Land tax for 25 years past, has been the moderate rate of six cents per annum, on the one hundred dollars value. The habitual negligence, which has prevailed in returning lands for taxation, and ascertaining their value, will be manifest from a few facts in the history of the Revenue. In the year 1815, the aggregate value of the lands of the State, assessed for taxation under the Law of Congress, was $53,521,513. But, in the year 1836, the whole quantity of land listed for taxation was valued at only $39,136,108. To correct this criminal delinquency in enlistment and valuation, the Act of 1836 directed a new assessment of Land and Improvements, by means of which, the same subject of taxation in the next year was raised in value to $51,021,317, and $6,000 more was added to the Revenue. This valuation, however, is obviously defective, since it falls two and a half millions of dollars below that of 1815, although more than a million and a half of acres had been patented in the mean time. It is reasonably estimated, that with an area of 50,000 square miles within our boundaries, there are 45,000 square miles, or near twenty-nine millions of acres of territory inhabited. Making the utmost allowance for lands not yet granted, it can hardly be possible that less than twenty-five millions of acres are chargeable with taxes. But from a statement appended to the Report of the Comptroller, it seems that 23,267,472 acres comprise all, of which any returns have been received, and that of this, the average value for taxation is but $2.28 3-4 per acre, against a like average of $2 69 in 1815. The act of 1836 contains no direction for a new assessment at any subsequent time, and the valuation under it loosely made ten years ago, is the criterion of our Land Revenue at present. Besides, very considerable quantities, since entered and patented, ten years have greatly enhanced the price of much of the Land in the State, in consequence of improvements and discoveries made within that period. The erection of Manufacturing Establishments, the discovery of Mines, the construction of 250 miles of Rail Road, the improvements on Real Estate in many of our Towns, and the rise in value of Forest lands, yielding Turpentine, will at once occur as illustrations of this truth, te
say, nothing of those devoted to ordinary culture. There may be occasional instances of a decline in value, but with the data before us, it can hardly admit of question, that upon a fair assessment of Land and improvements, the aggregate value will exceed sixty millions of dollars; and that from failure in duly exacting the present rate of Land tax, the State is annually deprived of seven or eight thousand dollars, at the least calculation. Surprising as this may appear, there seems to be a deficit of nearly an equal amount, in the payment of the Poll tax. The tabular Statement of the Comptroller, before referred to, exhibits for taxation the next year 62,795 black, and 54,226 white Polls, including all of whom there is any account, both listed and unlisted.—The Slave population of the State, according to the Census of 1840, numbered 245,817. All of these, between the ages of 12 and 50, are subject to taxation; and by estimates from reliable sources, this regulation renders taxable rather more than one-half on each Plantation. A full numeration, therefore, of taxable Blacks, ought to embrace about $25,000. Of Whites, all males are taxable between the ages of 21 and 45 years. There are found on our Muster Rolls, the names of 76,568 men, comprehending those between the ages of 18 and 45 generally, but not including numerous exempts under various Statutes. Making liberal deductions for those between 18 and 21, and adding exempts from military duty, who are liable to taxation, and there must still remain more than 70,000 taxable white Polls, and, consequently, a total of 195,000 taxable Polls in the State. Our Poll tax has been gradually increasing for the last two years, and, for the past year, appears to have been collected on 164,464 persons. That it has been negligently attended to, is manifest from variances of from four to five hundred dollars per annum, sometimes on one side and sometimes on the other of the account, in the amounts collected during the last four years. It is, therefore, an imperative duty of the Legislature, as well, in justice to those citizens whose Lands and Polls are fairly assessed and enlisted, and who are contributing accordingly into the Public Treasury, as to the State itself, to require a new assessment of Lands and other improvements, to be justly made, on inspection of the premises if necessary, and to provide for an accurate and full Census of all taxable persons. No valuation of Lands can continue to be a just criterion of worth for any considerable period, and a re-assessment should be provided for, once
at least in five years, if it be not annual. By adopting these measures of fairness and justice, to collect what is now imposed, without any increase of taxes, it may be reasonably expected that the Public Revenue from present sources, now equal to about $86,000, may be raised to $100,000, per annum. These regulations should be made to take effect immediately, that the Treasury may experience their benefit in the course of the next year.

Further to augment the Revenue, it is proposed that a tax be imposed on Pleasure Carriages, and Gold Watches kept for use, and, if deemed expedient, on any other articles of luxury, to go into operation at once, and continue in force until the expiration of the next Session of the General Assembly.

It is submitted to your inquiry, in connection with the Revenue, whether the Bank of Cape Fear has paid to the State, and the Literary Fund, the full amounts semi-annually due for Dividends—their custom, being to pay the tax on the Shares of Stock owned by individuals, out of the whole profits of the Bank, instead of the Dividends of profits allotted to individuals. This course is supposed by them, to be sanctioned by a decision of the Supreme Court, on the taxing clause in their old Charter; but the renewed Charter of 1833 is in different language, and it could hardly have been the design of the Legislature to exact a less tax on the Stock of individuals in that Bank, than on that in similar institution in the State.

To aid the Treasury, until other means can be realized, I suggest that the Bonds, Notes and Judgments, held by the Literary Board, consisting chiefly of the unexpended balance appropriated to drain Swamp Lands, be turned over to the Public Treasurer, to be collected and applied according to our necessities; but, that the State be charged with the amount thereof, as a loan, the interest of which shall be faithfully paid as an annual part of the distribution for the support of Common Schools. The effectual security of the Principal, and the punctual payment of the interest, is all that is now desired from the Literary Fund. The proposed disposition of this part of it, while it supplies the present wants of the State, will relieve the School Fund from the expense incident to the present Loan Office in the Literary Board; and the increased Revenue, in the mode already set forth, will afford ample means for the payment of the interest. It will simplify the Public Accounts, to direct the Bonds of the
Wilmington and Raleigh Rail Road Company, now lying in the Treasury, and amounting to $50,000 as before stated, to be transferred to the Literary Fund, and as an equivalent, that the Tavern and Auction taxes be hereafter paid into the Public Treasury.

To liquidate the State's responsibility for the Raleigh and Gaston Rail Road Company, as early as practicable, I recommend the creation of a sinking fund, to be applied in buying in and cancelling both kinds of Bonds, when they can be purchased of, or below par, to consist, 1st, of any Surplus which may be in the Treasury, after defraying customary expenses and specific appropriations. 2nd. Any income derived from said Rail Road if retained, or its proceeds, if sold. 3rd. Any recoveries effected against the stockholders in said Company, under the 14th section of the Act of 1839, or against the Stockholders and Subscribers under the Act of 1841. Suits are now pending against sundry obligors on the Bonds, given for the State's indemnity under the Act of 1841, who failed to renew their bonds biennially, as required by Law, and I regret that no decision has, as yet been rendered in the premises. It is contended on behalf of the State, that a failure to renew, is a breach of the condition of the Bond, inducing a forfeiture of the whole penalty. Since the foreclosure of the Mortgages, and the insufficiency of the real and personal estate of the Company, to indemnify the State in her securityship, it has become an interesting question to what extent can she claim to be indemnified by the individual Stockholders and Bondsmen, and at what time is her right thereto to be asserted? By the 14th section of the act of 1839, in the case which has happened, to wit, "of the insufficiency of the property of the Company to pay off and satisfy the full amount of Bonds, then directed to be indorsed, including the principal and the interest thereon," each and every Stockholder was to be bound, to pay towards making up such deficiency, an amount corresponding with his Stock held therein, at the time when such deficiency should be ascertained. The Act of 1841, designed from its title, further to secure the State against loss, as well as to grant further aid to the Company, provided amongst other things, for the execution and delivery of Bonds, in the aggregate penal sum of $500,000, by Stockholders and Subscribers, covenanting to indemnify the State against any loss or damage, in consequence of her suretyship in the premises, and "insufficiency of the real and per-
sonal estate and property of said Company to discharge the same.” It would seem, therefore, to have been the intention of the Act of 1839, to hold the Stockholders individually responsible for “any loss to the State in the payment of principal or interest,” after applying the mortgaged property, to an equal amount with their subscriptions of stock.—Nothing that I perceive, in the Act of 1841, changes that intention. The Bonds directed to be taken, appear to have been purposed, at the least, as cumulative security for the former liability, and to provide a more easy remedy in case of non-compliance. Whether the Bonds actually taken conform to this construction of the Statute, or whether it may be necessary to resort to a Court of Equity to assert the State’s remedy in its full extent, on the ground of mistake or inadvertance in framing the Bonds, is a matter for your mature deliberation. That the Act of 1839, section 14, obliged the Stockholders to save the State harmless, both as to principal and interest, cannot be doubted. Nor will it be readily admitted, that the Act of 1841, in pari materia, was designed to abridge or surrender any security. Those Stockholders, who did not give bonds, seem to be responsible to the amount of their stock, under the Act of 1839, for both interest and principal. And it would be an anomaly in the subsequent proceeding, if they are under heavier obligations than their associates, who entered into bonds besides being Stockholders.

But whatever may be the extent of the liability of these Stockholders and bondsmen, or whatever may the forum to enforce it, I apprehend that the event has happened on which it may be at once asserted. An opinion has prevailed, that the State, although obliged to pay interest in the meantime, and $500,000 of principal in 1860, or thereafter, could have no redress on these obligations until after that distant period. The law, it is true, renders the debt irredeemable, until that time, to give the capitalist assurance of a long loan and thereby to enhance the value of the stock.—But after exhausting the remedy by mortgage, and it being demonstratively certain, that a large balance even of principal, must be paid by the State, I see nothing which requires delay in exacting any part of the indemnity stipulated. Should these suggestions meet your concurrence, you will of course give the corresponding directions to the Law officers of the State. How much may be realized, either
from the income or re-sale of the Rail Road, or from the liabilities just referred to, is as yet uncertain. In advising, therefore, but a temporary provision for extra taxation, I am influenced by the consideration, that possibly it may not longer be required, rather than by the fear of any aversion of our constituents, to contribute whatever may be needed to redeem the public obligations, however inconveniently or unfortunately entered into. The odious doctrine that a State may refuse or postpone the fulfilment of contracts guaranteed by her public faith and sovereign honor, has no resting place in all our borders, and I am yet to hear of a single exception to the unanimity of our people upon this subject.

Legal proceedings were instituted for the foreclosure of the Mortgages, on all the property of the Raleigh and Gaston Rail Road Company, at Spring term, 1845, of the Court of Equity of Wake County, as directed by the Act of the last Session. But owing to the resistance made by the Company and the decision of the Superior Court in their favor, an appeal was rendered necessary to the Supreme Court, and the decree of foreclosure was postponed until the Autumn term of that year. A sale under this decree was made on the 29th of December following, and the Rail Road, and all other property of the Company, was purchased by the State, on the bid of the Governor, at the sum of $363,000, the amount authorized by the act aforesaid. Possession was taken on the first of January, 1846, by the Board of Commissioners constituted by the Act in the event of such a purchase, and officers and agents were appointed to manage and conduct the operations on the road, as the property of the State. A report of their action thus far, will be laid before you by the Board in a few days, embracing the statements of the President and Treasurer; and the journal of the Commissioners, as well as all the vouchers and books of account of these officers will be at any time open to your inspection. Upon the construction given to the Law by the Executive, no part of the former earnings of the Rail Road secured to the State, by a decree of sequestration against the Company, could go into the hands of the Commissioners; and the sum of $2,600 accruing from that source has been therefore paid into the Public Treasury. It will thus be perceived, that to support the operations of the Road in all its departments, there was to be no other reliance than from its own receipts, from and after the first of January last.

The experiment to this time, removes all doubt of the abil-
ity of the Road to sustain itself, if well conducted, so that its advantages will still be continued to the people of the State, and encourages the belief, that after all necessary outlays for repairs and expenses, even at the present rate of income, it will afford some returns to the Treasury as profits on its cost. The current year has not been regarded as quite so favorable to the business of the road, as may be expected in general, by reason of diminished freights, from the shortness of the crop of Tobacco, less accommodation in Stage travelling in connexion with the Rail Road, and other causes. Notwithstanding these disadvantages, however, the amount of earnings of the establishment for ten months, has been near $51,678 00, and the disbursements in the same time, for expenses, including the purchase in October, of an additional Locomotive, about $36,000 00. The Officers of the Road have been instructed, that while they observed all prudence and economy in expenditure, no needful repairs were to be neglected; and its condition is believed to be now equal to, if not better than, at the time of sale. On the 1st of July last, the sum of $7,200 was paid out of its profits into the Public Treasury, to defray the interest on $240,000 of Rail Road Bonds, then falling due, for which the State was bound, as already shown; and on the 31st of October, there had accumulated a balance of about $8,300 more.

The importance of this public work to the Agriculture and Merchandize of the country, will be apparent from the exhibit of 25,500 00 dollars of the above earnings, for freight on transportation of property. What disposition shall now be made of the Rail Road, is an enquiry of much consequence. It was not thought expedient to offer it for sale, under the powers conferred on me by the Act of Assembly; and no tenders have been made for purchase. I recommend that it be placed under the control of the Board of Internal Improvement, or other Commissioners specially appointed for that purpose, with ample powers to make sale in whole or in part, and to agree in their discretion upon terms and price limited only by the amount at which it was purchased by the State as a minimum. But in the meantime, that a committee of your body shall make a thorough examination of the entire concern, receive any offers of purchase that may be made, and give instructions to such Commissioners in so far as may be deemed advisable.—Such works are more likely to be advantageously carried on under the keen eye of individual interest, than with the super-
vision of public agents only. And it is therefore desirable, that at least half of the property in this Road be sold, that it may pass under the control of a directory having an interest in the adventure. This course is also made acceptable from the consideration, that any sums falling into the Treasury, from the sale of the Road, will, by so much, relieve it from the involvements contracted on its account.

The yearly Report of the Wilmington and Raleigh Rail Road Company has not yet been received, but will be submitted to you along with the Report of the Board of Internal Improvement. In November last, they exhibited a reduction of 30,000 dollars in principal of their debt, besides the payment of interest on all loans in the preceding twelve months; and it is supposed that the present has been a year of still greater prosperity to that Rail Road.

The act of your last Session for the re-organization of the Portsmouth and Roanoke Rail Road Company, by a sale of its property, under the authority of both States, was not acceded to by the Legislature of Virginia. That body, however, has made a separate enactment upon the same subject matter, so novel in some of its provisions as to call for a moment's notice. It directs a sale of all the property and franchises of the Company in both States, by the Board of public works of Virginia; but provides, that if at the sale, or at any time thereafter, the State of North Carolina or any Company incorporated by her for purposes of Internal Improvement, should in any way become the owner of the said Rail Road, "the General Assembly of Virginia reserves the right to revoke all the powers, privileges and immunities conveyed by such sale, and to declare the same null and void." Now all this, so far as relates to North Carolina, or to the known purposes of any of her citizens, is the mere effusion of a jealous and hostile spirit, without object or meaning. She had neither manifested nor entertained any wish to become the proprietor of this Rail Road. Her Board of Internal Improvement, it is true, stood in the situation of a creditor of the Company for monies lent, but were amply secured by a Mortgage, on a part of the Rail Road property, prior in lien to any other. There is another provision in this act of more significance. It declares in a subsequent section, "that in case the authorities of the State of North Carolina, shall at any time, by legal process or otherwise, deprive the Petersburg Rail Road Company of any of the privileges and advantages of its charter, obtained from that State, for any act done, or
omitted to be done, by the said Company, or by any means whatsoever, prevent the said Company from conducting their operations, on so much of their Rail Road as lies within the State of North Carolina, or any part thereof, by reason of any act heretofore done, or omitted to be done by said Company, then all the rights conferred by that act, on the purchasers of the Portsmouth and Roanoke Rail Road, shall cease and be determined, until the State of North Carolina shall reinstate the Petersburg Rail Road Company in all the privileges granted them, in the several acts passed for their benefit by said State, or until the Legislature of Virginia shall otherwise direct.\(^2\) To apprehend the full meaning of this clause, it must not be overlooked, that both the Petersburg and Portsmouth rail roads lie partly in North Carolina, and their respective Companies exercise and enjoy all their rights and privileges on this side of the line, under charters from her Legislature—that the last named Company were sued by a creditor, in an action at Law, and after judgment, and Execution was levied on that section of its road, running through the county of Northampton, a sale and purchase took place by virtue thereof, and the Supreme Court affirmed the same, to the extent of conferring on the purchaser the legal title in the land and fixtures of the road, but not the franchise of transporting thereon. In this condition, the acquisition was of so little value or utility, that the advantages of the road would, in all probability, have been continued to the public by the reunion of the estate and franchise, but for the action of the Petersburg Company. That Company entered into a covenant with the purchaser of the estate, to pay in instalments $60,000, for preventing transportation, over the section, of which the title was in him, with a stipulation that the latter payments should cease, whenever that part of the road should again be brought into use. In other words, the Petersburg Company, in effect, bought from him the disuse of the Portsmouth road, and paid him a consideration for withholding from the public the conveniences for which the Legislature had authorized its construction. The right of the individual party to this agreement, thus to dispose of his interest, under decision of the Court, is not denied; and had the other contracting party been a natural person, it would never have been questioned, however great might be the inconvenience of the loss of the Road. But in my view, a corporation, the mere creature of the Law, must look to its charter, for privileges not for restrictions: what is not authorized to it, is denied; and by consequence, the Petersburg rail road Company,
permitted by its charter only, to construct a road from that
town to its Southern terminus, and to transport on the same,
had no right either to participate in the profits of transpor-
tation on the Portsmouth road, or to suppress transportation
thereon. Regarding this contract as designed for the de-
struction of the Portsmouth road, to the end that the other
might have a monopoly of the business done by both, and as
such a public injury and transgression of its own corporate
rights by the Petersburg Company, and perceiving that that Com-
pany had made no reports to the Legislature of this State, of
its operations within our limits, as was expressly required to
be periodically done, by the Act of its creation, I directed the
Attorney General to file an Information against them in the
Supreme Court, and require them to show cause why their
charter should not be declared forfeited. At the last Term of
that Court, judgment was rendered in this case for the defend-
ant. The opinion announcing this decision is accessible to
you, and to it, you are referred, to determine whether any new
process shall be instituted in the premises, or whether any new
Legislation be needed, to prevent mischiefs in like cases for the
future.

It was while this information was pending, that the Gener-
al Assembly of Virginia, made their "enactment," in which
it is plainly intimated that if a contrary decision from that
arrived at by the Court should be made, and this corpora-
tion should be deprived of any of its privileges, now enjoy-
ed under our law, by reason of any neglect of duty, or by
any transgression whatever, it should be retaliated with the
loss of the Portsmouth Road also. This State had made her-
selv party in the rivalries of these Companies, but au-
"thorized the construction of both roads, to procure the ad-
"vantage of two highways for market and travel, expecting to
her people of course, the fruits of a fair emulation between
them. But, in the dispensation of her justice, whether
among corporations or individuals, and in the exaction of the
homage due to her laws, in her own territory, no influences
from abroad can be permitted to interfere. Not to remark
on the departure from comity, implied in gratuitously as-
suming, that North Carolina desired to possess one of their
Roads, and proclaiming by public advertisement, that she
should be excluded from the biddings, though part of it was
in her limits and existed by her leave, while the same Stat-
ute appoints agents to attend and bid for Virginia; and on
the denunciation, that if, for violations of our law, ascer-
tained and adjudged by our highest Judicial Tribunal, in a
proceeding then before it, the Company owning the other Road should be deprived of any of the privileges and advantages granted to it by this State, then the use of both should be lost: This act of the General Assembly of Virginia indicates a presumption on her part, of dependence by us, upon her, for markets and the means of reaching them, which requires an examination of the relations between us. In that point of view, it calls for a minute revision of the charters heretofore so liberally granted for the promotion of trade to her towns from this State, an investigation of the fulfilment of them by those to whom they have been granted, and, if necessary, the provision of new guards for the security of the advantages to us, which they were designed to procure. It also suggests the necessity of Improvements of our own, which shall break any such dependence, (where it may exist,) as far as possible, and place the State in a posture, at all times, to vindicate the public justice, (as must needs be done at any sacrifice,) without any apprehension of loss or inconvenience from privileges granted, being withdrawn by a neighboring State.

A Rail Road from Raleigh to Fayetteville would be an important work in such a system of Improvement. It would at once render available the existing 87 miles of road in concentrating the trade of the country between Raleigh and the Roanoke, on the navigable waters of Cape Fear river, if an equally good market should be found there, and render us independent of that less liberal spirit and policy on the part of Virginia, which pervades the Statute on which I have been commenting. It is therefore recommended that this Road be encouraged, by the grant of a liberal charter, and by any other aid that the Legislature may deem expedient.

There has been much discussion recently in regard to an extension of both of the existing Rail Roads of this State, to a junction with those of South Carolina. I would greatly prefer a Road from Fayetteville to Salisbury or Charlotte, and thence penetrating South Carolina towards Camden, to either of the connexions proposed. But since the State is not in possession of means for the construction of such a work, and the individuals who may be disposed to patronize it prefer the more direct lines, so as rather to compete for travel, than to afford facilities for commerce and agriculture, I perceive no objection to granting charters to the patrons of the projected works, both from Wilmington and Fayetteville to South Carolina, leaving to individual enterprize to deter-
mine the success of either or of both. Neither would extend far enough through our territory to afford any greatly increased facility to our citizens in going to market, or add much to the business of our trading towns, while either would contribute largely to swell the stream of travel on the present Road, with which it may be joined.

From the action of Congress at the last session, there seems to be no probability at present, of the re-opening of the Inlet between Albemarle Sound and the Atlantic, under their auspices. And I regretted to learn from the debates in that body, that the project had suffered prejudice from the last report in regard to it, by some member of the Engineer Corps of the United States. This report has not been seen by me, but will claim your examination, with a view to further action on the subject.

In conformity to the resolution of the last session, the mortgages held by the State, on the Clubfoot and Harlow’s Creek Canal, connecting Neuse River with Beaufort Harbor, were foreclosed; and a sale being decreed, the Public Treasurer, at my request, attended and bid in the Canal for the State. It will now devolve on you to give directions for the future disposal of it. Boats of light draught yet pass through it, and although the locks are decayed, I presume, for a reasonable expenditure, it may be made passable for sea-going vessels, sufficient in size for the coasting trade. Uniting as it does the best Harbor on the American coast, between the Capes of Virginia and those of Florida, with our interior waters, I deem it preferable that it shall be kept and improved by the State. But if no appropriation be made for its improvement, let it be disposed of to a company, or individual, with some stipulation on the part of the purchaser, to keep it in order for navigation, and to allow its use to the public for fair compensation.

A canal from Lumber river to Cape Fear river, has long been in contemplation by the people in that quarter, and its obvious advantages, from an inspection of the map, ought to ensure for it at least a liberal act of incorporation.

More than thirty years ago, companies were incorporated for the improvement of the navigation of all the larger rivers of the State, and an Engineer was employed, for a considerable time, in making surveys, preparatory to a general system of Internal Improvement. Owing to causes not necessary to be now reviewed, scarcely any of the works then contemplated were completed, and all these chartered com-
panics, except in the instances of Roanoke and Cape Fear, have lost their privileges by non-user. Of late, a disposition has been manifested by the people of those sections, to re-attempt the navigation of Neuse and Yadkin rivers. I entertain no doubt, that by merely removing the timbers which are imbedded in the channel of Neuse river, and the branches of trees which overhang it, that it may be rendered navigable for Steamboats of the lighter kind, as high as Waynesborough, for two-thirds of the year, and that by the addition of locks and dams, this navigation may be extended to a point within a dozen miles of Raleigh. A good navigation has been effected, by this means, in the Kentucky river, and other streams discharging a less volume of water, and more subject to the annual influence of drought, than the Neuse. Were this accomplished in connexion with the passage ofcoasting vessels from Beaufort to Newbern, by enlarging the canal before referred to, it could not fail to add much to the accommodation of the people, and to the wealth and commercial importance of the State. It is well ascertained, that there is no great impediment to the navigation of the Yadkin river within our limits, above the narrows. The opening of that river, therefore, from Wilkesborough to its intersection with the proposed Turnpike from Raleigh and Fayetteville, westward, and the completion of said road, are works of great public importance, in which, if the State will not embark on her own account solely, she should not hesitate to second the patriotic efforts of the citizen. The survey of the routes for this Turnpike Road, according to the direction of the last General Assembly, has been completed, and the report of the Engineer may be expected at an early day.

The bad condition of our public roads, has long been the subject of general, and I apprehend, just reproach to the State. In the schemes of Improvement which have been put forth heretofore, too little space has been allotted to these daily haunts of trade and travel. A distinguished authority, in speaking of our roads, recommends that they be classed in three descriptions, viz: 1st, the principal and leading roads to be denominated State roads, in the construction of which, the State will bear one moiety of the expense, and the counties through which they pass the other moiety; 2d, county roads to be made and kept up by the counties; and 3d, private roads by the individuals benefitted by them. Without adopting this plan in all its details, I am thorough-
ly persuaded that no moderate amount of the public treasure could be more beneficially expended, than in employing an Engineer for one, or at most, two years, whose duty it should be to examine routes for the chief market and mail roads of the State, under the direction of the Board of Internal Improvement, and lay them off on the most favorable ground, with written estimates and directions for their construction and improvement. The County Courts might be authorized to make levies, in aid of the Statute labor within their limits, and at the most difficult points, assistance might be afforded from the fund for Internal Improvement. Whatever other improvements we may in time procure, good roads for ordinary transportation and travel can never cease to be useful to the great mass of the community.

Whether or not you shall esteem it wise to adopt any of these recommendations, I trust no consideration will induce a longer delay in directing an Agricultural, Geological and Mineralogical survey of the State. Three-fourths of our sister States have now in progress, or have finished like examinations of their territory. And in every instance, it is believed that they have not only added to the treasures of science, but have been attended with important and useful discoveries. Gold, Silver, Iron, Copper, Coal, Plumbago, Marble and other Limestones, the finest varieties of Stone for building, of Marl and other materials for manuring, are already known to exist in various sections of the State; and a further exploration cannot fail to bring other resources to light, and greatly favor the pursuits of Mining and Manufacturing—pursuits of infinite advantage to a people having so few facilities of transportation as ourselves. While a minute examination of our soils, by persons uniting science and practical skill in Agriculture, will be productive of improvement in that useful branch of industry, and must dignify and elevate it in the general esteem.

Agreeably to the act of the last session, entitled "an act more effectually to secure the debts due for Cherokee lands, and to facilitate the collection of the same," a Board of Commissioners was constituted to make enquiry as to the solvency of the obligors, who were principals in the bonds held by the State for purchases of Cherokee lands. The said Board reported to me as the result of a long and laborious investigation, separate lists of those found solvent and insolvent accordingly. And these principal debtors, who.
were reported insolvent, having surrendered the lands, for the purchase of which said bonds were executed, into the possession of the agent of the State, and having severally executed and delivered to me deeds of surrender and release, disclaiming all right under such purchases, and to the reimbursement of any monies paid on account thereof, by virtue of the power vested in me by said act, I made an order on the Public Treasurer, directing the bonds in all such cases, to be delivered up to the agent of the State, residing in Macon county, for cancellation. This order, dated the 3d of April last, embraces a list of bonds amounting in the aggregate to the sum of $152,312 38. In consideration of which, the State became re-invested with title and possession of the lands surrendered as before stated. As a full year was to elapse between the time when the State's agent was put in possession of these lands, and the rise of the Legislature, it was considered best for the public interest, as well as for the persons surrendering, that they should be restored to possession of the lands as tenants of the State. The agent of Cherokee lands was, therefore, instructed to lease the several tracts and their improvements for twelve months, taking care to give a preference to the late owners, and requiring only moderate amounts for the rent, but with a stipulation for returning the premises in as good repair as they were in that time. This was attended to by the agent, and the bonds for rent are in his hands.

It will be an important part of your present duties, to direct a further disposition of these lands, which have again become the property of the State. They were sold in 1836, and 1838, on credit (as to the greatest part of the purchase money) and at high prices. The purchasers being unable to pay off their bonds as they became due, petitioned the Legislature for relief. Hence, the act of the last session, allowing a re-sisession of the bargain, by a surrender of the land and relinquishment of all the claim to purchase money theretofore paid on the one side, and a cancellation of the bonds on the other, in all cases where it should be ascertained, that the purchaser could not discharge the debt himself without calling on his sureties as provided in said act.

After this experience on our part, as well as that of the Federal Government, in relation to its lands, many years ago, it does not seem to be wise policy, to order another sale on credit. Considering on the other hand, that the purchase
one-eighth part of the prices then bid—that they have since made payments into the Treasury of considerable amounts on their bonds—that they are settled on these lands and have associated with them the endearments of home, it seems hardly just to expose them at an auction sale, for cash. I therefore advise that, as to all the surrendered land, some mode be adopted, of affixing a fair valuation on each tract, by persons of competence and probity, and that the surrenderers be permitted to take them, on paying such valuation in cash by a given day thereafter; otherwise, that the land shall be sold at public sale.

It may not be remembered by you, that only such of these lands, as were estimated at and above twenty cents per acre in 1836, were surveyed and brought into market. The residue was directed "to remain subject to the disposition of a future Legislature, and shall not be liable to be entered in the Entry Taker's office, &c." Ten years have passed away, since the passage of that act, and no further disposition has been directed of these lands, except that, the bounty in land for building Iron Works, has been extended to that country, and two tracts of three thousand acres each have been granted under that law. No reason is perceived for longer delay in the sale of these unsurveyed lands, and it is therefore suggested, that they be either sold at auction for cash, or subjected to entry and grant at some fixed rate per acre. The county of Cherokee now pays a land tax of but a few dollars, there being but a small quantity of patented land, exclusive of the Iron Works grants within it. The increase, therefore, of the revenue, the necessity of having freeholders for Jurors, and other services under the Government, the policy of fixing the population, and inducing them to improve the country, all unite in favor of placing those remaining lands in the possession of citizens, who shall be proprietors in fee, at a fair rate of purchase.

Such information, in respect to the Penitentiary system, as it was in my power to procure, was published in the newspapers of the State, previous to the late election, in accordance with the act on that subject, of the last Legislature. As the decision of the popular vote is understood to have been against the establishment of such an Institution here, it is deemed unnecessary to lay before you, the plans of buildings for such prisons, that have been obtained from other States.

The present requirement of law, that the Autumn Terms
of the Superior Courts in the lower section of the State, shall be held at a season, when sickness generally prevails in that region, is a grievance which has been long acknowledged, but hitherto no remedy has been provided. It is hoped, that your present session may number among other acts of public beneficence, a change so obviously just and needful. Not only are the lives, health and comfort of the Judges, deeply concerned in the measure, but the suitors, witnesses, and jurors, being also subject to the diseases of the climate and season, the administration of justice is impeded and delayed, for want of this salutary alteration.

In conjunction with this, it is commended to your enquiry; whether all jurisdiction of Pleas in the County Courts may not be with advantage abolished, and those courts be permitted to remain only for purposes of Probate and County Police, with a session of but a single day in each month. By substituting for the present system of County and Superior Courts, with six terms in the year, three terms only of the Superior Court held by Judges learned in the law, an arrangement would be introduced far less expensive to the public, and the parties in legal controversies; while greater despatch and correctness would be attained in the administration of the law. Such a change would require some addition to the present number of Judges, to whom salaries must needs be paid, but this would be inconsiderable, compared to the payments now made to Jurors and Justices attending four courts a year in the various counties, to say nothing of the time spared to all concerned, and the less accumulation of costs on the losing parties from greater expedition in the termination of causes. If all law suits could be ended in one, or at most, two years from their commence ment, instead of being, as they often are, transmitted from father to son, loaded with costs far exceeding the value of the original subject of contest, it would be a reform of the greatest importance. The small number of causes on most of the dockets, makes the present a favorable period for the introduction of this system, which has been adopted and highly approved after trial, in other States of the Union.

By a resolution of the General Assembly in 1840, all persons holding the office of Justice of the Peace at the close of that session, who had not been before supplied, were directed to be furnished with a copy of the 1st volume of the Revised Statutes. I regretted to learn, that by the occurrence of an extensive fire in the town of Fayetteville, in June
1845, eighty-one copies of that work, which had been sent there for sale as the property of the State, were consumed. And no others remaining at the disposal of the Executive, I have been unable to furnish copies to sundry applicants under the Resolution. As the only edition of this book that has ever been published, is now exhausted, and the county officers in several new counties have not been supplied, besides the demand for Justices of the Peace, a new edition seems to be required. There having now been added to this code the enactments of ten more years, and defects having been discovered in the original, it is suggested that a Commissioner be appointed to arrange the addenda under the appropriate heads in the body of the work, or to re-cast the chapters to which amendments have been made; and propose to the next Legislature any correction of inaccuracies or defects, to the end that our Statute Law may be rendered as brief, simple and intelligible as possible.

The Commissioners of the Literary Fund will submit their report of operations for the last two years. It will be perceived that the amount of monies on loan to individuals, under the control of this Board, has been somewhat reduced, in consequence of collections of principal which have been lent to the Public Treasurer as directed by the General Assembly. A school for the education of poor persons, who may be Deaf and Dumb, has been established by the Board in the City of Raleigh—the advantages of which are also open to pupils who may be able to pay at reasonable charges. Twenty State beneficiaries and two paying Scholars are now instructed in this institution. And it will doubtless be an agreeable part of your duty, to examine the progress made by these children of misfortune in their course of mental education, as well as in some of the useful arts. A like school for the Blind has been in contemplation by the Board, and was at one time resolved upon. But for want of information as to the number, residence and situation in life of this class of afflicted persons, the fewness of those offering themselves as pupils, and the difficulties encountered in employing a teacher, having all the qualifications needed to begin such an enterprise, and conduct it to a successful issue, have occasioned a postponement of that work of benevolence for the present.

For the support of Common Schools, there has been distributed from this fund for the year, ending September 1st, 1845, the sum of $97,852 44, and on the like day in 1816, the sum
of $95,578 65. Official information has been received of the adoption of the Common School system by the popular vote at the late election in the counties of Edgecomb and Rowan. Its advantages are therefore now to be extended to every county in the State. It would be gratifying to me to be able to announce to you, that these advantages were now commensurate with the munificence of the Legislature, in providing this fund, and the expectations of the public, in advancing education among the rising generation. It is apprehended however, that much less good is effected at present, from the actual operation of the School system, than ought to result from the amount of funds raised and distributed for its support. And yet, from the nature of the defect, it is difficult to apply a remedy. From all the counties in the State, only thirty-eight Chairmen of the Boards of Superintendents for Common Schools, made any return to the Literary Board, of the operation of the system in their counties for the year 1845, and a still smaller number in 1846, although the time appointed by Law has expired. This is probably imputable not so much to their delinquency, as to the failure of the School Committees in the districts, to furnish the reports required of them. Indeed, as might be expected, in a matter depending for success, quite as much on administration, as Legislative direction—a matter new to our population and our authorities, there are at present too little intelligence, uniformity, and efficiency, in the execution of the School Law. It appears to me, therefore, of the first moment, that a Commissioner of Common Schools should be appointed, charged with the superintendence of the system throughout the State, and devoting his whole time and attention in imparting to it vigor and usefulness. The subject is of sufficient weight, especially in the infa.tile stage of these institutions, to engage the best talents and most exalted patriotism of the country.

In many of the Governments of Europe, the Minister of Public Instruction ranks with those of War, Finance and Diplomacy, their equal in dignity, perhaps more than their equal in usefulness. In those States of our Union, in which Education has most extensively prevailed, and in which, from the maturity of the system, there would seem to be the least occasion for such a supervision, it seems to be a settled point of policy, to keep in superintendence over their Common Schools, some citizen of tried ability and zeal in that department, whose time and energies are devoted to the observance and study of the system, visiting the Schools in various sections, and so counselling and directing the whole, as to produce the
greatest amount of benefit. Our experience, thus far, of the opposite course, urges the necessity of following their example. The Literary Fund affords the means of reasonable compensation for such service, with but a slight abatement from the amounts annually distributed.

Applications have been made to the Board, to purchase some portions of the Swamp Lands drained by the State and pertaining to the School Fund. But their Agent, who has instructions in respect to terms, has reported no sale actually made. It is in contemplation to visit these lands in the course of the next year, and if the drainage has proved as effectual as has been expected, to dispose of some tracts at public sale, if not otherwise, in order to promote settlement and culture thereon.

In the month of May last, I received from the War Department a requisition of the President of the United States for one Regiment of Volunteer Infantry, to be enrolled and held in readiness to aid in the prosecution of the existing war with the Republic of Mexico. A general order was immediately issued, calling for Volunteers by Companies, and with a most commendable promptitude, more than three times the number required, tendered their service. From these ten Companies were drawn by lot, to form the Regiment. In the absence of any law of the State, relative to raising and organizing such a force, the duty seemed to devolve on the Governor, under the Constitution, as the Executive and Commander in-Chief of the Militia, to determine who should be accepted among those volunteering for service, and in what grades. The Proclamation for Volunteers, however, annouced that this determination would be made by lot in accepting the Companies; and that the Company Officers would be commissioned, whom the men thereof might elect—leaving the Field Officers only to be accepted and appointed by the Executive—This construction of duty and power in defect of any statutory regulation, was adopted after mature consideration, and enquiring into the precedents during the last War with Great Britain. It has been acted upon by the Governors of other States, having no provision of law in such case, and seems to accord with the views of the War Department, and President of the United States. It is, however, wisest to regulate such levies of Troops by Legislative enactments; and, therefore, it is brought to your attention. Whether you shall decide to direct the election of Field Officers by all the Volunteers, Privates as well as Officers, (as is the case in some States,) or by the Commissioned Officers only, in conformity to our Militia regulation for ordin-
ary training; or permit it to the Executive, as at present existing, is submitted for your wisdom to determine.

The defectiveness of our Militia Code is too obvious to require remark, to such of you as have any conversancy with it, in practice. A thorough revision and emendation of it, is needed to render this arm of our defence effective. I point your attention, particularly, to the want of any provision for contesting elections to Military appointments of any grade, whatever, complaints of irregularities in such elections, having been lodged in this Department, on more than one occasion, within the last twelve months. It is also suggested, that a requirement on the Officers of Regiments or Brigades to meet together, and encamp for a few days in each year, during which, they should undergo constant drilling; and become familiarized to Camp and Garrison duties (their expenses only being defrayed by the State,) would be productive of the best effects.

The permission of the use of the Public Arms to the Militia, should be regulated by law; and more effective provision should be made for the return of the Arms on the dissolution of the Corps to whom they were issued.

In the month of July last, I received from the President of the Senate of the United States, the resignation of the Honorable William H. Haywood, Jr. one of the members of that body from this State. A day having then been fixed for the adjournment of Congress, and near at hand, I did not exercise the Constitutional power of the Executive, to appoint a successor. The term, for which the Honorable Willie P. Mangum, the other Senator from North Carolina, was elected, will expire on the 4th of March next. It will devolve on you, therefore, to fill both vacancies.

It is, also, well worthy of your consideration, whether the existing arrangement of Districts for the election of members to the House of Representatives, is accommodated to the public convenience, in uniting those of contiguous Territory and similarity of interests, or accords with the fundamental principle of a Republic, that a majority of the People should be allowed to elect their own Representatives.

Since the last adjournment of the Legislature, such changes have been wrought in our National Affairs, as to require a brief observation. The United States have become engaged in War with a neighboring Republic, weaker and inferior in all the elements of National greatness, but still not a contemptible foe. While we fervently unite in the desire, that our country, in her intercourse with foreign nations, "may be always in the
right," and readily render our loyalty and duty to make her al-
ways successful, "right or wrong," it is alien to the character
of Freemen, to forbear enquiry into the necessity which de-
mands a resort to the last alternative of Nations, or into the
conduct of the agents by whom it has been produced. By an
essential provision of our Constitution, all questions of War are,
in the first instance, to be subjected to the will of the Nation
itself, which is to pay its costs and feel its calamities. That
Mexico had relinquished her right to take umbrage at the an-
nexation of Texas, by her conditional recognition of the Inde-
pendence of that Republic, and the diplomatic intrigues con-
ected therewith; that the characteristic obstinacy of their
race, and the exasperation of feeling from the loss of so valu-
able a Territory, might have ultimately led to a War, may be
admitted. Our Congress, however, carefully endeavored to re-
move all cause of hostility on such account, by acknowledging
a disputed boundary between Texas and Mexico, in the very
act of Annexation, and giving assurance of liberal terms in its
adjustment. In this posture of affairs, without consultation
with Congress, though in Session, by authority of the Execu-
tive, as Military Commander merely, our Army was made to
take possession of the whole Territory in question. Resistance
was attempted—hostilities ensued, and we are thus involved in
war on a point of honor—the Constitutional Department of
our own Government, never having authorized an appeal to
force for the country in dispute, nor defined any objects, for the
attainment of which, it should be waged. While our arms are
signalized by victories worthy of the Nation's renown, and the
spirit of the people is ready to uphold the honor of our flag at
any sacrifice, it still remains a momentous question, under our
Institutions, whether Congress can be superseded in the power
to make War, and the authority given to the Executive, only
to effectuate the will of the Legislature, can be used to deter-
mine and settle the policy of the country, in matters of bounda-
ry, or any other.

But, with the War actually existing, and demanding a vast
increase in the Public expenditure, the income of the Govern-
ment is put to hazard, by experiments upon the Revenue, Fi-
nances, and Currency. The public sentiment has long since
decided, that the Federal Government shall be maintained, in
time of peace at least, by duties on Foreign Imports. It may be
assumed to have been equally well settled in the practice of the
nation, that in making such levies, discriminations might be
allowed, in the selection of subjects of Revenue, and in the amounts imposed, to give encouragement to the productions of our own industry. It is now declared, that this practice has always been a mischievous error; and, in the midst of the exigencies of the Treasury, a Tariff of duties yielding $27,000,000 per year, has been abandoned in favor of a theoretical system, not expected to produce more, if as much, to the end that protection may be no longer recognized, in raising Revenue. We are, therefore, probably destined to witness a loss in the Revenue, brought about by a change aiming at Revenue only. With appropriations exceeding Fifty Millions of Dollars per annum, and an income, less than Thirty Millions, a resort to higher duties, or Direct Taxation, must soon be inevitable. These additional burthens are not likely to be meliorated, but will be felt with the more severity, from another solemn Act of Congress at the last session, ordinarily called the Sub-Treasury law. By this, it is required, that from and after the 1st day of January next, whatever amount of exaction may be made upon the people by the Government, shall be paid in Gold and Silver Coin only, or in Treasury Notes of the United States. If this law is to be evaded by the Officers, charged with its execution, (as was said to have been the case in its former partial operation,) its passage was but trifling, with the public intelligence. If it is to be executed in the rigor of its conception, it will needlessly and mischievously add to the necessary burthens of the Government. With a prospect before us of increased levies, to be paid only in the precious metals, except when Treasury Notes, the evidence of the Government's indebtedness, can be procured in their stead, we cannot but welcome any demonstration of public opinion, which promises a change of counsels.

In a separate communication, the progress which has been made in completing the Letter Books of the early Governors, and collecting Documents pertaining to our Revolutionary History, under the Resolution of the last Session, will be detailed with further suggestions thereon.

It is needless to do more than mention the urgent necessity of providing a suitable enclosure around the grounds of the Capitol.

Having been legally notified of the deaths of Messrs. Robert Melvin and Thomas L. Hutchinson, Senators elect to the present Legislature, and of the resignations of Messrs. Haynes, Richardson and James K. Lea, Members elect to the House of
Commons, from the Counties of Anson and Caswell, I have issued Writs of Election to fill the several vacancies.

The resignation of Justices of the Peace, received at this Office in the past two years, will be found in the accompanying file, marked A.

I also transmit herewith, the Proceedings of sundry State Legislatures, upon various subjects, which I have been requested to lay before the General Assembly.

My letter Book will be submitted to your inspection by my Private Secretary, whenever required.

In conclusion, I commend to your calm review, every interest of the people of North Carolina, beseeching you to bear in mind, that however anxious may be your desire to conclude your labors as early as practicable, any measure of benefit to your constituents, now overlooked or passed by, must be postponed two years later in the day and generation to which we belong.

WILL. A. GRAHAM.

EXECUTIVE DEPARTMENT,

November 17th, 1846.

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

WEDNESDAY, NOVEMBER 18, 1846.

Mr. Flemming, from the committee appointed to prepare and report Rules of Order for the Government of the House, reported the Rules of Order of the last session without amendment, when the same were adopted with the following amendments proposed by Mr. Paine, viz: First amendment to be added to the 23rd rule—"except in the case of a motion to reconsider, which motion when made by a member, shall be deemed and taken to be in possession of the House, and shall not be withdrawn without leave of the House."

Second amendment.—"The members of this House shall uncover their heads upon entering the Hall, whilst the House is in session, and shall continue so uncovered during their continuance in the Hall."
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 immediate call the Members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.

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

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

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

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair; but such substitution shall
not extend beyond an adjournment, except in case of sickness.

6. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

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

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

9. All Acts, Addresses, and Joint Resolutions, shall be signed by the Speaker; and all writs, warrants, and 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 address in 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 case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

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

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

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

23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be deemed and taken to be in possession of the House, and shall not be withdrawn without leave of the House.

24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone in-
definitely, 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.

39. The members of this House shall uncover their heads upon entering the Hall whilst the House is in session, and shall continue so uncovered during their continuance in the Hall.

Committees.

40. 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.

41. 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."

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

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

49. 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.

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

51. 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.

52. 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.

53. 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.

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

55. 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.

According to the Rules of the House, the following standing committees were, on motion of Mr. Hawkins, appointed:

CLAIMS.

PROPOSITIONS AND GRIEVANCES.

EDUCATION.

AGRICULTURE.

INTERNAL IMPROVEMENT
Messrs. Rayner, Smaw, Whitaker, Kelly, Regan, Brower, Smith, Puryear, Hargrave, Reid, Fleming.

PRIVILEGES AND ELECTIONS.

Mr. Mebane, from the committee on Joint Rules of Order, made a report, recommending the adoption of the Rules of
the last session, for the regulation of the intercourse between
the two Houses, without amendment. The report was con-
curred in, and the Joint Rules adopted accordingly, as fol-
lows:

JOINT RULES FOR BOTH HOUSES.

1. Each House shall perfect and finally act on all Bills,
Resolutions and Orders, before the same shall be communi-
cated to the other for its concurrence; and if amended in
the House to which it is transmitted, it shall be communi-
cated to the House in which it originated, asking the concurrence
of that House in the amendment.

2. In any case of amendment of a Bill, Resolution, or Or-
der, agreed to in one House, and dissented to in the other,
it either House shall request a conference, and appoint a
committee for that purpose, and the other House shall also
appoint a committee to confer; each committee shall consist
of an equal number, and they shall meet and state to each
other the reasons of their respective Houses, for and against
the amendment, and confer freely thereon, and make a re-
port in writing to their respective Houses, of the result of
their conference.

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

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

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

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

7. When bills are enrolled, they shall be carefully exam-
ined by a Joint Committee of two from the Senate, and four
from the House of Commons, appointed at the meeting of
the two Houses each Monday morning, as a committee for
that purpose, for one week, whose duty it shall be carefully
to compare the enrolment with the engrossed bills, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

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

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

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

11. The committee in each House shall, in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

12. The committee of Finance shall be joint, consisting of eight members of each House. The Library Committee shall be a Joint Standing Committee, consisting of three members from each House, appointed by the Speakers thereof, respectively.

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

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

15. Whenever either House shall order any paper or document to be printed, it shall be printed in Octavo form, on good paper, and with fair type, and shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the Clerks of each House for the use thereof; and ten copies shall be deposited in the Public Library.

16. All elections requiring a joint vote shall be *viva voce*, and a Select Committee of two members in each House shall be appointed to superintend the same in their respective Houses. After the vote shall have been taken, said Select Committees shall confer together, and report the result of such election to their respective Houses.
17. That the foregoing rules shall be permanent Joint
Rules of the Legislature of North Carolina, until altered or
amended.

On motion of Mr. Mebane,
Ordered, That a message be sent to the Senate, proposing
that the joint rules of order, the rules of the Senate, and the
rules of the House of Commons, together with the constitution
of the State of North Carolina, and the constitution of the United
States, be printed in pamphlet form, one copy for each member.

Received from the Senate a message, transmitting the follow-
ing communication from his Excellency Gov. Graham.

To the Honorable the General Assembly of North Carolina.

In obedience to a resolution of the last session, a National
Flag was purchased, and Flagg Staff erected on the Capitol.
By my direction, it has been displayed to announce the opening
of the session of the Legislature. Its future use will be under your control.

WILL. A. GRAHAM.

Executive Department, Nov. 18, 1846.

A message from the Senate, concurring in the proposition of
this House, to print the message of his Excellency the Governor,
yesterday transmitted, five copies for each member of the Assembly.

Mr. Paine presented a memorial from George McIntosh and
others, in regard to the payment of Interest on the Bonds issued
by Raleigh and Gaston rail road company; which was referred to the committee on Propositions and Grievances.

Mr. Paine, also presented a memorial from the Grand Jurors
of the county of Chowan, complaining of the Public Nuisances
caused by Mill Ponds; which, on motion of Mr. Paine, was referred to the committee on Propositions and Grievances.

The House then adjourned until to-morrow morning, 10 o'clock.
Thursday, November 19, 1846.

Received from the Senate a message, concurring in the proposition of this House, in relation to the printing of the Rules of Order.

A message from the Senate, proposing to raise a joint select committee of five on the part of each House, to whom shall be referred, the documents accompanying the message of his Excellency the Governor, embracing certain resolutions and memorials from other States.

The proposition was concurred in, and Messrs. Wellborn, Adams, Ferebee, Wilson and Murphy, were appointed to compose said committee, on behalf of the Commons.

Mr. W. F. Jones introduced a memorial from sundry citizens, praying the establishment of a new county to be named La Fayette, out of a portion of the Territory of Rutherford county. Said memorial was referred, on motion of Mr. Jones, to a select committee, and Messrs. W. F. Jones, Reid, E. P. Miller, Flemming and George, were appointed by the Speaker, to form this committee.

A message from the Senate, informing that Messrs. Waddell, Ashe, Kerr, Thompson and Gilchrist, form their branch of the joint select committee, raised on the memorials and resolutions from other States, and embraced in the Governor's message.

On motion of Mr. Hayes,

Resolved, That a message be sent to the Senate, proposing that so much of the message of his Excellency the Governor, as relates to the subject of Cherokee lands, be referred to a joint select committee, consisting of four members on the part of each House.

On motion of Mr. Wilder,

Resolved, That message be sent to the Senate, proposing to raise a joint select committee of two members on the part of each House, to take into consideration so much of the Governor's message, as relates to a suitable enclosure around the Capitol Square; and that they report by bill or otherwise.

Mr. Hayes introduced a resolution, authorizing the Governor to receive Releases from certain purchasers of Cherokee Lands;
which was read and referred, on motion of Mr. Hayes, to the
committee on Propositions and Grievances.

Mr. Hayes presented a resolution in favor of Wm. Alexander; which was read, and referred to the committee on Claims.

On motion of Mr. Stone,

Ordered, That a message be sent to the Senate, proposing to
direct the door keepers of the two Houses to raise the Flag upon
the Capitol when either House shall meet, and take it down
when both Houses shall adjourn.

Received a message from the Senate, concurring in the pro-
position of this House, to raise a joint select committee on CHER-
oke Land, and informing that Messrs. Francis, Graves, Pat-
terson and Hawkins, form their branch of said committee.
Ordered, that Messrs. Hayes, Puryear, Flemming and Smaw, form this committee on behalf of this House.

Mr. Hawkins presented a memorial from Francis E. Rives, proprietor of a portion of the Portsmouth and Roanoke rail
road, praying to have conferred on him certain corporate rights
and privileges; which, on motion of Mr. D. A. Barnes, was
read and laid on the table.

Mr. Hicks presented a resolution in favor of Ezekiel Dowdle
and West Truitt; which was read, and referred to the com-
mittee on Propositions and Grievances.

Received from the Senate a message, concurring in the mes-
sage of this House, in relation to the use of the State's Flag.

A message from the Senate, agreeing to refer to a joint select
committee, the subject of enclosing the Capitol Square, and
informing that Messrs. Ehringhaus and Speight, form their branch of said committee. Ordered, that Messrs. Wilder and
Washington, compose this committee on the part of this
House.

Received from the Senate a message, proposing that the two
Houses shall at 12 o'clock to-morrow, proceed to the election
of a Senator in the Congress of the United States, to supply the
place made vacant by the resignation of the Hon. Wm. H.
Haywood Jr., and informing that George E. Badger is in nomi-
ation for that appointment. The proposition was concurred
in, and the Senate so informed.

Received from the Senate a message, informing that Messrs.
Moody and Drake, form on their part the joint committee to
superintend this election. Ordered, that Messrs. Fagg and
Hawkins form this committee on the part of the Commons.
Mr. Mebane introduced a bill to incorporate the Caldwell Institute, in the town of Hillsboro; which was read the first time and passed, and, on Mr. Mebane's motion, referred to the committee on Education.

The House then adjourned until to-morrow morning, 11 o'clock.

FRIDAY, Nov. 20, 1846.

Under the Rules of Order, the Speaker appointed the following committees:

COMMITTEE ON THE JUDICIARY.

COMMITTEE ON FINANCE.
Messrs. Mebane, Puryear, Peebles, Adams, Sanders, Moye, Hall, Austin.

COMMITTEE ON THE LIBRARY.
Messrs. Foy, Ferebee, Dancey.

COMMITTEE ON PRIVATE BILLS.
Messrs. D. A. Barnes, Bond, Skinner, Jackson, Creedle, Harrison, Bullock, Holeman, Russell, Williamson, Ribelin, Webster, Ferguson, McCurry.

Duncan Shaw, one of the members elect of the county of Cumberland, appeared, and was qualified according to Law.

Received from the Senate, a pension certificate in favor of Ann Patterson, of Iredell county; which was ordered to be countersigned by the Speaker of this House.

A message from the Senate, informing that the name of Asa Biggs is added to the nomination for Senator in the Congress of the United States.
A message from the Senate, proposing that so much of the Governor's message, as relates to an Agricultural, Geological and Mineralogical survey of the State, be referred to a select committee of five on the part of each House. The proposition was agreed to.

A message from the Senate, proposing that so much of said message, as relates to the existing arrangement of Districts for the election of members to the House of Representatives of the United States, be also referred to a joint select committee of five, on the part of each House. The proposition was agreed to.

The memorial of Francis E. Rives, was, on motion of Mr. D. A. Barnes, taken up, and referred to the committee on Internal Improvements.

Mr. Paine presented the following Resolutions; which were read and adopted, viz.

Resolved. That so much of the Governor's message, as relates to a sale by the State, in whole, or in part of the Raleigh and Gaston rail road, and to the expediency of placing said road under the control of the Board of Internal Improvements; and so much of said message, as relates to the future direction and disposal of the Club Foot and Harlows Creek canal, and for rendering the same navigable for sea going vessels: to the condition and classification of the public roads in this State; and to the expediency and necessity of making Internal Improvements within our own State, by granting liberal charters to companies for the purpose of Internal Improvements, be all referred to the committee on Internal Improvements.

2nd. That so much of said message, as relates to the present custom of payment of the tax on shares of stock, in the Bank of Cape Fear, owned by individuals; to suits on bonds given for the indemnity of the State under the act of 1841, passed for the relief of the Raleigh and Gaston rail road company; to a minute revision of the charters heretofore granted by this State, for the promotion of trade with the towns of Virginia, and an investigation of the fulfillment of them, by those to whom granted: to the expediency of changing the time of holding the terms of the Superior Courts, in the Eastern section of the State, and the expediency of altering the present Judiciary system, and to the compilation and publication of a new edition of the Statute Laws of this State, be referred to the committee on the Judiciary.

3rd. That so much of said message, as relates to the appointment of a commissioner of Common Schools; to transferring to the Public Treasurer the bonds, notes and judgments held by the Literary Board; and to the payment of the tavern and auction taxes into the Public Treasury, be referred to the committee on Education.
4th. That a message be sent to the Senate, proposing that so much of the Governor's message, as relates to the reassessment of Lands, and a more correct listing of Polls, be referred to a joint select committee, consisting of three members from the House of Commons, and two from the Senate.

5th. That a message be sent to the Senate, proposing that so much of the Governor's message, as relates to the re-estimation of Lands, and a more correct listing of Polls, be referred to a joint select committee, consisting of three members from each House; and that said committee be instructed to inquire and report if any, and what measures are necessary to be adopted, to prevent the Petersburg company, or any other company incorporated in this State, from interfering with, or in any way attempting to frustrate the corporate rights, and interests of companies chartered by this State.

On motion of Mr. Hawkins,

Resolved, That a message be sent to the Senate, proposing to raise a Joint select committee on Military Affairs, consisting of five members from each House.

On Motion of Mr. D. A. Barnes,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, consisting of five members on the part of each House, whose duty it shall be to inquire into the propriety of altering the time for holding elections in this State; and that they report by bill or otherwise.

The hour of 12 o'clock having arrived, messages were interchanged between the two Houses, announcing their readiness to execute the Joint Order of the day, and to proceed to the election of a Senator in the Congress of the United States, to supply the vacancy occurring by the resignation of the Hon. William H. Haywood Jr.

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

FOR GEORGE E. BADGER.

Messrs. Speaker, Adams, D. A. Barnes, Blount, Britton, Brower, Calloway, Charles, Chunn Creedle, Davenport, Erwin Fagg, Faucett, Ferebee, Foy, Gambill, George, Gilliam, Golding, Guion, Gwynn, Hackney, Harris, Hargrave, Haynes, Hayes, Hicks, Holeman, Hoover, Hunt, W. F. Jones, Lasater, Leathers, Mebane, E. P. Miller, G. A. Miller, McCurry, McKesson, Nicholls, Og-

Mr. Hawkins, from the committee to superintend this election, reported that the Hon. George E. Badger, 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. Paine,

Resolved, That so much of the Governor’s message, as relates to the revenue and Finances of the State generally, to an increase of revenue from new objects of taxation, to the creation of a sinking fund to be applied in purchasing and cancelling the bonds guaranteed by the State, for the railroad companies, be referred to the committee on Finance.

Mr. Britton introduced a resolution, relating to the Bertie Troop of Cavalry; which was read the first time, and passed.

Mr. J. H. White introduced a bill to change the location of the Court House of the county of Lincoln, and for other purposes; which was read the first time and passed, and referred to a select committee, consisting of Messrs. Wilson, George, Fagg, Whitaker, and Flemming.

Mr. Ellis introduced a resolution in favor of H. Turner, Sheriff of Rowan County; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Reid introduced a memorial signed by many citizens, praying that a new county may be established by the name of Graham, out of portions of the counties of Iredell, Mecklenburg, Lincoln and Catawba. Said memorial, was, on motion of Mr. Reid, referred to the select committee raised on the proposition to erect a new county, to be called La Fayette.
Mr. Hayes presented a petition from certain citizens of Cherokee county, praying a grant of land in said county to the Methodist Society, for the purposes of a Camp Ground.

Mr. G. A. Miller presented a bill to establish a new county by the name of Gaston, and to annex a part of the county of Catawba to the county of Lincoln; which was read the first time and passed, and ordered to lie on the table.

Mr. Britton introduced a bill to amend the second section of the 59th chapter of the Revised Statutes; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Gambill presented the following resolution:

Resolved, That the committee on Education inquire into the expediency of amending the law heretofore passed on the subject of Common Schools, so that each of the several counties shall receive an equal proportion of the school fund belonging to the State, in proportion to the white population, and that they report by bill or otherwise.

This resolution was read and rejected.

Received from the Senate a message, proposing that an election be had immediately for Secretary of State, and informing that William Hill, the present incumbent, was in nomination for the appointment.

The proposition was concurred in. Messrs. Adams and Holden were appointed a committee to conduct the election, and Mr. Adams, on behalf of said committee, reported that Wm. Hill, having no opposition, was duly elected. The report was concurred in.

The Speaker appointed under the joint order, Messrs. Chunn, Blount, Ellis, Smith and Shaw, to compose, on behalf of the Commons, the joint select committee on an Agricultural, Geological and Mineralogical survey of the State, and Messrs. Rayner, Waddell, Gilliam, J. H. White and Harrison to form our branch of the joint select committee on the arrangement of the Congressional Districts.

The House then adjourned until to-morrow morning, 10 o'clock.
Mr. Hawkins, from the committee on Claims, reported favorably on the resolution in favor of Wm. Alexander, when said resolution was read the second time and passed.

On motion of Mr. Gilliam,

Ordered, That a message be sent to the Senate, proposing that the two Houses do, at 12 o'clock this day, go into an election of a Senator in the Congress of the United States, for the term of six years from and after the 4th of March next, and informing that the name of Willie P. Mangum is in nomination for the appointment. On motion of Mr. Courts, ordered that the Senate be informed that the name of James J. McKay is added to the nomination.

On motion of Mr. Foy,

Ordered, That a message be sent to the Senate, proposing that the two Houses do, at 11 o'clock to day, go into an election of a Solicitor for the 2d Judicial Circuit, and informing that the names of Albert G. Hubbard and John S. Hawks, are in nomination for the office.

Mr. Washington, from the committee on Education, reported favorably on the bill to incorporate the Caldwell Institute, in the town of Hillsborough; when said bill was read the second time and passed.

Mr. W. F. Jones, from the select committee raised on that subject, reported a bill to establish a new county, La Fayette; which bill was read the first time and passed.

Mr. Wellborn presented a bill to incorporate the town of Wilkesborough; which was read the first time and passed, and, on Mr. Wilder's motion, referred to the committee on Private Bills.

Mr. D. A. Barnes introduced a bill to amend the Revised Statute, entitled Deeds and Conveyances; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Washington presented the pension certificate in favor of Alex'r Taylor, of Craven county; which was ordered to be countersigned by the Speaker of the House, and sent to the Senate.

The resolution relating to the Bertie Troop of Cavalry, was called up by Mr. Britton, read the second time, amended on the motions of Messrs. Wellborn and D. A. Barnes, and passed.
On motion of Mr. Smith,

Ordered, That a message be sent to the Senate, proposing that the two Houses shall, at 12 o'clock on Monday next, proceed to the election of Solicitor for the 4th Judicial Circuit.

On motion of Mr. Steele,

Ordered, That a message be sent to the Senate, proposing to go into an election of Solicitor for the 5th Circuit, on Monday at 11 o'clock, and informing that the names of John W. Cameron, Thomas S. Ashe, Thomas D. Meares and Robert Strange are in nomination for this appointment.

A message from the Senate, informing that Messrs. Halsey, Wilson, Patterson, Cooper, Wooten, Gilliam, Exum and Ward, form their branch of the committee of Finance.

A message from the Senate, agreeing to vote for a Solicitor of the 2d Circuit, and informing that Messrs. Hill and Carter form their branch of the committee to superintend this election. Ordered that Messrs. Brogden and Guion form this committee on the part of the Commons.

The House proceeded at once to vote as follows:

FOR JOHN S. HAWKS,

Messrs. Speaker, D. A. Barnes, Blount, Bond, Britton, Brogden, Brower, Charles, Chunn, Creedle, Davenport, Edwards, Fagg, Faucett, Ferebee, Gilliam, Golding Hackney, Harris, Hargrave, Hicks, Lasater, Leathers, Mebane, McCurry, McKesson, Nichols, Palmer, Peebles, Puryear, Rayner, Reid, Ribelin, Russell, Skinner, Smaw, Trull, Waddell, Washington, Isaac White, 40

FOR ALBERT G. HUBBARD,


FOR GEORGE S. STEPHENSON,


Mr. Brogden, from the committee appointed to super-
intend 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.

On motion of Mr. Smith,

Ordered, That a message be sent to the Senate, proposing that another vote be had immediately for this officer.

It being now 12 o'clock, messages were interchanged between the two Houses, announcing their readiness to execute the joint order and to vote for Senator in Congress, when the roll was called, and the House voted as follows:

FOR WILLIE P. MANGUM.


FOR JAMES J. MCKAY.


Mr. Edwards, from the committee appointed to conduct this election, reported that the Hon. Willie P. Mangum had received a majority of the whole number of votes, and that he was duly elected a Senator in the Congress of the United States, for the term of six years, commencing from and after the 4th of March next. The report was concurred in.

Received from the Senate a message, concurring in the proposition of this House, to go into an election of Solicitor for the 5th Judicial Circuit on Monday next, at 11 o'clock, and informing that the name of John Winslow is added to the nomination, and informing also that Messrs. Eborn and Wooten form their branch of the committee to superintend the election.
A message from the Senate, agreeing to vote for a solicitor for 4th Judicial Circuit on Monday next, at 12 o'clock, and informing that Messrs. Boyd and Hogan, form their branch of the committee to superintend the election.

The Speaker, laid before the House the Annual Report of Charles L. Hinton Esq., the Public Treasurer of the State.

On motion of Mr. Mebane,

Ordered, That the reading be dispensed with, and that the report be sent to the Senate, with a proposition that it be printed, and referred to the joint committee on Finance.

Received from his Excellency Governor Graham, by his private Secretary, Mr. H. W. Graham, the following communication:

To the Honorable the General Assembly of North Carolina.

I herewith transmit a memorial with sundry printed copies thereof, from David Patton, of Edinburgh, Scotland, preferring a claim against the State, for services alleged to have been rendered by him, as an architect in rebuilding the Capitol.

I have no knowledge of the subject to which it refers, and lay it before your body on the frequent and urgent solicitation of the petitioner.

WILL. A. GRAHAM.

Executive Department, Nov. 21, 1846.

The communication was read, and, on motion of Mr. E. P. Miller, ordered, that it be referred to the committee on Claims.

Received in like manner, from His Excellency Governor Graham, the following:

To the Honorable General Assembly of North Carolina.

In view of the litigation, in which the State was concerned for the foreclosure of the mortgage on the property of the Raleigh and Gaston rail road company, on the bonds of stockholders, and subscribers pertaining to said company, and the information against the Petersburg rail road company, I exercised the power in me vested by a resolution of the last General Assembly, by retaining in her behalf the professional services of Hon. James Iredell, assistant counsel to the Attorney General.

It will become your duty under the resolution, to determine and settle his compensation.

WILL. A. GRAHAM.

Executive Department, Nov. 21, 1846.
On motion of Mr. Mebane,  
Ordered, That said communication be referred to the committee on Claims.  
The House then adjourned until Monday morning, 10 o'clock.

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Monday, November 23, 1846.

John Baxter, the member elect from the county of Henderson, and George W. Pegram, one of the members from the county of Cumberland, appeared, and were qualified according to Law.  
Mr. W. F. Jones, from the select committee raised on the subject, reported a bill for a new county, Grahan. Said bill was read the first time. Mr. Potts, moved that said bill be rejected. The question thereon was decided in the negative, and the bill passed the first reading.  
Mr. Baxter presented sundry memorials and papers, touching this subject; which, on his motion, were ordered to be considered on the second reading of the bill.  
Mr. Steele presented a bill relative to retailing spirituous liquors, in the counties of Richmond and New Hanover; which was read the first time, passed, and referred to the committee on Private Bills.  
Mr. Stone presented a bill to amend the 30th section of 105 chapter of Revised Statutes, relating to Registers' fees; which was read the first time and passed, and referred to the committee on the Judiciary.  
Received from the Senate a message, proposing that the two Houses do proceed immediately to the election of a Solicitor for the 2nd Judicial circuit. The proposition was agreed to, Messrs. Ferebee and Collins were appointed a committee to superintend the election, and the House voted as follows:

FOR JOHN S. HAWKS.

Messrs. Speaker, Adams, D. A. Barnes, E. Barnes, Baxter, Blount, Bond, Britton, Brogden, Brower, Calloway, Charles, Chunn, Coffield, Collins, Creedle, Davenport, J. P. Davis, Erwin, Fagg,
Mr. Ferebee, from the committee appointed to conduct this election, reported that John S. Hawks had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Ordered, that a message be sent to the Senate, proposing to go into an election on Wednesday next, for seven counsellors of State, and informing that Messrs. David W. Sanders of Onslow county, John McLeod of Johnston, John A. Anderson of Hertford, Nathaniel W. Roane of Caswell, Absalom Myers of Anson, Josiah Cowles of Surry, and James Lowrie of Buncombe county, are in nomination.

Received a message from the Senate, concurring in the proposition of this House, to raise a joint select committee on Military Affairs, and informing that Messrs. Hawkins, Ehringhaus, Daniel, Hogan and Tomlinson, form their branch of said committee.

Mr. Mebane, from the committee on Claims, reported with certain amendments, the resolution in favor of James H. Wiggins and Alexander Nicholls; which was read the second time, and passed.

Received from the Senate, the pension certificates from Craven county, in favor of John Rhem and Thomas Ewell, countersigned by the Speaker of that body. Ordered, that the same be countersigned by the Speaker of this House, and returned to the Senate.
Received from the Senate a message, transmitting the following resolution of that body, and asking the concurrence of this House:

Resolved, That the Speaker of the Senate and the Speaker of the House of Commons, be requested to inform George E. Badger Esq., of his election to the United States Senate, to supply the vacancy occasioned by the resignation of Hon. William H. Haywood Jr., and request his acceptance of the same.

The said resolution was read, and, on motion of Mr. Gilliam, ordered that it lie on the table.

Under the Joint Rules of Order, the following persons were appointed the committee on enrolled bills for the present week: Messrs. Brogden, Golding, Ferebee and Hayes.

Mr. Flemming introduced a bill, which, entitled the homestead bill, was read the first time and passed, and, on motion of Mr. Flemming, referred to the committee on the Judiciary.

Mr. Steele presented a bill to amend the 42nd section of the Revised Statutes, entitled slaves and free persons of color; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Smith introduced a resolution in favor of Joseph Allison; which was read the first time and passed, and, on Mr. Smith's motion, referred to the committee on Propositions and Grievances.

Mr. Dancy introduced a bill to revive an act passed in the year 1813, entitled an act for erecting an Academy in the town of Tarborough; which was read the first time and passed, and referred, on Mr. Dancy's motion, to the committee on Education.

Mr. Walser introduced a bill to make Real Estate Assets; which was read the first time and passed, and referred to the committee on the Judiciary.

Received from the Senate a message, conveying in the proposition of this House, to vote to-day at 11 o'clock, for a Solicitor for the fifth Judicial Circuit, and informing that Messrs. Eborn and Wooten, form their part of the committee to superintend the election. Ordered, that Messrs. Steele and Ellis form this committee on behalf of the Commons.

The House then voted as follows:

FOR ROBERT STRANGE.

Messrs. Austin, E. Barnes, Brogder, Brown, Bullock, Coffield,

FOR THOMAS D. MEARES,

FOR JOHN W. CAMERON,

FOR THOMAS S. ASHE,

FOR JOHN WINSLOW, Mr. Gilliam, 1.

Mr. Ellis, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and there was no election. The report was concurred in.

Received a message from the Senate, agreeing to vote this day at 12 o'clock for a Solicitor for the fourth Judicial Circuit.

Messrs. Flemming and Golding, were appointed to superintend the voting, and the House voted as follows:

FOR JOHN F. POINDEXTER,

FOR JOHN KERR,
Mr. Fleming, on behalf of this committee, 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.

On motion, ordered that a message be sent to the Senate, proposing to vote again for Solicitor of the 5th circuit. The proposition was agreed to by the Senate, and Messrs. Kerr and Hargrave were appointed to form their branch of the committee to superintend the election. Ordered that Messrs. Shaw and Trull compose said committee on behalf of this House. The House voted as follows:

FOR ROBERT STRANGE,

FOR JOHN W. CAMERON,

FOR THOMAS D. MEARES,

FOR THOMAS S. ASHE.
Messrs. Speaker, Baxter, Chunn, Davenport, Erwin, Faucett.
Mr. Shaw, from the committee on this voting, 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 to go again immediately into an election of Solicitor for the 4th circuit. The proposition was agreed to, and Messrs. Hackney and Stone were appointed the committee to superintend the voting.

The House then voted as follows:

**FOR JOHN F. POINDEXTER,**

**FOR JOHN KERR,**

**FOR HENRY K. NASH,**

**FOR CALVIN, H. WILLIE,**

For C. C. BATTLE, Mr. Berry D. Sims.

Mr. Stone, from the Committee to superintend the 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.
On motion, ordered that a message be sent to the Senate, proposing that another vote be taken immediately, for a Solicitor for the 5th circuit.

Received in reply a message from the Senate, agreeing to this proposition, and informing that Messrs. McMillan and Street form their branch of the committee to conduct the election. Ordered that Messrs. Watters and Williams form this committee on behalf of this House.

The House then voted as follows:

FOR ROBERT STRANGE,

FOR JOHN W. CAMERON.

FOR THOMAS D. MEARES,

FOR THOMAS S. ASHE.

Mr. Williams, from the committee on this vote, 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 a message from the Senate, proposing that another vote be taken immediately, for Solicitor in the 4th circuit. The proposition was agreed to, and Messrs. Leathers and McMullen appointed a committee to superintend the election.
The House then voted as follows:

FOR JOHN F. POINDEXTER,

FOR JOHN KERR,

FOR HENRY. K. NASH,

FOR C. H. WILLIE,

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

Tuesday, November 34, 1846.

Mr. McMullen, from the committee yesterday appointed to conduct the election of Solicitor for the 4th Circuit, 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.

Mr. Baxter presented a memorial from sundry citizens, of
the county of Henderson, concerning the ranging of stock on the uncultivated lands of said county; which, on motion of Mr. Baxter, was referred to the committee on Propositions and Grievances.

Mr. Wellborn introduced a bill to lay off and establish a road from Brown's or Stokes' Ford, on the Yadkin river, in the county of Wilkes, to the top of the Blue Ridge, at the Ashe county line; which was read the first time and passed, and referred, on motion of Mr. Smith, to the committee on Internal Improvements.

Mr. E. P. Miller presented a resolution in favor of E. S. Moore, Sheriff of Caswell county; which was read the first time and passed, and referred to the committee on Claims.

Received from the Senate a message, concurring in the proposition of this House to raise a joint select committee to inquire into the propriety of altering the time of holding elections in this State, and informing that Messrs. Gilchrist, Wooten, Russell, Stowe and Barnard, compose their branch of said committee. Ordered that Messrs. Britton, Charles, Long, Nicholls and Lemmond, form said committee on the part of this House.

A message from the Senate, concurring in the proposition of this House to refer so much of the Governor's message as relates to the re-assessment of lands, and a more correct enlistment of polls to a joint select committee of three members of the House and two of the Senate, and informing that Messrs. Woodfin and Wilson form their branch of said committee. Ordered that Messrs. Faucett, Holeman and Courts, form said committee on behalf of the Commons.

A message from the Senate, concurring in the proposition of this House to print the Report of the Public Treasurer, for the use of the Assembly, and to refer the same to the committee on Finance.

A message from the Senate, proposing to refer so much of the Governor's message as relates to Cherokee county, to the joint select committee on Cherokee lands. On motion of Mr. Hayes, said message was laid on the table.

Mr. G. A. Miller introduced a bill for the more speedy and equitable settlement of the estates of deceased persons; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. D. A. Barnes, from the committee on Private Bills, reported without amendment the bill relative to retailing
spirituous liquors in the county of Richmond and New-Hanover; when said bill was read the second time and passed.

Mr. Paine presented a bill to amend the Revised Statute, entitled Courts of Equity; which was read the first time and passed, and referred to the committee on the Judiciary.

On motion of Mr. Guion,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of three members from each House, for the purpose of investigating the inspection laws and renewing the same, and that they report by bill or otherwise.

On motion of Mr. Williams,

Resolved, That the committee on Education be instructed to inquire into the expediency of authorizing the Board of Superintendents of Common Schools to appoint a committee of examination consisting of not more than five persons, whose duty it shall be to examine into the qualifications, both moral and literary, of applicants for schools in their respective counties, and that they report by bill or otherwise.

On motion of Mr. Brower,

Resolved, That the committee on Education be instructed to inquire into the the expediency of so amending the law on Common Schools, as to change the time of electing the school committeemen, and that they report by bill or otherwise.

Mr. Baxter introduced a bill to divide the State into nine Judicial Districts, and for other purposes; which was read the first time and passed, and referred, on motion of Mr. Courts, to a select committee of seven members, one to be selected from each Judicial Circuit.

Received from the Senate a message, proposing to go into an election at 12 o'clock tomorrow, for Counsellors of State.

Mr. Dancy moved that the following names be added to the nomination, and that the Senate be so informed; which was ordered, viz: Isaac T. Avery of Burke county, Thomas Bragg, Jr. of Northampton, Kimbrough Jones of Wake, George D. Baskerville of Warren, Walter F. Leak of Richmond, John A. Averyitt of Onslow.

On motion of Mr. Hayes,

Ordered, That a message be sent to the Senate, propos-
ing that the two Houses shall, at 11 o'clock to-morrow, go into an election for Attorney General.

Mr. Waddell called up the bill to establish a new county by the name of Gaston, and to annex part of the county of Catawba to the county of Lincoln; when the same was, on his motion, referred to a select committee of four members, which consists of Messrs. Waddell, Courts, Fagg and Fleming.

Received from the Senate a message, informing that their branch of the joint select committee, raised on so much of the Governor's message as relates to Geological, Mineralogical and Agricultural survey of the State, consists of Messrs. Woodlin, Mills, Kerr, Drake and Gilliam, and that Messrs. Gilmer, Cameron, Waddell, Halsey and Ashe, form their branch of the joint select committee on the subject of arranging the Districts of the State, for the election of members of Congress.

Received a message from the Senate, concurring in the proposition of the House to refer that part of the Governor's message relating to the Portsmouth and Roanoke Rail Road, and to the various laws passed by the Legislature of Virginia and this State in relation thereto, to a joint select committee consisting of four members from each House, and informing that Messrs. Poindexter, Street, Gilmer and Boyd, form their branch of said committee.

On motion of Mr. Steele,

Ordered, That a message be sent to the Senate, proposing to go again into an election immediately for the Solicitor in the 5th Judicial Circuit.

Received a message from the Senate, informing that they agree to this proposition, and that Messrs. Speight and Kelly compose their branch of the committee. Ordered that Messrs. Steele and Williamson superintend the voting on the part of this House.

The House then voted as follows:

FOR ROBERT STRANGE,

FOR JOHN W. CAMERON.


FOR THOMAS S. ASHE.


FOR THOMAS D. MEARES.

Messrs. Blount, Ferebee, Foy, Jackson, Skinner, Watters, 6

Mr. Steele, on behalf of the committee, 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.

On motion of Mr. Adams,

Ordered, That a message be sent to the Senate, proposing to hold an election forthwith for Solicitor of the 4th Judicial Circuit, and informing further, on motion of Mr. Gilliam, that the name of Calvin H. Willie is withdrawn from the nomination.

Received from the Senate a message, agreeing to this proposition, and informing that Messrs. Melehor and Exum form their branch of the committee for this purpose. Ordered that Messrs. Smith and Hunt form the Commons branch of this committee.

The House then voted as follows:

FOR JOHN F. POINDEXTER,


FOR JOHN KERR,

Messrs. Austin, E. Barnes, Baxter, Britton, Brogden, Brown,

FOR HENRY K. NASH,
Messrs. Charles, Cox, Dancy, J. P. Davis, Faucett, Guion, Hall, Hargrave, Jackson, Kelly, Leathers, Mebane, Moye, Murphy, McNeill, Person, Regan, Richardson, Shaw, Skinner, Smith, Wad- dell, Watters, Williams, 25.

Mr. Smith, from this committee, reported that there was no election. The report was concurred in.

On motion of Mr. Foy,
Ordered, That a message be sent to the Senate, proposing to hold an election immediately for Solicitor for the 5th Circuit, and informing that the name of Thomas D. Meares, is withdrawn from the nomination.

A message from the Senate, concurring in the proposition and informing that Messrs. Howard and Stallings, form their branch of the committee on said election. Ordered, that Messrs. Watters and Regan, form this committee on behalf of the Commons.

The House voted as follows:

FOR ROBERT STRANGE,

FOR THOMAS S. ASHE,

FOR JOHN W. CAMERON,
Messrs. Adams, D. A. Barnes, Britton, Calloway, Fagg, Fergu- son, Foy, Gambill, Gwynn, Golding Guion, George, Hackney,
Mr. Watters, from the committee on 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.

On motion of Mr. Gilliam,

Ordered, That a message be sent to the Senate, proposing to go into an election immediately of Solicitor for the 4th Circuit, and informing that the name of Henry K. Nash, is withdrawn from the nomination.

Received from the Senate a message, agreeing to the proposition and informing that Messrs. Thompson and Kerr, form the committee on their part to superintend the election. Ordered, that Messrs. Gilliam and Marshall form this committee on the part of the House.

The House voted as follows:

FOR JOHN F. POINDEXTER,


FOR JOHN KERR,


Mr. Gilliam on behalf of the committee on this election, reported that John F. Poindexter had received a majority of the whole number of votes, and that he was duly elected Solicitor for the 4th Judicial Circuit. The report was concurred in.
On motion of Mr. D. A. Barnes,

Ordered, That a message be sent to the Senate, proposing to hold another election immediately for a Solicitor for the 5th Judicial Circuit, and informing that the names of John W. Cameron and John Winslow are withdrawn from the nomination.

A message from the Senate, agreeing to this proposition and informing that Messrs. Ashe and Barnard, form their branch of the committee to superintend the election. Ordered, that Messrs. D. A. Barnes and McNeill form said committee on behalf of the Commons.

The House then voted as follows:

**FOR THOMAS S. ASHE,**


**FOR ROBERT STRANGE,**


**FOR JOHN W. CAMERON, Mr. Gwynn, 1.**

Ordered, That the Senate be informed, that Messrs. Chunn, Blount, Ellis, Smith and Shaw, form the House branch of the joint select committee on the Agricultural, Geological, Mineralogical, survey of the State. That Messrs. Rayner, Waddell, Gilliam, J. H. White, H. Harrison, form the committee on redistricting the State for members of Congress. That Messrs. Rayner, Peebles, Austin and Ellis, form the House branch of the joint select committee on the Legislation of Virginia, touching rail roads and incorporated companies in the State.

The House then adjourned until to-morrow morning, 10 o'clock.
Mr. Williams presented a bill to increase the school fund, by a tax on Billiard Tables; which was read the first time and passed, and referred to the committee on Education.

Mr. Washington introduced a memorial from sundry citizens, of the county of Craven on the same subject; which, on his motion, was referred to the committee on Education.

Mr. D. A. Barnes, from the committee appointed to superintend the election of Solicitor for the 5th Judicial Circuit, reported that Thomas S. Ashe had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Mr. Flemming introduced a bill to lay off a public Road from Hopson's Shop, in the county of Yancy, to the foot of the Iron Mountain; which was read the first time, and passed.

Mr. Hall introduced a bill regulating limited copartnerships; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Mebane, from the committee on Propositions and Grievances, reported without amendment the resolution in favor of H. Turner, Sheriff of Rowan county, when the same was read the 2nd time, and passed.

Mr. Mebane, from the same committee to whom was referred, a memorial from nonresidents of the State, in relation to the collection of interest on bonds of the Raleigh and Gaston railroad company, reported that in the opinion of the committee, no Legislation is required on the subject, and prayed that the committee be discharged from the further consideration thereof. The report was concurred in, and the committee discharged.

Mr. Mebane introduced a bill to reduce into one act, all the acts in relation to the village of Chapel Hill; which was read the first time, and passed.

Mr. Baxter introduced a bill to incorporate the town of Hendersonville, in the county of Henderson; which was read the first time, and passed.

Mr. Dancy introduced a bill to repeal an act, entitled an act for the better regulation of the town Tarborough in Edgecomb county, and for other purposes; which was read the first time and passed, and referred to the committee on Private Bills.

Received from the Senate a message, transmitting a communication from the Principal Clerks of the two Houses, giving
notice that they had by virtue of their office and authority ap-
pointed David Lewis of Bladen, and James G. Scott of Orange,
Engrossing Clerks for this session.

A message from the Senate, informing that Messrs. Daniel
and Drake compose their branch of the joint select committee
on enrolled bills the present week, and that Messrs. Russell,
Mills and Cowper, form their branch of the joint select com-
mittee on the Library.

Mr. Kelly presented a resolution for the relief of the Clerk of
the county Court of Duplin; which was referred to the com-
mittee on Propositions and Grievances.

Mr. Hayes presented a memorial and sundry resolutions,
adopted by a public meeting of certain citizens of Cherokee
county, relating to various objects of Internal Police in said
county; which, on motion of Mr. Mr. Hayes, were referred to
the committee on Cherokee Lands.

On motion of Mr. Ferebee,

Resolved, That a select committee of five be appointed, whose
duty it shall be to inquire into the condition so far as is ascertained,
of the Inlet, which has recently been opened on our coast below
Cape Hatteras, and that they make report to the House on the prac-
ticability and propriety of improving said Inlet, and making it permanent.

Said committee consists of Messrs. Ferebee, Creedle, Charles,
Griggs, and Gatling.

On motion of Mr. Bullock,

Resolved, That the committee on Finance be instructed to inquire
into the expediency of increasing the tax on pedlars by land; and
that they report by bill or otherwise.

Mr. Hayes introduced a bill to lay off a public road in Cher-
okee county, and to make an appropriation for the same; which
was read the first time and passed, and referred to the commit-
tee on Internal Improvements.

Mr. Mebane, from the committee of Propositions and Griev-
ances, to whom was referred the memorial of the Grand Jury
of Chowan county, relating to Mill Ponds, reported that the
laws already in force are adequate to the relief sought, and
prayed to be discharged from the further consideration of the
subject. The report was concurred in.

Mr. Hicks presented a resolution in favor of Mary D. Moore,
and a resolution in favor of Jacob Siler. These resolution were read the first time and passed, and referred, on motion of Mr. Hicks, to the committee on Propositions and Grievances.

On motion of Mr. D. A. Barnes,

Resolved, That the committee on Military Affairs be instructed to inquire into the propriety of furnishing each of the commissioned officers, of the several Regiments of Infantry and Cavalry in this State, with a printed copy of the Militia Laws.

Received a message from the Senate, proposing that a committee of five on the part of each House, be raised (the said committee to be selected from members representing the Eastern part of the State,) whose duty it shall be to inquire into condition of the Laws regulating the inspection of Turpentine, and report by bill or otherwise. The proposition was agreed to, and Messrs. Guion, Edwards, Williams, Watters and Jackson, were appointed said committee on the behalf of this House.

Received a message from the Senate, informing that they are ready to execute the Joint Order, and go into an election of Counsellors of State, and informing that Messrs. Hawkins and Albright form their branch of the committee to superintend said election. Ordered, that Messrs. Washington and Dancy form this committee on behalf of the Commons.

The House then proceeded to voted as follows:

For David W. Sanders, of Onslow;
John McLeod, of Johnston;
John Anderson, of Hertford;
Nathaniel M. Roane, of Caswell;
Absalom Myers, of Anson;
Josiah Cowles, of Surry;
James Lowry, of Buncombe;

For Isaac P. Avery, of Burke;
Thomas Bragg Jr., of Northampton;
Kimbrough Jones, of Wake;
George D. Baskerville, of Warren;
William Norfleet, of Edgecomb;
Walter F. Leake, of Richmond;
John A. Averitt, of Onslow;


Mr. Wilson voted for Messrs. Avery, Bragg, Jones, Averitt, Leake, Norfleet and Roane.

Mr. Washington, on behalf of the committee, reported that Messrs. Sanders, McLeod, Anderson, Roane, Myers, Cowles and Lowry, had each received a majority of the whole number of votes, and that they were duly elected.

The bill to incorporate the Caldwell Institute in the town of Hillsboro, and the resolution in favor of James H. Wiggins and P. Nicholls, were read the third time and passed, and ordered to be engrossed.

The resolution relating to troops of cavalry, was read the third time, amended so as to provide for troops of cavalry in Cabarrus, Orange and Union, and passed, and ordered to be engrossed.

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

Thursday, November 26, 1846.

Mr. Palmer presented a Resolution in favor of Benjamin Ivey, of Stanly county; which was read the first time, and passed.
Mr. Walser presented a resolution, relating to the State Capitol; which was read the first time and passed.

Mr. Wilson presented a bill to incorporate the Trustees of Loretz Centenary Institute, together with certain papers and letters relating thereto. Said bill was read the first time and passed, and referred, on the motion of Mr. Reinhardt, to the committee on Education.

Mr. Nicholls presented a resolution in favor of Robert B. Davis, late Sheriff of Washington county; which was read the first time and passed, and referred, on motion of Mr. Nicholls, to the committee on Claims.

On motion of Mr. Neal,

Resolved, That the committee of Finance, be instructed to inquire into the expediency of taxing capital in aid of the public revenue, whether the same shall consist of money or bonds, judgments or other evidences of debt.

Mr. D. A. Barnes introduced a bill to incorporate the Roanoke rail road company; which was read the first time and passed, and referred, on the motion of Mr. Barnes, to the committee on Internal Improvements.

Mr. Washington presented a resolution, in favor of the Representatives of the late Gen'l. John J. Pasteur; which was read the first time and passed, and referred to the committee on Claims.

Received a message from the Senate, informing that Messrs. Street, Eborn, Howard, Ashe and Ferrand, form their branch of the joint select committee on the inspection of Turpentine, and proposing that two additional members on the part of each House be added to the said committee. The proposition was agreed to, and Messrs. J. P. Davis and Smaw, were added on the part of the Commons.

Mr. Murphey introduced a bill to incorporate a corps of cavalry in the county of Sampson; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Washington, from the committee on Education, reported without amendment the bill to revive an act passed in the year 1813, entitled an act for erecting an Academy in the town of Tarbororough; which was read the second time, and passed.

Mr. D. A. Barnes, from the committee on Private Bills, reported with an amendment, the bill to repeal an act, entitled an act to amend an act entitled an act for the better regulation
of the town of Tarborough, in Edgecomb county, and for other purposes; when the said bill was amended, read the second time, and passed.

On motion of Mr. Holden,

Resolved, That the use of the Hall of the House of Commons be granted, on Tuesday night next, to Wm. D. Cook, the principal of the Institution in this City for the deaf and dumb, for the purpose of examining his pupils, and of exhibiting their progress in knowledge.

On motion of Mr. Washington, the resolution proposing to refer that part of the Governor's message relating to the militia to the committee on Military Affairs, was taken up, read and adopted.

Mr. Baxter presented a bill to repeal the 88th section of the 102nd chapter of the Revised Statutes; which was read the first time and passed, and referred to the committee on the Judiciary.

The message from the Senate, heretofore laid on the table, proposing to refer so much of the Governor's message as relates to Cherokee county, to the joint select committee on Cherokee lands, was called up by Mr. Hayes, and read and adopted.

The Speaker appointed Messrs. Baxter, Ellis, Williams, Mebane, Wilder, Washington and Ferebee, to form the select committee on the bill to divide the State into nine Judicial Circuits, and for other purposes.

The resolution in favor of William Alexander, and the resolution in favor of H. Turner, Sheriff of Rowan county, were each read the third time, passed, and ordered to be engrossed.

Mr. Dancy presented a memorial of certain citizens of Edgecomb county, relating to obstructions in Town Creek; which was read, and referred to the committee on Propositions and Grievances.

The bill relative to retailing spirituous liquors, in the county of Richmond, was read the third time, passed, and ordered to be engrossed.

Mr. D. A. Barnes, from the committee on Private Bills, reported, with certain amendments, the bill to incorporate the town of Wilkesborough. The said amendments were
not concurred in. The bill was amended, on motion of Mr. Wellborn, and read the second time and passed.

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

FRIDAY, NOV. 27, 1846.

Thomas S. D. McDowell, the member elect from the county of Bladen, appeared, and was qualified according to law.

Mr. W. F. Jones called up for consideration the bill to establish a new county, to be called LaFayette, when the same was read the second time. Mr. D. A. Barnes moved the following amendment:

Be it further enacted, That whenever any Judge of the Superior Courts of Law or Equity shall be required to hold a court in the county hereby established, it shall be lawful for the said Judge to demand and receive of and from the said county, the sum of ninety dollars, for the services so rendered.

Pending the question on this amendment, the House, on motion, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 29, 1846.

Received a message from the Senate, proposing to raise a joint select committee on Public Buildings, who shall enquire what alterations may be necessary in the chimney, Roof, &c. of the State Capitol to render the same fire proof, and that they report by bill or otherwise; and who shall inquire into the propriety of beds being used in any of the rooms of the Capitol. The message was read and concurred in.
A message from the Senate, transmitting a communication from the Secretary of State, embracing the return of the various Sheriffs of the State for and against the establishment of a Penitentiary, and proposing that his Excellency the Governor be requested to announce, officially, the result of said returns. The proposition was agreed to.

Mr. Waddell introduced a memorial from Joshua Carman and others, of the county of Cumberland, praying the emancipation of certain slaves therein named; which was referred to the committee on Propositions and Grievances.

Mr. Ellis introduced a bill to improve the navigation of the Yadkin river; which was read the first time and passed, and referred to the committee on Internal Improvements.

Mr. Wilder, a bill to protect real estate; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Washington, a bill to provide a suitable punishment for owners or occupiers of houses burning the same, under the circumstances therein named; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. J. H. White, a bill to alter the time of appointing superintendents of common schools; which was read the first time and passed, and referred to the committee on Education.

Mr. J. H. White presented a resolution in favor of Benjamin Morris, late Sheriff of Lincoln county;

Mr. Steele, a resolution in favor of John C. Knight, late Sheriff of Richmond county; and

Mr. Gamibill, a resolution in favor of Ezekiel Brown.

These resolutions were read the first time and passed, and referred to the committee on Claims.

On motion of Mr. D. A. Barnes,

Resolved, That the committee on Claims be directed to inquire into the amount of compensation to be paid the Attorney General, for the prosecution of suits in the name and on behalf of the State, since the adjournment of the last Legislature.

Mr. Brown introduced a bill to incorporate Thadeus Lodge, No. 5, of the Independent Order of Odd Fellows, located in the town of Clinton, Sampson county; which was read the
first time and passed, and referred to the committee on Private Bills.

Mr. Gilliam, from the committee on the Judiciary, reported unfavorably on the Homestead bill; when said bill was, on motion of Mr. Flemming, laid on the table.

Mr. Gilliam, from the same committee, reported, with an amendment, the bill to amend the 30th section of the 105th chapter of the Revised Statutes, entitled salaries and fees; when the said amendment was adopted, and the bill read the second time and passed.

Mr. Hawkins, from the committee on Claims, reported, without amendment, the resolutions in favor of Benjamin Ivy, of Stanly county; in favor of Robert B. Davis, late Sheriff of Washington county; and the resolution in favor of E. S. Moore, Sheriff of Caldwell county; which resolutions were severally read the second time and passed.

Mr. Daney, from the committee on Education, reported, with sundry amendments, the bill to reduce the tax on Billiard Tables; when the said bill and amendments were referred to the committee on the Judiciary.

Mr. Fagg, from the select committee, to whom was referred the bill to change the location of the Court House of the county of Lincoln, and for other purposes, reported the same without amendment; when the said bill was, on motion of Mr. Flemming, ordered to be laid on the table.

Mr. Rayner introduced a bill to repeal an act, entitled an act to amend an act entitled an act concerning the mode of choosing Senators and Representatives in the Congress of the United States, Revised Statutes, chapter 72nd, and for the purpose of securing a just and proper division of the State into Congressional Districts; which was read the first time and passed, and, on motion of Mr. Rayner, referred to the select committee raised on that part of the Governor's message relating to this subject.

Mr. Waddell, from the select committee, to whom was referred the bill to establish a new county by the name of Gaston, and to annex a part of the county of Catawba to the county of Lincoln, made a report with sundry amendments. The amendment proposed by the committee to strike out the name of Gaston, and insert the name of Carroll, was not agreed to. The other amendments were concurred in, and the bill, on motion of Mr. J. H. White, laid on the table.

Mr. Wilder presented a resolution in favor of P. Busbee,
Clerk and Master for Wake county; which was read the first time and passed, and referred to the committee on Claims.

The House now resumed the consideration of the subject in which it was engaged on the adjournment yesterday, the question being on the amendment proposed by Mr. D. A. Barnes to the La Fayette bill. Mr. Barnes withdrew his said proposed amendment; when, on motion of Mr. J. H. White, the said bill was laid on the table.

A message from the Senate, informing that Messrs. Speight and Ward are added to the joint select committee on the inspection of Turpentine. Ordered that Messrs. J. P. Davis and Swaw be added to said committee on behalf of this House.

Received a message from the Senate, proposing that so much of the message of his Excellency the Governor, as relates to the bonds of indemnity given to secure the State for liabilities for the Raleigh and Gaston Rail Road, the several acts relating to said road, together with the disposition of said road, be referred to a joint select committee of five on the part of each House. The proposition was agreed to, and Messrs. Puryear, Hawkins, Washington, Baxter and Bullock, appointed to form said committee on the part of this House.

Received a message from the Senate, transmitting the pension certificates in favor of Wm. Sasser and Theophilus Gardner, countersigned by the Speaker of that House. On motion of Mr. Wilder, ordered that the same be referred to the committee on Claims.

Received from his Excellency Governor Graham, by his Private Secretary, the following message:

To the Honorable the General Assembly of North Carolina.

I herewith transmit the Report of the Board of Internal Improvement, according to law. It does not comprehend the reports from some of the Companies chartered for purposes of Internal Improvements. All are sent however which have been received, and it is hoped the residue will be laid before you in a few days.

WILLIAM A. GRAHAM,

EXECUTIVE DEPARTMENT, Nov. 27, 1846.

Ordered that the foregoing message and documents accompanying, be laid on the table.

The House then adjourned until Monday morning, 10 o'clock.
Monday, November 30, 1846.

Messrs. Fleming, Gambill, George and Harrison were appointed the committee on Enrolled Bills for the present week.

Messrs. Walser, Britton, Reid, Long and Holden were appointed on behalf of the Commons the joint select committee on Public Buildings.

Mr. Steele presented a memorial from sundry citizens of Montgomery county, against County Court Juries; which was referred to the committee on Propositions and Grievances.

On motion of Mr. Mebane,

Ordered, That the message of his Excellency the Governor, of Saturday last, transmitting the report of the Board of Internal Improvements, be referred to the committee on Internal Improvements, with instructions to examine and report what portions of the documents accompanying said message should be printed.

On motion of Mr. Brower,

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.

Mr. Potts presented a resolution in favor of the Troop of Cavalry in Mecklenburg county; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. W. F. Jones introduced a bill to amend the militia laws of this State; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Washington, a bill concerning Dryborough, in the county of Craven; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Hayes introduced a bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee lands, act of 1829, chapter 34; which was read the first time and passed, and referred to the joint select committee on Cherokee lands.
Mr. Baxter a bill, relating to the public roads in Henderson county; which was read the first time and passed.

Mr. Wilder introduced a bill in addition to an act in the Revised Statutes, entitled an act concerning Mills and Millers; and

Mr. Gwynn a bill for the relief of securities.

These bills were read the first time and passed, and referred to the committee on the Judiciary.

Mr. Gilliam, from the committee on the Judiciary, reported unfavorably on the passage of the bill to amend the 42nd section of the Revised Statutes, entitled slaves and free persons of color. The report was concurred in and the bill rejected.

The bill to establish a new county to be called La Fayette, was read the second time. Mr. Baxter moved the adoption of an amendment marked A. The question thereon was decided in the negative—yeas 20, nays 95.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were as follows:


Those who voted in the negative, were


The question recurring on the passage of said bill the second reading, was decided in the negative—yeas 42, nays 71.
The yeas and nays called for by Mr. Baxter.

Those who voted in the affirmative, were


Those who voted in the negative were


Mr. Britton introduced a bill to incorporate the town of Windsor, in Bertie county; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. McKesson introduced a resolution relating to the appointment of Field Officers in the North Carolina Volunteers; which was read the first time and passed, and referred to the committee on Military Affairs.

Received a message from the Senate, proposing that the two Houses go into an election of Attorney General on Wednesday next, at 12 o'clock. The proposition was agreed to.

The House then adjourned until to-morrow morning, 10 o clock.
Mr. Williams presented a memorial from the Wilmington Rail Road Company, praying an extension of credit on the debt due the Literary Fund; which was read and referred to the committee on Finance.

Mr. Froy presented a memorial from certain citizens of the county of Jones, praying the enactment of a law providing for the payment of Jurors in said county; which was referred to the committee on Propositions and Grievances.

Mr. Washington presented a bill in addition to the Revised Statutes, entitled frauds and fraudulent conveyances; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Calloway, a bill to regulate the price hereafter to be paid for vacant land and other purposes; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Wilder, a bill to incorporate Manteo Lodge, No. 8, in the City of Raleigh, of the Independent Order of Odd Fellows; which was read the first time and passed, and referred to the committee on Private Bills.

On motion of Mr. Hoover,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of amending the Militia Laws, in regard to the uniform of Commissioned Officers, and the number of Drill and Petty Musters in a year.

Mr. Baxter presented a resolution in favor of Clinton Moore; and

Mr. Gambill a resolution, in favor of M. H. Hill. These resolutions were read the first time and passed, and referred to the committee on Claims.

Mr. Gilliam, from the committee on the Judiciary, to whom was referred the bill to protect real estate, reported the same with an amendment; which was adopted, and the bill read the second time, and passed.

Mr. Gilliam, from the same committee, reported without amendment the bill to amend the Revised Statutes, entitled Deeds and Conveyances, when the same was read the second time and passed, and, on motion of Mr. Hicks, ordered to be
Mr. Washington, from the same committee, reported unfavorably on the bill to amend the second section of the 59th chapter of the Revised Statutes, when the said bill was postponed indefinitely.

Mr. Hawkins, from the committee on Claims, reported favorably on the resolution in favor of Ezekiel Brown, and the resolution in favor of John C. Knight, late Sheriff of Richmond; the resolution in favor of Benjamin Morris, late Sheriff of Lincoln county; and the resolution in favor of P. Busbee, Clerk and Master for Wake. These resolutions were read the second time, and passed.

Mr. Mebane, from the committee on Propositions and Grievances, reported to the House the petition of Joshua Carman, and other persons of the county of Cumberland, in relation to the emancipation of certain slaves heretofore referred to them, and prayed that the committee be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

Mr. Mebane, from the same committee, reported without amendment the resolution in favor of Joseph Allison, when the same was read the second time, and passed.

Mr. Hawkins, from the committee on Military Affairs, reported with an amendment the bill to incorporate a corps of cavalry in the county of Sampson, when the said amendment was concurred in, and the bill read the second time and passed.

On motion of Mr. Moye,

Resolved, That the committee on Military Affairs be instructed so to amend the Militia Laws, as to expedite the filling of vacancies among Field Officers, and that they report by bill or otherwise.

Mr. Person introduced a bill to repeal an act passed at the session of 1844, entitled an act more effectually to prevent the imprisonment of honest debtors; which was read the first time, and passed.

Mr. Fagg introduced a bill to extend to the county of Buncombe, the provisions of an act of Assembly, ratified the 26th of January 1843, entitled an act for the relief of purchasers of lands sold for taxes in the counties of Haywood and and Henson; which was read the first time and passed, and refered to the committee on the Judiciary.
Mr. Washington, a bill to incorporate the Atlantic Fire Company No. 1, in the town of Newbern; which was read the first time and passed, and referred to the committee on Private Bills.

Received from the Senate a message, proposing to go into an election of Comptroller of public accounts on to-morrow at 11 o'clock, and nominating Wm. F. Collins for the Office; and to go into an election of Public Treasurer at 12 o'clock, and nominating for this Office, Charles L. Hinton, the present incumbent. The proposition was agreed to.

A message from the Senate, transmitting a message from his Excellency the Governor, covering an account of expenditures for furniture &c.; and proposing that the same be referred to the joint select committee on Finance. The proposition was concurred in.

A message from the Senate, concurring in the proposition made in this House, to raise a joint select committee of three on the part of each House, to designate the time and manner of comparing the votes cast for Governor, at the late August election; and informing that Messrs. Graves, Gilmer and Moody form their branch of this committee. Ordered, that Messrs. Brewer, McDowell and Leathers form said committee on behalf of this House.

A message from the Senate, informing that their branch of committee on public buildings is composed of Messrs. Halsey Thompson, Howard, Stowe and Wooten, and that Messrs. Cowper and Boyd form their branch of the committee on enrolled bills the present week; and that Messrs. Halsey, Woodfin, Poindexter and Ashe form the Senate branch of the joint select committee on the bonds of indemnity made to secure the the State from liabilities for the Raleigh and Gaston rail road company.

Mr. Flemming called up for consideration the bill, heretofore on this motion laid on the table, 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: Mr. Austin moved that the said bill be postponed until the first day of March next. The question thereon was determined in the affirmative, yeas 60, nays 49.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. J. H. White, who voted yesterday in the majority, on the question rejecting the bill to establish a new county to be called La Fayette, moved that the House do now reconsider that vote. Mr. Fagg moved that this motion to reconsider be laid on the table, and the question on this motion, was determined in the affirmative.

Mr. Paine, from the committee on the Judiciary, reported the bill concerning Billiard Tables, with an amendment. The amendment was adopted, and the bill, on motion of Mr. Gilliam, laid on the table.

Mr. Hicks introduced a bill to pay the Field Officers of the militia for the time occupied in reviewing; which was read the first time and passed, and referred to the committee on Military Affairs.

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

Wednesday December 2, 1846.

The resignation of Charles Harrison, as a Justice of Peace of the county of Edgecomb, was tendered and accepted.
Mr. Steele introduced a bill to revive the act of incorporation of the Richmond Academy; which was read the first time and passed, and referred to the committee on Education.

Mr. Adams, a bill to alter the mode of electing the Warden Court, for Guilford county, and for other purposes; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Ogburn, a bill in reference to mortgages and Deeds of Trust; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Washington, a bill authorizing the Governor to establish a Depot of Arms at Newbern; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Gilliam, from the committee on the Judiciary, reported with an amendment the bill in addition to the Revised Statutes, entitled an act concerning Mills and Millers. The amendment was agreed to, and the bill read a second time, and passed.

Mr. Gilliam, from the same committee, reported unfavorably on the bill to repeal the 88th section of the 102nd chapter of the Revised Statutes; when the said bill was read, and, on motion of Mr. Gilliam, laid on the table.

Received a message from the Senate, informing that they had passed the engrossed bill to incorporate Buck Horn Academy, in the county of Hertford, and an engrossed resolution in favor of James Page; and asking the concurrence of this House. The same were read the first time and passed.

Mr. Hawkins, from the committee on Claims, reported the resolutions in favor of Clinton Moore and M. H. Hill; when the same were read the second time, and passed.

Mr. Hawkins, from the same committee, reported unfavorably on the memorial of David Patton, asking additional compensation to be made him as State architect in rebuilding the Capitol, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged accordingly.

Mr. D. A. Barnes, from the committee on Private Bills, reported without amendment the bill to incorporate Manteo Lodge, Number 8, in the City of Raleigh, of the Independent Order of Odd Fellows; the bill to incorporate the Atlantic Fire Company No. 1, in the town of Newbern; and the bill to incorporate the town of Windsor, in Bertie county. These bills were read the second time, and passed.

Mr. Williamson, from the same committee, reported without
amendment, the bill to incorporate Thadeus Lodge, No. 8, of the Independent Order of Odd Fellows, located in the town of Clinton, Sampson county; when the said bill was read the second time, and passed.

Mr. Puryear, from the joint select committee on Cherokee Lands, reported without amendment the bill to amend an act entitled an act, for the relief of certain purchasers of Cherokee lands, passed in 1839, chapter 34; when the said bill was read the second time, and passed.

A message from the Senate, informing that Spier Whitaker, Edward Stanly and Bat F. Moore, are in nomination for the office of Attorney General.

The hour having arrived for the execution of the joint order, messages were exchanged and the Houses proceeded to vote for Comptroller of Public Accounts.

Mr. Waddell, from the committee appointed to superintend this election, reported that there was no opposition to the present incumbent and that William F. Collins was duly elected. The report was concurred in.

The bill to establish a new county by the name of Gaston, and to annex a part of the county of Catawba to the county of Lincoln, was called up by Mr. J. H. White and considered. Mr. Wilson moved to amend said bill, in the second section so as read, "beginning at the Catawba River, near the five mile post on the Morganton Ridge Road, thence East and West parallel with the Catawba line." The question on this amendment was decided in the negative, yeas 18, nays 88.

Those who voted in the affirmative, were


Those who voted in the negative, were

The question shall the said bill pass the second reading, was decided in the affirmative, yeas 87, nays, 24.

Those who voted in the affirmative, were


Those who voted in the negative, were


On motion of Mr. J. H. White, the rule was suspended, the said bill was read the third time and passed, and ordered to be engrossed.

The House now proceeded to vote for Attorney General. Messrs. Bullock and Hackney being superintendents of the election.

Those who voted for SPIER WHITAKER, are

Messrs. Austin, E. Barnes, Brogden, Brown, Bullock, Coffield, Collins, Courts, Cox, Dancy, J. P. Davis, J. N. Davis, Edwards, Ellis, Ferguson, Flemming, Gatling, Griggs, Hall, Harrison, Haw-

FOR EDWARD STANLY.

FOR BAT. F. MOORE.
Messrs. D. A. Barnes, Britton, Erwin, Hicks, Mebane, G. A. Miller, Peebles, Scott, Skinner, 9.

Mr. Bullock, from the committee, 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.

In pursuance of the Joint Order, messages were interchanged between the two Houses, announcing their readiness to proceed to the election of Public Treasurer. Messrs. Holeman and Pegram, being superintendents.

The Roll was called, and there being no opposition to the present incumbent, Mr. Holeman on behalf of the committee appointed to conduct the election, reported that Charles L. Hinton 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, transmitting a communication from his Excellency the Governor, in relation to a claim upon the State by John Nisbitt, of Pennsylvania, for work said to be done by him on the Raleigh and Gaston rail road, and proposing that the message of the Governor, and the documents accompanying, be referred to the joint select committee raised on the affairs of said road. The proposition was agreed to.

The House then adjourned until to-morrow morning, 10 o'clock.
THURSDAY, December 3, 1846.

On motion of Mr. Steele,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the 34th section of the 102nd chapter of the Revised Statutes, as to impose a penalty of $50, for failing to comply with the requisitions of said section; and of so amending the 84th section of said chapter, as to reduce the penalty therein named to $200; and that they report by bill or otherwise.

On motion of Mr. Steele,

Resolved, That the same committee be instructed to inquire into the expediency of reporting a bill making it the duty of the several Clerks of the County Courts of this State, to return to the Comptroller, at the same time he makes his other returns to the same officer, a list of sureties to his bond, under a penalty of $100.

Mr. Erwin presented a resolution in favor of Matthew McBee; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

On motion of Mr. Wellborn,

Resolved, That the committee of Finance take under their consideration the following, as suitable subjects of taxation, viz.: all stock in trade, all money on hand, all money at interest, gold and silver watches, household furniture of more than $600 valuation, gold and silver ware, carriages of pleasure, saddle horses, &c. &c.

And resolved further, That said committee be instructed to inquire into the expediency of reducing the tax on land and other taxables; and

Resolved further, That the committee inquire into the expediency of issuing seven hundred and fifty thousand dollars of Treasury notes.

Mr. Wilder introduced a bill to amend an act, passed in the year 1812, entitled an act to incorporate a mutual insurance company, in the State of North Carolina; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Hall introduced a bill to establish the Commercial
Bank at Wilmington; which was read the first time and passed, and referred to a select committee, consisting of Messrs. Hall, Britton, McDowell, Kelly and Watters.

On motion of Mr. Bullock,

Ordered, That a message be sent to the Senate, proposing to go into an election of Attorney General, this day, at 12 o'clock.

On motion of Mr. W. K. Martin,

Resolved, That the committee on Propositions and Grievances be instructed to inquire into the expediency of so amending the laws requiring persons who peddle in this State on manufactures which are not the production or manufacture of said State, to obtain a certificate of the Clerk of the County Court where such articles are manufactured, certifying that they are the productions and manufacture of said State, before they shall obtain license to peddle in any county in this State.

On motion of Mr. Stone,

Resolved, That the committee on the Judiciary be instructed to inquire whether any further legislation is necessary as to the mode of taking Clerk's bonds; and as to the number of Justices who may be authorized to take the same; and that they report by bill or otherwise.

Mr. Swann introduced a bill to amend an act, entitled an act 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; and

Mr. Palmer, a bill to repeal an act to give to the County Courts of Stanly county two Jury terms.

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

Mr. Britton presented a memorial from citizens of Bertie county, praying the establishment of lay days on the Fisheries of Albemarle, Croatan and Pamlico Sounds, and also a counter memorial from citizens of the same county; and Mr. Paine presented a counter memorial from many of the citizens of Chowan county upon the same subject. These memorials were all, on motion, referred to the committee on Propositions and Grievances.
Mr. Hicks presented a bill to subject all the vacant and unsurveyed lands in the county of Macon to entry. The said bill was read the first time and passed, and referred to the joint select committee on Cherokee lands.

A message from the Senate, agreeing to the proposition of this House to go into an election of Attorney General, this day, at 12 o'clock, and informing that Messrs. Mills and McMillan form their branch of the committee to superintend the election. Ordered that Messrs. G. A. Miller and Austin form this committee on behalf of this House.

Mr. Williams presented a bill to amend the revised Statutes, entitled an act concerning the power and jurisdiction of Justices of the Peace; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Rayner moved that a message be sent the Senate, proposing to rescind the joint order of going into an election of Attorney General, at 12 o'clock, this day. The question on this motion was decided in the negative—yeas 36, nays 73.

The yeas and nays called by Mr. Bullock.

Those who voted in the affirmative, were


Those who voted in the negative, were


Whereupon, the House proceeded to the execution of said order, and voted for Attorney General, as follows:
FOR SPIER WHITABER,


FOR BAT. F. MOORE,

Messrs. D. A. Barnes, Baxter, Bond, Britton, Hicks, Peebles, Skinner, 7.

FOR EDWARD STANLY.


Mr. Austin, 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.

Mr. Smith moved that a message be sent to the Senate, proposing another vote immediately for this officer. The question, on this motion, was decided in the negative.

On motion of Mr. Mebane,

Ordered, That a message be sent to the Senate, proposing that another vote for said officer be had at 11 o'clock tomorrow.

Mr. Steele presented a resolution in favor of R. S. McDonald, Clerk of the County Court of Richmond; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Baxter, from the select committee, to whom was referred the bill to divide the State into nine Judicial Districts, and for other purposes, reported unfavorably thereon; when said bill was laid on the table.

Mr. Baxter presented a bill concerning the Supreme and
Superior Courts, and for the more speedy and certain administration of justice therein; which was read the first time and passed, and ordered to be printed.

Mr. Bullock presented a bill to alter the mode of electing Constables in the county of Granville; which was read the first time and passed, and referred to the committee on Private Bills.

A message from the Senate, concurring in the proposition of this House, to vote on to-morrow, at 11 o'clock, for Attorney General.

Mr. Brogden, from the committee on Claims, reported in favor of the Pension certificates of Theophillus Gardner and Wm. Sasser; when the same were ordered to be countersigned by the Speaker of this House.

Mr. Gilliam, from the committee on the Judiciary, reported, without amendment, the bill to extend to the county of Buncombe, the provisions of an act of Assembly of 1843, entitled an act for the relief of purchasers of lands sold for taxes, in the counties of Haywood and Henderson; when the said bill was read the second time and passed.

Mr. Ellis, from the committee on the Judiciary, reported unfavorably on the bill for the relief of securities; when the said bill was read and laid on the table.

Mr. Mebane, from the committee on Finance, who were instructed to inquire into the expediency of increasing the tax on land pedlars, reported on the inexpediency of the measure, and asked that the committee be discharged from the further consideration of the subject. The committee was discharged accordingly.

The bill to incorporate a corps of Cavalry, in the county of Sampson, was read the third time, passed, and ordered to be engrossed.

Mr. Mebane, from the committee on Propositions and Grievances, reported, with an amendment, the resolution in favor of the Clerk of the County Court of Duplin. The amendment was concurred in, and the resolution read the second time and passed.

The bill concerning the tax on Billiard Tables, was read the second time. Mr. Harrison moved that said bill be postponed indefinitely.

Pending this question, the House adjourned until to-morrow morning, 10 o'clock.
Friday, December 4, 1846.

Jennings Piggott, the member elect from the county of Carteret, appeared, and was qualified according to law.

The Speaker laid before the House a communication from the Bank of Cape Fear, submitting in obedience to its charter, a statement of its affairs. Ordered, on motion of Mr. Melane, that the same be sent to the Senate, with a proposition to print.

Received a message from the Senate, transmitting the report of the Rev'd Dr. E. Mitchell, the Engineer appointed under the act of the last session of the General Assembly, to make a survey for certain Turnpike Roads therein named, with a proposition that the same be printed and referred to the committee on Internal Improvement. The proposition was agreed to.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Cedar Falls Manufacturing Company, and asking the concurrence of this House. Said bill was read the first time and passed.

On motion of Mr. Gilliam,

Ordered, That the committee on the Judiciary, be discharged from the further consideration of so much of the Governor's message as relates to a change in the Judiciary Establishment of the State.

Mr. Fagg presented a bill to establish a public road in the county of Buncombe; which was read the first time and passed, and referred to the committee on Internal Improvement.

Mr. Hall presented a bill to incorporate the Cape Fear Manufacturing Company of Wilmington; and

Mr. Smaw, a bill to amend an act, entitled an act to incorporate the Neptune Fire Company, in the town of Washington, ratified 26th January, 1843.

These bills were read the first time and passed, and referred, severally to the committee on Private Bills.

The hour having arrived, messages were interchanged, declaring the readiness of the two Houses to proceed in the election of Attorney General, Messrs. Nicholls and Austin being the superintendents of the election.
The House voted as follows:

FOR SPIER WHITAKER,

FOR EDWARD STANLY,

FOR BAT. F. MOORE,
Messrs. D. A. Barnes, Bond, Britton, Peebles, Scott, 5.

Mr. Austin, 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.

On motion of Mr. Austin,

Ordered, That a message be sent to the Senate, proposing that another vote be had immediately for this officer.

A message from the Senate, agreeing to this proposition, and informing that Messrs. Stowe and Carter form their branch of the committee to superintend this election. Messrs. Fagg and Bullock were appointed to compose this committee on behalf of this House, and the House voted as follows:

FOR SPIER WHITAKER,

FOR EDWARD STANLY.

FOR BAT. F. MOORE.
Messrs. D. A. Barnes, Bond, Britton, Peebles, 4.

Mr. Bullock, on behalf of the committee, 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.

Mr. Britton, from the joint select committee upon the subject of altering the time of holding elections in the State, reported a bill regulating State elections; which was read the first time and passed, and, on motion of Mr. D. A. Barnes, made the order of the day for Monday the 14th instant.

Received a message from the Senate, proposing another vote forthwith for Attorney General. The proposition was agreed to, and Messrs. W. F. Jones and Stone appointed a committee to superintend the election.

The House then voted as follows:

FOR SPIER WHITAKER.
FOR EDWARD STANLY.

FOR BAT F. MOORE.

Mr. W. F. Jones, from the committee on this voting, 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.

Mr. Rayner, from the select committee, raised on so much of the Governor's message, as relates to the subject, reported without amendment the bill referred to them, entitled a bill to repeal an act, entitled an act to amend an act, entitled an act concerning the mode of choosing Senators and Representatives in the Congress of the United States, Revised Statutes chapter 72, and for the purpose of securing a just and proper division of the State into Congressional Districts; when, on motion of Mr. Rayner, it was ordered, that the said bill, together with the report of the committee, be printed and made the order of the day for Wednesday next.

Mr. Mebane, from the committee on Propositions and Grievances, reported with an amendment the resolution in favor of Ezekiel Dowdle and West Truitt. The amendment was adopted, and the resolution read the second time and passed. The bill to establish a depot of arms at Newbern, was read the second time, and passed.

The bill to establish a depot of arms at Newbern, was read the second time, and passed.

The House proceeded to the consideration of the question pending on the last adjournment. Mr. Harrison withdrew his motion, to postpone indefinitely the bill concerning the tax on Billiard Tables. The same motion was renewed by Mr. Smith; and Mr. Harrison called the yeas and nays. The question thereon was decided in the negative, yeas 53, nays 57.
Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Steele moved to amend the bill by adding the following section:

*Be it further enacted, That every owner or keeper of a Billiard Table, shall be required to give bond and security, to the amount of $500, that he will not permit a game to be played on the same, commonly known as Pool, or any other game the principal object of which is gambling.*

This amendment was rejected.

The question recurring on the passage of the bill the second reading,

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

__Saturday, December 5, 1846.__

Received a message from the Senate, transmitting the Pen-
sion certificate of Martha Thompson. Ordered, on motion of Mr. Paine, that it be referred to the committee on Claims.

A message from the Senate, informing that they had passed the engrossed bill to provide for holding a session of the Supreme Court, once a year, in the Western part of the State, and asking the concurrence of this House. The said bill was read the first time and passed, and, on motion of Mr. Baxter, made the special order of the day for Monday next.

A message from the Senate, transmitting the report of the committee of Finance, respecting the expenditures for furniture for the Government House. The report was read, and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to regulate the distribution of the public arms, and asking the concurrence of this House. The said bill was read the first time and passed.

The Speaker laid before the House, the following message from his Excellency Governor Graham:

To the Honorable General Assembly of North Carolina,

I have the honor to lay before you the biennial report of the President and Directors of the Literary Fund of North Carolina.

WILL. A. GRAHAM.

Executive Department, Dec. 4, 1846.

On motion of Mr. Mebane,

Ordered, That the same be sent to the Senate, and be printed.

On motion of Mr. Austin,

Ordered, That a message be sent to the Senate, proposing to go into an election forthwith for Attorney General.

Received a message from the Senate, agreeing to this proposition, and informing that Messrs. Ehringhaus and Street form their branch of the committee to superintend the election. Ordered that Messrs. Skinner and Hall form said committee on behalf of this House.

The House voted as follows:

FOR SPIER WHITAKER,

Messrs. Austin, E. Barnes, Brogden, Brower, Bullock, Coffield, Collins, Courts, Cox, Dancy, J. P. Davis, J. N. Davis, Edwards, Ellis, Ferguson, Flemming, Gatling, Griggs, Hall, Harrison, Haw-
FOR EDWARD STANLY,


FOR B. F. MOORE,

Messrs. D. A. Barnes, Baxter, Bond, Britton, Erwin, Hicks, Paine, Peebles, Scott, Skinner, 10.

FOR CALVIN GRAVES, Mr. Holeman, 1.

Mr. Hall, from this committee, 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.

On motion of Mr. Puryear,

Ordered, That a message be sent to the Senate, proposing that the two Houses shall on Friday at 1 o'clock go again into an election for Attorney General.

Mr. Brower, from the joint select committee on the subject, reported the following resolution; which was read and adopted, and ordered to be transmitted to the Senate for concurrence:

Resolved, That the two Houses of the General Assembly shall assemble in the Hall of the House of Commons on Monday, the 7th day of December 1846, 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 appear that a choice has been made agreeable to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with the list of votes, shall be entered on the Journals of the two Houses.
Mr. Gilliam presented a bill concerning contempt of Court; and

Mr. Ervin a resolution in favor of John H. Pearson.

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

Mr. Marshall presented a bill to incorporate the second Volunteer regiment of North Carolina, in the county of Stokes; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Skinner presented a memorial from sundry citizens of Perquimans county, against the imposing of restrictions on the Fisheries of the Albemarle; which was read and referred to the committee on Propositions and Grievances.

Mr. Wellborn introduced a resolution relative to a road from Shallow Ford, of Yadkin, to Fort Defiance, in Caldwell county; which was read the first time, passed, and referred to the committee on Internal Improvements.

Mr. Bullock presented a resolution in favor of Leslie Gilliam; which was read the first time and passed, and referred to the committee on Claims.

Mr. Bayner, from the committee on Internal Improvements, to whom was referred the bill to improve the navigation of the Yadkin River, reported the same with amendments; when, on motion of Mr. Ellis, it was ordered that the bill and report be printed.

Mr. Ferguson presented a bill, founded on a petition, to repeal an act, passed at the session of 1844-5, granting to the Superior Courts of Yancey, Buncombe, Henderson, Haywood, Macon and Cherokee, original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary, so far as relates to the county of Haywood; which was read the first time and passed, and referred to the committee on Private Bills.

On motion of Mr. Paine,

Resolved, That a message be sent to the Senate, proposing to amend the 15th Joint Rule of Order, to read as follows:

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

Mr. Rayner, from the committee on Internal Improvements, 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 question, shall the said bill pass the second reading, was decided in the affirmative—yeas 55, nays 48.

The yeas and nays demanded by Mr. Wilson.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Rayner presented a memorial from sundry citizens of Bertford county, praying the establishment of lay days on the Fisheries in the Albemarle, Croatan and Pamlico Sounds; which was referred to the committee on Propositions and Grievances.

Mr. Rayner introduced a bill to provide for the apprehension of runaway slaves in the great Dismal Swamp, and for
other purposes; which was read the first time and passed, and ordered to be printed.

The bill concerning the tax on Billiard Tables, was now read the second time, and the question shall the said bill pass the second reading, was decided in the negative—yeas 32, nays 69.

The yeas and nays demanded by Mr. Golding.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Mebane, from the committee on Propositions and Grievances, at the suggestion of Mr. Daney, moved that the committee be discharged from the further consideration of the memorial of citizens of Edgecomb county, relating to obstructions in Town Creek; which motion prevailed.

The House adjourned until Monday morning, 10 o'clock.

MONDAY, December 7, 1846.

Received a message from the Senate, informing that they do not concur in the proposition of this House, made on Sat-
urday last, to go again into an election of Attorney General, on Friday next.

Mr. Hayes presented a petition from sundry citizens of Cherokee county, praying the appointment of an additional Receiver of money, paid for Cherokee lands; which was referred to the committee on Cherokee Lands.

A message was received from the Senate, informing that Messrs. Ashe and Ehringhaus form their branch of the committee on Enrolled Bills the present week. Ordered that Messrs. Hackney, Jackson, Gwynn and Kelly, form said committee on behalf of this House.

A message from the Senate, concurring in the report of the joint select committee in relation to the comparing of the votes given at the last election for Governor, and informing that Mr. Patterson is appointed their Teller under the said resolution. Ordered that Messrs. Nicholls and Courts be appointed Tellers on behalf of the Commons.

Mr. Chunn presented a bill to guard more effectually against fraud on the Revenue Laws; which was read the first time and passed, and referred to the committee on Finance.

Received from the Senate a message, transmitting the following communication from the Governor:

To the Honorable the General Assembly of North Carolina.

I herewith transmit a duplicate of the letter of the Secretary of War, containing a requisition from the President of the United States, for a Regiment of Volunteer Infantry, to aid in the prosecution of the existing war with Mexico, and a printed copy of a general order, from this department issued in consequence thereof. As stated in my message at the commencement of your session, I conceive the Executive to possess the power of appointing the officers of Volunteer forces, of this description in the absence of any Legislation applicable thereto. And acting on this impression, communications have been held with sundry persons, with a view to such appointments.

No commissions, however, have been as yet issued; and the right of the General Assembly to prescribe a different mode of selection has been uniformly admitted. Learning that propositions for other methods of appointment are now pending before both branches of the Legislature, I have deemed it respectful to them to suspend further action in the premises until their determination on these propositions shall be known. I ven-
ture to suggest, however, that as early a decision as may com-
port with the convenience of your Honorable Body is desira-
ble; and that in whatever mode it may be expedient to ap-
point these officers the good of the service and the nature of the
present requisition, demand that they shall be chosen without
unnecessary delay.

WILL. A. GRAHAM.

Executive Department, Dec. 14, 1846.

Ordered, That the proposition of the Senate, to refer the
said message and documents accompanying to the committee
on Military Affairs, be concurred in.

Received a message from the Senate, informing that they had
passed the engrossed bill to incorporate a company to construct
a rail road from some point on the South Carolina rail road
to the town of Charlotte, in Mecklenburg county, to be called
the Charlotte and Camden rail road company; and asking the
concurrence of this House. The said bill was read the first
time and passed.

Mr. Hawkins, from the committee on Claims, reported favor-
ably on the resolution in favor of Leslie Gilliam; when the same
was read the second time and passed.

Mr. Hawkins, from the same committee, reported favorably on
the pension certificate of Martha Thompson; when it was or-
dered, that the same be countersigned by the Speaker of this
House.

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, in-
forming 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 Gov-
ernor of this State.

The two Houses thereupon assembled in general conven-
tion in the Commons Hall: Hon. Andrew Joyner, Speaker of
the Senate, taking the chair as President of the convention.
The Chief Clerks of the two Houses, in the presence of the joint
select committee as Tellers, viz: S. F. Patterson of the Sen-
ate, and D. W. Courts and S. B. Nicholls 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:
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<th>Population</th>
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|                | 43,486| 35,627|

Majority for William A. Graham, 7,859.

The President then announced the result in the following words:

Gentlemen of the Senate and of the House of Commons:

The returns of votes made by the several Sheriffs given at the election held in August last for Governor of this State, have been opened and published according to Law, in the presence of a majority of both Houses of the General Assembly.
The Tellers appointed by both Houses to examine the returns, and to make a list of the votes given, have performed the duty assigned to them, and have reported through their chairman, that forty-three thousand four hundred and eighty-six votes were given for William A Graham, the present Governor of this State, being the highest number of votes given to any person. And, that thirty-five thousand six hundred and twenty-seven votes were given for James B. Shepard, of Wake county.

No objection being made to this report, I declare that William A. Graham is duly elected Governor of North Carolina for two years, from the first of January next.

A. JOYNER.

The Senators having retired from the Hall, the Speaker of the House of Commons resumed the chair.

On motion, leave of absence was granted to Mr. D. A. Barnes, from the service of the House for three days.

The engrossed bill to provide for holding a session of the Supreme Court, once a year, in the Western part of the State, was read the second time, and the question shall the said bill pass the second reading? was divided in the negative, yeas 52, nays 56. The yeas and nays called by Mr. Wilder.

Those who voted in the affirmative, were


Those who voted in the negative, were

On motion of Mr. Ellis,

Resolved, That from and after this day all special orders shall be taken up at the hour of 12 o'clock, and not sooner unless otherwise directed by the House.

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

Tuesday, December 8, 1846.

The Speaker laid before the House a communication from C. L. Hinton, Public Treasurer, transmitting statements showing the affairs of the Bank of the State of North Carolina, and the Merchants' Bank of Newbern. Ordered, on motion of Mr. Mebane, that these papers be sent to the Senate, and that they be printed.

Mr. Washington presented a memorial from sundry merchants and others of Craven county, praying a revision and amendment of the laws on the subject of wrecks and wrecked property; which was referred to the committee on the Judiciary.

Mr. Coffield presented a memorial from certain citizens of Martin, praying the restricting of hauling seines and setting nets in the waters of Albemarle, Croatan, and Pamlico Sounds; which was referred to the committee on Propositions and Grievances.

Mr. Jackson presented a memorial from certain officers of the Militia of Lenoir county, praying an amendment of the Militia Laws; which was referred to the committee on Military Affairs.

Mr. Reid presented a resolution in favor John H. Wheeler; which was read the first time and passed, and referred to the committee on Claims.

Mr. Baxter introduced a bill supplemental to an act; passed
at the last session of the General Assembly, entitled an act to cede a portion of Rutherford county to the county of Henderson; which was read the first time and passed.

On motion of Mr. Washington,

Resolved, That so much of the Governor's message, as relates to the improvement of the navigation of the Neuse and Yadkin Rivers, and so much thereof, as relates to the connecting Neuse River with Beaufort Harbor, be referred to the committee on Internal Improvements.

The engrossed bill to incorporate a company to construct a rail road from some point on the South Carolina rail road, to the town of Charlotte, in Mecklenburg county, to be called the Charlotte and Camden rail road company, was taken up for consideration, on the motion of Mr. Ellis, and read the second time. Mr. Baxter moved to amend the bill by striking out the words "fee simple" in the 25th section, and inserting "so long as the same shall be used for the purposes of said road." The question on the adoption of this amendment was decided in the affirmative, yeas 88, nays 23.

The yeas and nays called by Mr. Baxter

Those who voted in the affirmative, were


Those who voted in the negative were

The question recurring on passing the said Bill as amended the second reading, was decided in the affirmative, yes 74, nays 33.

The yeas and nays called by Mr. Wilson.

Those who voted in the affirmative, were


Those who voted in the negative, were.


Mr. G. A. Miller introduced a bill for the regulation of the town of Mockville, Davie county;

Mr. Hunt, a bill to amend an act, entitled, an act to incorporate the town of Greensborough, in the county of Guilford;

Mr. Dancy a bill, to prevent obstructions in Town Creek, Edgecomb county.

These bills were read the first time and passed, and severally referred to the committee on Private Bills.

Mr. W. F. Jones presented a bill to abolish Jury trials in the county Court of Rutherford county; which was read the first time and passed.

Mr. Jackson a bill, further to prevent negro trading; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Person introduced a resolution, relating to the Commons Hall; which was read the first time and passed.

Mr. Gilliam moved that the House do reconsider their vote of yesterday, by which was rejected the engrossed bill to provide for holding a session of the Supreme Court once a year in
the Western part of the State. The question, on his motion, was decided in the affirmative—yeas 61, nay 47.

The yeas and nays called by Mr. Nicholls.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said bill, on motion of Mr. McKesson, be laid on the table.

Mr. Mebane, from the committee on Propositions and Grievances, reported unfavorably on the bill to regulate the price hereafter to be paid for vacant land, and other purposes; when the said bill was read the second time, and the question, shall the said bill pass? was decided in the negative—yeas 11, nay 83. The yeas and nays called by Mr. Williamson.

Those who voted in the affirmative, were

Messrs. Calloway, Fagg, Ferguson, Gambill, George, Gwynn, Hicks, W. F. Jones, E. P. Miller, McCurry, Williamson, 11.

Those who voted in the negative, were

Mr. Adams presented a resolution in favor of James W. Doak, former Sheriff of Guilford county; which was read the first time and passed, and referred to the committee on Claims.

The resolution relating to the Hall of the House of Commons, was read the second and third times and passed.

Mr. Gilliam, from the committee on the Judiciary, asked to be discharged from the further consideration of the resolution in favor of John H. Pearson. Said committee was discharged accordingly, and, on motion of Mr. Erwin, the resolution was referred to the committee on Claims.

Mr. Gilliam, from the same committee, reported unfavorably on the bill to amend the Revised Statutes, entitled an act concerning the power and jurisdiction of justices of the Peace; when the said bill was read the second time and rejected.

Mr. Gilliam, from the same committee, to whom was referred the resolution directing them to inquire into the expediency of diminishing the penalties of Clerks of the County Courts therein named, reported that it is not expedient to legislate in the way proposed. The report was concurred in.

Mr. Gilliam, from the same committee, reported a resolution in relation to the payment of the State tax by the Bank of Cape Fear; which was read the first time and passed.

Mr. Skinner, from the committee on Private Bills, reported favorably on the bill to alter the mode of electing Constables in the county of Granville; when said bill was read the second time and passed.

Mr. Skinner, from the same committee, reported favorably on the following bills, viz:

A bill to repeal an act, entitled an act to give to the County Courts of Stanly two Jury Term;

Also the bill to amend an act, entitled an act 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; also

The bill to incorporate the Cape Fear Manufacturing Company of Wilmington; also

The bill concerning Drysborough, in the county of Craven; and recommending that said bills do pass.

Whereupon, the same were read the second time and passed.

Mr. Skinner, from the same committee, reported, without amendment, the bill to repeal an act, passed at the session of 1844-5, granting to the Superior Courts of Yancy, Buncombe, Henderson, Haywood and Cherokee original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary, so far as relates to the the county of Haywood. Mr. Hicks moved to amend the bill, so as to extend its provisions to the county of Macon; which motion prevailed, and the bill, as amended, was read the second time and passed.

Mr. Mebane, from the committee on Propositions and Grievances, reported, without amendment, the resolution in favor of R. S. McDonald, Clerk of the County Court of Richmond; also

The resolution for the relief Jacob Siler; and

The resolution for the relief of Mary D. Moore.

Which said resolutions were read the second time and passed.

Mr. Mebane presented the following resolution, which was read and adopted:

Whereas, the State of North Carolina has become liable by endorsement for the Raleigh and Gaston Rail Road Company, for the amounts stated in the Report of the Public Treasurer, and the present Legislature being determined, so far as it depends upon their action, to preserve the faith and credit of the State, and to enable her to meet promptly all her liabilities:

Therefore resolved, That the Public Treasurer be called on to submit to this Legislature, his news in regard to a scheme of Finance, whereby a Fund can be created to meet the wants of the Treasury arising from the endorsements aforesaid.

Mr. Hawkins, from the committee of Claims, reported, with an amendment, the resolution in favor of the representa-
tives of the late John J. Pasteur. The amendment was con-
curred in, and the resolution read the second time and
passed.

Mr. Rayner, from the committee on Internal Improve-
ments, to whom were referred the memorial of Francis E.
Rives, and the bill to incorporate the Roanoke Rail Road
Company, made a report thereon; when it was ordered, on
motion of Mr. Rayner, that said memorial, bill and report
do lie on the table and be printed.

Mr. Kelly, from the select committee, to whom was re-
ferred the bill to establish the Commercial Bank at Wilm-
ington, reported the same without amendment. Ordered,
on motion of Mr. Wilder, that the bill and report do lie on
the table and be printed.

The Speaker laid before the House the following message
from the Governor:

To the Honorable the General Assembly of North Carolina.

I have the honor to lay before you, the Report of the Com-
missioners of the Raleigh and Gaston Rail Road.

WILL A. GRAHAM.

December 8th, 1846.

Ordered, On motion of Mr. Mebane, that the same be re-
ferred to the committee of Finance.

The bill authorizing the Governor to establish a depot of
arms at Newbern, was taken up and amended, and passed
the second reading.

The resolution in favor of Joseph Allison; and the reso-
lution in favor of Robert B. Davis, late Sheriff of Wash-
ington county; were each read the third time and passed, and
ordered to be engrossed.

The House adjourned until to-morrow morning, 10 o'clock.
A message from the Senate, proposing that the Internal Improvement committees of both Houses be a joint select committee, to whom shall be referred the message of his Excellency the Governor, enclosing the Reports of Dr. E. Mitchell, Engineer, and his Field Books and plots of Survey of Turnpike Roads; and that said committee be so constituted for this purpose only. The proposition was agreed to.

The Speaker laid before the House a letter from H. D. Bird, President of the Petersburg Rail Road Company, transmitting a copy of the proceedings of said company on the 4th inst. Ordered, on motion of Mr. Mebane, that the same be printed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the North and South Carolina Rail Road Company, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Ellis called up for consideration the bill to provide for holding a session of the Supreme Court once a year, in the Western part of the State, and the question, shall the said bill pass the second reading, was decided in the affirmative—yeas 55, nays 49.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. Wilder introduced a resolution in favor of Jeptha Horton; which was read the first time and passed, and referred to the committee on Claims.

On motion of Mr. Skinner,

Resolved, That it be the duty of the Doorkeepers, when they lower the National Flag upon an adjournment, to deposite the same in some appropriate place in the Capitol, where it will be protected from exposure to the weather.

On motion of Mr. Gilliam,

Resolved, That the Board of Commissioners of the Raleigh and Gaston rail road, be requested to furnish the House with a statement of the debts due by the said company at the time of its becoming the property of the State, to whom due, and at what time, and for what purpose the said debts were contracted.

On motion of Mr. W. K. Martin,

Resolved, That the committee on Education be instructed to inquire into the expediency of exempting school committee men from working on the public roads, and from the performance of military duty, except in time of insurrection or invasion; and that they report by bill or otherwise.

Mr. Daney introduced a resolution directing the committee on the Judiciary to inquire into the expediency of changing the law regulating the manner in which the Coroner of Edgecomb county may give his official bond; which was read and adopted.

Mr. Holeman presented a memorial from certain militia officers in Person county, praying certain amendments in the militia laws; which was read, and referred to the committee on Military Affairs.

Mr. Hayes presented a resolution in favor of Ute Sherrill; which was read the first time and passed, and referred to the committee on Claims.

Mr. Haynes presented a bill to alter the mode of electing Constables, in the county of Iredell; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Courts, from the committee on the Judiciary, report-
ed unfavorably on the bill regulating limited co-partnership; when said bill was, on motion of Mr. Hall, laid on the table, and ordered to be printed.

The resignation of J. B. Crawford, a Justice of the Peace for the county of Wayne, was presented by Mr. Brogden, and read and accepted.

Mr. Harrison presented the resignation of Jesse Fulgham, as a Justice of the Peace for the county of Nash; when the same was read, and, on motion of Mr. Brogden, referred to the committee on Propositions and Grievances.

The House now proceeded to the special order of the day, and took up for consideration, on the second reading, the bill to repeal an act, entitled an act to amend an act entitled an act concerning the mode of choosing Senators and Representatives in Congress of the United States, chapter 72, and for the purpose of securing a just and proper division of the State into Congressional Districts; when, after discussion thereon, on motion of Mr. Ellis, the said bill was made the special order of the day for to-morrow; and the House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 10, 1846.

Mr. Baxter introduced a bill, founded on a petition, to cede a portion of Buncombe county to the county of Henderson; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Hawkins, from the committee on Claims, reported the following resolutions referred to them, and recommended their passage, viz:

The resolution in favor of John H. Wheeler; and

The resolution in favor of James W. Doak, former Sheriff of Guilford county.

Which resolutions were read the second time and passed.

Mr. Hawkins, from the same committee, to whom was referred that part of the Governor's message relating to compensation made to the State's Counsel, in the matter therein
stated, reported a resolution in favor of Spier Whitaker and James Iredell; which was read the first time and passed.

Mr. Skinner, from the committee on Private Bills, reported, without amendment, the bill to prevent obstructions in Town Creek; and

The bill to alter the mode of electing Constables, in the county of Iredell.

Said bills were read the second time and passed.

Mr. Skinner, from the same committee, reported, with an amendment, the bill to amend an act, entitled an act to incorporate the Neptune Fire Company, in the town of Washington, ratified the 26th January, 1843. The amendment was adopted, and the bill read the second time and passed.

Received a message from the Senate, proposing to raise a committee of one on the part of the Senate, and two on behalf of the Commons, to wait upon his Excellency Governor Graham, and inform him of his election as Governor of North Carolina, for two years, after the first of January next; and to ascertain when it may suit his convenience to appear before the two Houses of the General Assembly, and take the oaths of office. The proposition was agreed to.

A message from the Senate, concurring in the proposition of this House to print, for the use of the two Houses, the statements of the affairs of the Bank of the State, and the Merchants’ Bank of Newbern, heretofore communicated by the Public Treasurer.

Mr. Flemming presented a petition from sundry citizens of Yancey county, praying the aid of the State to open and construct a public road in said county; which was referred to the committee on Internal Improvements.

Mr. Britton presented a petition from sundry citizens of Bertie county, praying the establishment of lay days on the Fisheries in the Albemarle, Croatan and Pamlico Sounds; which was referred to the committee on Propositions and Grievances.

Mr. Brower presented a bill to extend the time for registering grants, mesne conveyances and powers of attorney, bills of sale and deeds of gift; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Washington presented a resolution in favor of the representatives of the late A. H. Van Bokelen; which was read the first time and passed, and referred to the committee on Claims.
Mr. Puryear called up for consideration the engrossed bill to provide for holding a session of the Supreme Court once a year, in the western part of the State; when the same was amended, on the motion of Mr. Mebane, and the question, shall the said bill pass the third reading, was decided in the affirmative—yeas 57, nays 48.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered that the concurrence of the Senate be asked on the amendments.

The bill to repeal an act, entitled an act to amend an act entitled an act for the better regulation of the town of Tarborough, in Edgecomb county, and for other purposes;

The bill to amend an act, entitled an act for the relief of certain purchasers of the Cherokee land, passed in the year 1839, chapter 34;

The bill to incorporate the Cape Fear Manufacturing Company, of Wilmington;

The bill to revive an act, passed in the year 1813, entitled an act for erecting an Academy in the town of Tarborough;

The resolution in favor of Benjamin Morris, late Sheriff of Lincoln county, and

The resolution in favor of John C. Knight, late Sheriff of Richmond county;
Were severally read the third time, passed, and ordered to be engrossed.

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

The House now resumed the consideration of the unfinished business of yesterday; when, after discussion, the further consideration thereof was postponed until to-morrow.

Mr. Smith moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was decided in the negative—yeas 49, nays 50.

Those who voted in the affirmative, were


Those who voted in the negative, were


Received from the Senate a message, proposing that the two Houses, shall at 11 o'clock to-morrow, go into an election of Attorney General.

The proposition was agreed to, and the Senate informed that the name of Edward Stanly is withdrawn from the nomination for this office.

Whereupon, the House adjourned until to-morrow morning, 10 o'clock.
Mr. Regan introduced a bill to incorporate the Whitehouse Guard; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Gambill presented a bill extending the time for perfecting titles to lands heretofore entered; which was read the first time and passed.

Mr. Hicks presented a petition from John A. Wilson, of Macon county, praying relief on certain Cherekee bonds; which was referred to the committee on Propositions and Grievances.

Mr. Harris, from the committee on the Judiciary, reported, without amendment, the bill to extend the time for registering grants, mesne, conveyances, powers of attorney, bills of sale and deeds of gift; when the said bill was read the second and third times, passed, and ordered to be engrossed.

Mr. Gilliam, from the same committee, reported, without amendment, the bill concerning contempts of Court; when the said bill was ordered to be laid on the table, and be printed.

Mr. Gilliam, from the same committee, reported unfavorably on the resolution providing for the mode in which the Coroner of Edgecomb county, may, in future, give his bond, and prayed that the committee may be discharged from the further consideration of the subject. The report was concurred in.

Mr. Gilliam, from the same committee to whom was referred a bill to make real estate assets, reported, as an amendment, an entire substitute; when it was ordered, that the said bill lie on the table, and that the report and the substitute be printed.

Mr. Gilliam, from the same committee, reported unfavorably on the bill for the more speedy and equitable settlement of the estates of deceased persons; when it was ordered, that the said bill lie on the table.

Mr. Mebane, from the committee on Propositions and Grievances, to whom a petition on the subject had been referred, reported a resolution granting a portion of Cherokee lands for a campground; which was read the first time and passed.

Mr. Steele, from the committee on the Judiciary, to whom was referred a resolution on the 3rd inst, in reference to the Clerks of the county Courts, reported against legislative action thereon, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in.
Mr. Hawkins, from the committee on Claims, reported, without amendment, the resolution in favor of Mr. Sherill; which was read the second and third times and passed, and ordered to be engrossed.

Mr. Hayes presented a bill to exempt old and infirm person from serving on Juries; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Golding presented a resolution for holding evening sessions; which was read, and, on motion, laid on the table.

The resignation of Benjamin Freeman, of Robeson county and of Bryant Findall, of Iredell county, Justices of the Peace were presented and accepted.

The hour having arrived for the execution of the Joint Orders the House proceeded to vote for Attorney General, Messrs. Collins and Britton being the superintendents of the voting on the part of the Commons.

FOR SPIER WHITAKER,

FOR BAT. F. MOORE,

FOR EDWARD STANLY.

FOR JOHN KERR,

FOR CALVIN GRAVES, Messrs. Holeman, Jackson, 2.
FOR D. K. McRAE, Messrs. Kelly, Williams, 2.
FOR P. BUSBEE, Mr. McDowell, 1.
FOR JAMES ALLEN, Mr. Nicholls, 1.
Mr. Britton, from the committee on this vote, 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.

Mr. Steele moved that a message be sent to Senate, proposing that another vote be had immediately for this officer, and informing that the names of John Kerr and Duncan K. McRae are added to the nomination.

Received a message from the Senate, agreeing to this proposition, and informing that the name of Spier Whitaker is withdrawn from the nomination. Messrs. Steele and Jackson were appointed the superintendents of the voting, and the House voted as follows:


D. K. McRAE.


FOR B. F. MOORE,


FOR EDWARD STANLY. Messrs. Blount, George, Haynes, 3.

FOR J. ALLEN, Messrs. Davenport, Nicholls, 2.

FOR SPIER WHITAKER, Messrs. Moyer, McKesson, 2.

FOR THOMAS BRAGG, Mr. Long, 1.

Mr. Steele, from the committee on this vote, 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. Ordered, on motion of Mr. Britton, that the Senate be
informed that the name of B. F. Moore is withdrawn from the nomination.

Mr. Steele presented a resolution, concerning the Public Maps shewing the Congressional Districts; which was read and adopted.

Mr. Gilliam, from the committee on the Judiciary, to whom was referred a bill to protect real estate, reported as an amendment, an entire substitute for said bill, entitled a bill to protect houses and enclosures from wilful injury. The amendment was adopted, the bill read third time, passed, and ordered to be engrossed.

The House proceeded to the order of the day, and resumed the consideration of the bill for redistricting the State; when after renewed discussion, the said bill was, on motion of Mr. Washington, made the order of the day for to-morrow.

The engrossed bill to incorporate a company to construct a rail road from some point on the South Carolina rail road, to the town of Charlotte, in Mecklenburg county, to be called the Charlotte and Camden rail road company, was read the third time, and amended, on motion of Mr. Baxter, and passed.

Ordered, That the concurrence of the Senate be asked in the amendments made to said bill.

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

Saturday, December 12, 1846.

Mr. W. K. Martin introduced a resolution in favor of Joseph Kearney, and a resolution in favor Howell Cook. These resolutions were read the first time and passed, and referred to the committee on Claims.

Mr. Gilliam, from the committee on the Judiciary, reported unfavorably on the bill to exempt old and infirm persons from serving on Juries; when the same was read the second time and rejected.

Mr. Gilliam, from the same committee, reported the bill to amend the Revised Statute, entitled Courts of Equity, with an
amendment; when the bill was ordered to be laid on the table and be printed.

Mr. Gilliam, from the same committee, reported, without amendment the bill in addition to the Revised Statute, entitled frauds and fraudulent conveyances. Ordered, on motion of Mr. Mebane, that the said bill lie on the table and be printed.

Mr. Rayner, from the committee on Internal Improvements, reported unfavorably on the bill to lay off and establish a road from Brown's or Stokes' Ford, on the Yadkin River, in the county of Wilkes, to the top of the Blue Ridge, at the Ashe county line. The bill was, on motion of Mr. Wellborn, amended, and laid on the table.

Mr. Rayner, from the same committee, reported, with amendments, the bill to establish a public road in the county of Buncombe. The amendments were concurred in, and the bill, on motion of Mr. Fagg, laid on the table.

Mr. Hawkins, from the committee on Military Affairs, reported without amendment, the bill to incorporate the Whitehouse Cavalry, in the county of Robeson, commanded by Captain Edmund P. Ashley; which was read the second time and passed.

Mr. Ellis moved that the House do reconsider the vote of yesterday, by which was passed the third time, the engrossed bill to incorporate a company to construct a rail road from some point on the South Carolina rail road, to the town of Charlotte, in the county of Mecklenburg, to be called the Charlotte and Camden rail road company. The motion prevailed; the said bill was thereupon laid on the table.

Mr. Hawkins, from the committee on Military Affairs, reported unfavorably on the resolution, relating to appointment of Field Officers in the North Carolina Volunteers; when the same was rejected.

Mr. Hawkins, from the same committee, reported unfavorably on the resolution concerning Troops of Cavalry; when the same was also rejected.

The resolution in favor of Benjamin Ivey, of Stanly county, was read the third time, passed, and ordered to be engrossed.

Received from the Senate a message, proposing to vote immediately again for Attorney General. The proposition was agreed to, and the House proceeded to vote as follows: Messrs. Hackney and Regan being superintendents.
Mr. Hackney, from the committee to superintend this voting, 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.

Mr. Ellis withdrew from the nomination the name of D. K. McRae, and, on his motion, a message was sent to the Senate, proposing that another vote be taken immediately for this officer.

Received a message from the Senate, concurring in this proposition, and informing that the names of Edward Stanly and B. F. Moore, are added to the nomination. The House proceeded to vote, Messrs. Reid and Kelly being the superintendents, as follows:
The House now resumed the consideration of the unfinished business of yesterday, and after renewed discussion on the bill for arranging the Congressional Districts of the State, on motion, adjourned until to-morrow morning, 10 o'clock.

MONDAY, December 14, 1846.

Messrs. Baxter, W. K. Martin, Ribelin and Person, were appointed the committee on enrolled bills the present week.
Joshua Beam, the member elect from the county of Cleveland, appeared and was qualified according to law.

Mr. Kelly, from the committee appointed to superintend the election of Attorney General, reported that Edward Stanly 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 the following engrossed bills, and asking the concurrence of this House, viz:

A bill to charter the Wilmington and Manchester Rail Road Company;

A bill to enable the people of Stanly county to restore their records and papers which were lost in the burning of the Court House and Clerk's offices, of Montgomery county;

A bill to amend an act, entitled an act to amend the Revised Statutes, concerning last wills and testaments;

A bill to regulate the appointment of principal Clerks of the two Houses, and for other purposes;

A bill to incorporate the Fayetteville Hotel Company;

And a bill to amend an act, entitled an act for a Canal from Cape Fear to Lumber River.

These bills were read the first time and passed.

A message from the Senate, informing that Messrs. Mills and Poindexter form their branch of the committee on Enrolled bills the present week.

A message from the Senate, informing that they had passed the engrossed bill to authorize the laying off and establishing a Turnpike Road from the head of Carter's and Spencer's Canal, from Matamuskeet Lake, in Hyde county, to Columbia, in Tyrrell county; and the engrossed bill to incorporate the Merchant's Steam Boat Company of Fayetteville; and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that Mr. Halsey had been appointed on the part of the Senate to unite with the committee on the part of the Commons, to wait on his Excellency Governor Graham, and inform him of his election, as Governor of North Carolina, for two years after the 1st of January next; and to ascertain when it will suit his convenience to appear before both Houses of this General Assembly, and take the oaths of office prescribed by law. Mr. Waddell and Mr. Bullock were appointed to form this committee on behalf of the Commons.
Mr. Britton presented a petition from sundry citizens or Bertie county, against the imposing of restrictions or lay days on the Fisheries in Albemarle Sound and its tributaries; which was referred to the committee on Propositions and Grievances.

Mr. Baxter presented a bill to protect the Public Bridges within this State; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Gilliam, a resolution in favor of Isaac White, late sheriff of Randolph county; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Hicks, a resolution for the relief of Thomas M. Angel; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Britton, a resolution as to expenses of Volunteers; which was read the first time and passed.

Mr. Gambill, a bill to prevent Sheriffs and Clerks of Courts from becoming security for each other, on their official bonds; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Trull, a bill to repeal part of an act, passed at the session of the General Assembly, held in 1844, entitled an act to consolidate and amend the acts heretofore passed on the subject of Common schools; which was read the first time and passed, and referred to the committee on Education.

Mr. Whitaker, a bill to prevent obstructions to the passage of fish up Fishing Creek; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Haynes, a bill to provide for the opening and clearing out of Third and Fourth Creeks, in the county of Rowan and Iredell; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Calloway, a bill to appoint Commissioners to view, lay off and improve the State road from Wilkesborough to Peyton Colvard's; which was read the first time and passed.

Mr. Gilliam, a resolution in favor of Richard E. Henderson; which was read the first time and passed, and referred to the committee on Claims.

On motion of Mr. D. A. Barnes,

Ordered, That the bill regulating State elections, be made the special order of the day for Thursday next.

The engrossed bill to incorporate the North and South
Carolina Rail Road Company, was read the second time and passed—yeas 73, nays 26.

Those who voted in the affirmative, were


Those who voted in the negative, were


The House resumed the unfinished business in which they were engaged on Saturday, and, after renewed discussion on the question pending, adjourned until to-morrow morning, 10 o'clock.

**Tuesday, December 15, 1846.**

Mr. Long introduced a bill to authorize the holding of the Superior and County Courts of the county of Halifax, in the new Court House now about to be erected in the town of Halifax; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. George, a bill to establish a new county, by the name of Williams, out of portions of the counties of Iredell,
Wilkes, and Surry; which was read the first time and passed.

Mr. Hayes, a bill to amend an act, passed at the last session of the General Assembly, entitled an act more effectually to secure the debts due for Cherokee lands, and to facilitate the collection of the same; which was read the first time and passed.

On motion of Mr. Webster,

Resolved, That the committee on Finance be, and they are hereby instructed to inquire into the expediency of selling the Raleigh and Gaston Rail Road, and report by bill or otherwise.

Mr. Edwards introduced a resolution directing the committee on Internal Improvements to inquire into the expediency of foreclosing the mortgage held by the State on the Wilmington and Raleigh Rail Road, and of selling the same; which was read and adopted.

Mr. Trull introduced a bill making compensation to Tales Jurors, in the county of Union; and

Mr. Hicks, a resolution in favor of Jacob Siler and Joseph Cathey;

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

Mr. Smaw presented a bill concerning militia officers; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Ferguson presented a petition from sundry citizens of Haywood county, praying a law to be passed, restoring to George Vaughan the credit and privileges forfeited on a conviction for horse-stealing; which was referred to the committee on Propositions and Grievances.

Mr. W. F. Jones, from the committee on Military Affairs, reported, with an amendment, the bill to incorporate the 2nd Volunteer Regiment of North Carolina, in the county of Stokes. The amendment was concurred in, and the bill read the second time and passed.

Mr. W. F. Jones, from the same committee, reported unfavorably on the resolution referred to them, relating to the Troop of Cavalry in Mecklenburg county; and the report was concurred in.
Mr. W. F. Jones, from the same committee, reported unfavorably on the resolution in relation to the more speedy appointment of militia officers, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mebane, from the committee on Propositions and Grievances, reported a bill more effectually to prevent frauds on the revenue by Pedlars; which was read the first time and passed.

Mr. Foy, from the same committee, reported a bill making compensation to Jurors in the county of Jones; which was read the first time and passed.

Mr. D. A. Barnes, from the committee on Private Bills, reported, without amendment, the bill to alter the mode of electing the Warden Court for Guilford county, and for other purposes. The bill was amended, by extending its provisions to the counties of Wake, Davidson, Columbus and Cleveland, and laid on the table.

Mr. Foy, from the committee on the Public Library, who were instructed to inquire what had become of the ten Maps made by order of the General Assembly, at their session of 1842, reported that four of said maps, and no more, were deposited with the Secretary of State, as required by law.

Mr. Washington, from the committee on Education, reported, without amendment, the bill to revive the act of incorporation of the Richmond Academy; 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 prevent obstructions to the passage of Fish up Fishing Creek; when the same was laid on the table.

Mr. D. A. Barnes, from the same committee, reported, without amendment, the bill for the better regulation of the town of Mocksville, in Davie county; when the same was read the second time and passed.

Mr. D. A. Barnes, reported, with an amendment, the bill to amend an act, passed in the year 1842–3, entitled an act to incorporate a Mutual Insurance Company, in the State of North Carolina; when the amendment was agreed to, and the bill read the second time and passed.

Mr. Washington, from the committee on Education, reported, without amendment, the bill to incorporate the Trustees of the Loretz Centenary Institute; when the same was read the second time and passed—yeas 82, nays 22.
Those who voted in the affirmative, were


Those who voted in the negative, were


A message from the Senate, informing that they concur in the amendments made in this House, to the engrossed bill to provide for holding a session of the Supreme Court, once a year, in the Western part of the State. Ordered that said bill be enrolled.

Mr. Puryear, from the select committee on the Cherokee lands, reported a bill to dispose of a portion of the unsurveyed lands of Cherokee county, and for other purposes; which was read the first time and passed.

The House again resumed the consideration of the bill for the division of the State into nine Congressional Districts. Mr. Hackney moved to amend the bill by striking out the counties of Washington and Tyrrell, in the 8th District, and inserting "the county of Martin," and by striking out Martin in the 9th District, and inserting "the counties of Washington and Tyrrell." The question, on this amendment, was decided in the negative—yeas 6, nays 102.

Those who voted in the affirmative, were

Messrs. Hackney, Mebane, E. P. Miller, McCurry, Waddell, Wilson, 6.
Those who voted in the negative, were


Mr. Dancy moved to amend the bill in the 22nd line of the 2d section, by striking out Edgecomb and inserting Wayne, and in the 27th line of the same section, by striking out Wayne and inserting Edgecomb. The question on this amendment was decided in the negative. The question then recurring on the passage of the bill, the second reading, was decided in the affirmative—yeas 62, nays 53.

Those who voted in the affirmative, were


Those who voted in the negative were

Mr. Rayner moved that the Rule be suspended, and that the said bill be now read the third time; objection being made, the motion was withdrawn, and the House adjourned until to-morrow morning, 10 o'clock.

**Wednesday December 16, 1846.**

Mr. Jackson presented a bill to regulate the fees of Physicians; which was read the first time and passed, and referred to a select committee consisting of Messrs. Jackson, Whitaker, Brogden, Steele and Edwards.

Mr. Haynes introduced a bill for the better regulation of common schools in Iredell county; which was read the first time and passed, and referred to the committee on education.

Mr. Gambill introduced a bill to amend the 3rd section of the act heretofore passed on the subject of common schools; and

Mr. Trull, a bill to compel the Entry Taker of Union county to keep his office at the Court House of said county.

These bills were read the first time and passed.

**On motion of Mr. Golding,**

Resolved, That the committee on Education be instructed to enquire into the expediency of so amending the common school law, as to provide that no superintendent of common schools shall be entitled to have or receive any commission or compensation as such, until his accounts shall have been examined and passed upon by the County Court of his county, and until he shall have made public advertisements of the amount received from the State, and the amount received from the county; and also upon what articles the county tax is laid, and the amount thereof.
Mr. Mebane, from the committee on Finance, reported, with an amendment, the bill to provide more effectually against fraud upon the revenue laws. Ordered, on motion of Mr. Baxter, that said bill lie on the table.

On motion of Mr. Rayner, the bill to incorporate the Roanoke rail road company, was re committed to the committee on Internal Improvements.

Mr. Balklock, from the joint select committee appointed on the subject, reported, that his Ex’ly. William a Graham, the Governor elect, would, at 12 o’clock, on the first day of January next, appear before the two Houses, and take the oaths of office.

Mr. D. A. Barnes, from the committee on Education, reported a bill to provide for the appointment of a Common School Commissioner; which was read the first time and passed.

The Speaker laid before the House a communication from the Public Treasurer, in answer to the resolution of this House calling on him to submit to the consideration of the Legislature, a scheme of Finance for the creation of a sinking Fund. Ordered, on motion of Mr. Mebane, that the same be printed and sent to the Senate with a proposition that it be referred to a select committee of three in behalf of the Commons, and two on behalf of the Senate.

Mr. Washington introduced a bill limiting the number of Trustees of the University; which was read the first time and passed, and referred to the committee on Education.

Mr. Courts, from the committee on the Judiciary, reported a bill concerning the bonds of Clerks of the county Courts; which was read the first time and passed.

Mr. Reid called up for consideration the bill for the establishment of a new county by the name of Graham; when the same was, on motion of Mr. Reid, amended.

Mr. W. K. Martin moved that the said bill be postponed indefinitely; the question thereon was decided in the negative—yeas 51, nays 56.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question, shall the said bill pass the second reading? was decided in the negative—yeas 33, nays 65.

Those who voted in the affirmative, were


Those who voted in the negative, were


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 amend the laws regulating the inspection of turpentine;

A bill to repeal an act, entitled an act to incorporate the town of Shelby, in the county of Cleaveland, and appoint Commissioners thereof;
A bill to incorporate the Truestees of Dan River Institute, in the town of Yancyville;

A bill to regulate the appointment of Field Officers of Regiments of Volunteers, called into the service of the United States;

A bill to incorporate the Perquimons and Pasquotank Guards;

A bill for the better regulation, of the town of Nashville, in Nash county.

These bills were severally read the first time and passed.

The bill to repeal an act, entitled an act to amend an act entitled an act concerning the mode of choosing Senators and Representatives in the Congress of the United States, Revised Statutes, chapter 72, and for the purpose of securing a just and proper division of the State into Congressional Districts; was read the third time, and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 56, nays 54.

Those who voted in the affirmative, were


Those who voted in the negative, were


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

A bill supplemental to an act passed at the present session of
the General Assembly, entitled an act to charter the Wilmington and Manchester rail road company;  
A bill to incorporate the Pasquotank Artillerists; and  
A resolution in favor of Owen Sizemore of Wilkes county.  
These bills and resolution were read the first time and passed.

Received from his Excellency Governor Graham, by his Private Secretary, a message transmitting a copy of the Annual Report of the Treasurer of the University, made to the Board of Trustees at their late annual meeting, and informing that there are six vacancies in said board, to be filled by the vote of the General Assembly. Ordered, that the same be referred to the committee on Education.

Received in like manner from the Governor a message, transmitting a letter from the Librarian of Harvard College, Massachusetts, requesting to be furnished for the use of that Library, with copies of all the Public Documents of North Carolina, which have been published by the authority of the State. Ordered that the same be referred to the committee on the Library.

Received in like manner from the Governor, sundry resignations of Justices of the Peace; which had been made to the Executive. Ordered that they be transmitted to the Senate.

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

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Thursday, December 17, 1846.

Mr. Cox presented a bill to improve the navigation of New River, in Onslow county; which was read the first time and passed, and referred to the committee on Internal Improvement.

Mr. Britton presented a resolution providing for taking a recess from half after one o'clock until 3 o'clock, and a resolution providing for the adjournment of the General Assembly on the 5th of January next. These resolutions were read, and, on motion, ordered that they lie on the table.
Mr. Piggott presented a bill to amend an act to reduce into one the several acts concerning Pilots and Commissioners of navigation, Revised Statutes, chapter 88, sec. 32; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Washington, a bill to incorporate Eureka Lodge, No. 7, of the Independent Order of Odd Fellows; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Hicks, a bill to divide consolidated bonds given by purchasers of Cherokee lands; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Hayes, a bill in favor of the Cherokee Chief, Junoluskee; which was read the first time and passed.

Mr. Fagg, a bill to prevent the establishment of a toll gate within the corporate limits of the town of Asheville, in the county of Buncombe; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Hicks, from the committee on the Judiciary, reported unfavorably on the bill to prevent further trading with slaves; when, on motion of Mr. Mebane, the said bill was recommitted to the same committee.

Mr. Mebane, from the committee on Finance, to whom was referred, on the 1st inst. a memorial of the Wilmington and Raleigh rail road company, reported a bill granting a further extension of credit on the bonds endorsed by the State for the Wilmington and Raleigh rail road company, and also on the debts due the State and the Literary Fund by the same company. The said bill was read the first time and passed, and, on motion, of Mr. Hall, ordered to be printed and made the special order of the day for Monday next.

Mr. Hawkins, from the committee on Claims, reported favorably on the resolution for the relief of John H. Pearson; which was read the second time and passed.

Mr. Hawkins, from the same committee, reported the bill making compensation to Tales Jurors, in the county of Union, and asked to be discharged from the further consideration thereof. The committee was discharged, and the bill read the second time and passed.

Mr. G. A. Miller, from the same committee, reported without amendment, the resolution in favor of the Representatives of the
late A. H. Van Bokelen; when the same was read the second time and passed.

Mr. Mebane, from the committee on Propositions and Grievances, to whom were referred, sundry memorials from citizens of Bertie, Martin and Hertford counties, praying the Legislature to impose lay days upon the waters of Albemarle, Croatan and Pamlico sounds, reported that it is inexpedient to legislate on the subject of said memorials, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mebane, from the same committee, reported favorably on the resolution for the relief of Thomas M. Angel; when the same was read the second time and passed.

Mr. Mebane, from the same committee, reported favorably on the bill to cede a portion of Buncombe county to the county of Henderson; when said bill was, on motion of Mr. Fagg, ordered to lie on the table.

Mr. Washington, from the committee on Education, reported favorably on the bill limiting the number of Trustees of the University. The said bill was read the second time and rejected.

Mr. Washington, from the committee who were instructed to enquire into the expediency of exempting the committees of common schools from working on roads and performing Military duty, reported that it is not expedient to change the law, as proposed, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Washington, from the same committee, reported unfavorably on the bill to repeal part of the act passed at the last session, entitled an act to consolidate and amend the acts heretofore passed on the subject of common schools. The said bill was read the second time and rejected.

On motion of Mr. Steele,
Ordered, That Messrs. Wilson, Waddell and McMullen, be added to the select committee on the bill to regulate the fees of Physicians.

Received from the Senate a message, concurring in the proposition of this House to refer the report of the Public Treasurer yesterday made to the House, in answer to a call of the House of Commons, to a joint select committee, and informing that Messrs. Wilson and Gilmer form their branch of said committee. Ordered that said committee on behalf of the Commons, consist of Messrs. Mebane, Ellis and Paine.
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 incorporate Franklin Institute, in the county of Franklin;

A bill authorizing John Malone, a free man of color, to emancipate his wife and son, upon certain conditions herein mentioned;

A bill to appoint Commissioners for the town of Carthage, in the county of Moore, and to incorporate the same;

A bill to amend an act, passed in 1823, entitled an act to exempt certain citizens of Tyrrell county from public duty;

A bill making compensation to the Jurors of Greene county;

A bill to incorporate a Volunteer Company of Infantry of the line, styled the Cossacks; and,

A resolution in favor of Charles L. Hinton, Public Treasurer.

These bills and the resolution, were severally read the first time and passed.

On motion of Mr. Steele, the rule was suspended, and the bill to incorporate a Volunteer corps of Infantry of the line styled the Cossacks, was read the second and third times, passed, and ordered to be enrolled.

Mr. Rayner moved that the vote of yesterday, by which was rejected the bill to lay off and establish a new county, by the name of Graham, be now reconsidered. The question will the House reconsider said vote? was decided in the affirmative—yeas 56, nays 51.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Austin, E. Barnes, Beam, Blount, Bogden, Brower, Bullock, Charles, Collins, Courts, Cox, Creede, Dancy, J. P.
The question then again recurring on the passage of the said bill the second reading, on motion of Mr. Rayner, Ordered that said bill lie on the table.

On motion, leave of absence from the service of the House for the space of two weeks, was granted to Mr. McDowell.

The bill regulating State elections, was read the second time, and, on motion of Mr. Williamson, postponed indefinitely—yeas 65, nays 45.

Those who voted in the affirmative, were


Those who voted in the negative, were


M. E. P. Miller presented a bill directing the sale of certain Public Lots in the city of Raleigh; which was read the first time and passed, and referred to the committee on Finance.

Mr. Fagg presented a bill exempting certain citizens of Buncombe county, from working on the public road on the
East side of French Broad River, in said county; which was read the first time and passed, and referred to the committee on Private Bills.

The bill to alter the mode of electing the Warden Court for Guilford county, and for other purposes, was taken up and amended, by extending its provisions to the counties of Macon, Union, Cumberland and Buncombe; when, on motion of Mr. Baxter, it was re-committed to the committee on Private Bills, with instructions to report a general bill on the subject.

Mr. Hawkins presented the report of Robert W. Haywood, Adjutant General of the Militia of this State, prepared and submitted in pursuance of an act of Assembly on the subject. Ordered, that it be sent to the Senate and printed.

The engrossed bill to charter the Wilmington and Manchester Rail Road Company, was read the second time. Mr. Murphey moved to amend the bill, by adding the following section: "That whenever the said Rail Road Company shall erect a Bridge over any navigable stream, they shall cause the said bridge to be so constructed as not to interfere with or endanger the free passage of vessels, steam or other boats, and flat boats, rafts of lumber, timber or turpentine, or of any other description; and if it shall be made to appear, that any vessel, steam boat, or other boat or raft of any description, shall be injured or lost in consequence of said bridge so constructed, or endanger the safe passage of said vessels, steam or other boats or rafts, then the aforesaid Wilmington and Manchester Rail Road Company shall be liable to the person or persons injured for such loss or damage, which may be recovered by suit in any Court of Record having cognizance of the same." The amendment was rejected. The question, shall the said bill pass the second reading, was determined in the affirmative—yeas 75, nays 27.

Those who voted in the affirmative, were


Those who voted in the negative, were


The bill to incorporate a company to construct a Rail Road from some point on the South Carolina Rail Road to the town of Charlotte, in Mecklenburg county, to be called the Charlotte and Camden Rail Road Company, was taken up, and, on motion of Mr. Ellis, the corporate name and style of the company was changed; and thus amended, the question, shall the said bill pass the third reading, was determined in the affirmative—yeas 79, nays 24.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered that the concurrence of the Senate be asked in the amendment made to said bill.

The House then adjourned until to-morrow morning, 10 o'clock.
Friday, December 18, 1846.

Mr. Gatling presented a petition from sundry citizens of Gates county, praying the establishment of lay days on the Fisheries of the Albemarle, Croatan and Pamlico Sounds; which was referred to the committee on Propositions and Grievances.

Mr. Shaw presented a petition from certain merchants and other citizens of the town of Fayetteville, praying an increase of the number of auctioneers; which was referred to the committee on Propositions and Grievances.

The resignation of R. G. Snuggs, a Justice of the Peace of the county of Stanly, was presented read and accepted.

Mr. Gatling presented a bill to incorporate the Orapauke Canal and Turnpike Company; which was read the first time and passed, and referred to the committee on Internal Improvement.

Mr. Shaw presented a bill for the incorporation of the town of Washington; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Charles presented a petition from sundry citizens of Pasquotank county, praying an alteration of the law regulating free negroes; also another memorial from the same county, praying an alteration and amendment of the laws regulating guardians, roads and causeways, trespasses on land by hunters, and common schools. These papers were read and referred to the committee on Propositions and Grievances.

Mr. Hieks introduced a bill to amend the third section of an act, entitled an act to establish and regulate a Turnpike Road in the county of Macon, to be called the Tennessee River Turnpike Road, passed at the session of 1844.

Mr. E. Barnes, a bill relative to the payment of Jurors, for the county of Wayne.

Mr. Steele, a bill to repeal an act concerning the Fair near Laurel Hill, in the county of Richmond.

Mr. Krimminger, a bill to incorporate the Velvet Light Infantry, in the county of Cabarrus.

These bills were read the first time and passed, and the last named bill was referred to the Committee on Military Affairs.
Received a message from the Senate, proposing that the afternoon of Tuesday next shall be set apart for the appointment of the Justices of the Peace; which was agreed to.

A message from the Senate, proposing to add to the joint select committee raised on the Treasurer’s late Report, on a scheme of finance and sinking fund, the name of Mr. Halsey, the Senator from Washington and Tyrrell; which was concurred in.

A message from the Senate, informing that they had passed the engrossed bill concerning the trial of causes in the Supreme Court; and

The engrossed bill to regulate the issuing of process in certain cases; and asking the concurrence of this House.

These bills were read the first time and passed, and referred to the committee on the Judiciary.

A message from the Senate, informing that they had passed the engrossed bill to give exclusive jurisdiction to the Superior Courts of Moore county; and for the better regulation of the County Courts of said county; and

The engrossed bill to incorporate the town of Gatesville; and asking the concurrence of this House.

These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to amend the 123rd chapter of the act of the Revised Statutes, entitled an act concerning wrecks and wrecked property, and particularly the 4th and 6th sections of that act; and

The engrossed bill to establish a Public Burial Ground in the county of Cherokee; and asking the concurrence of this House.

These bills were read the first time and passed.

The Speaker laid before the House, a communication from Jacob Siler, the State’s agent for Cherokee lands, relative to the entry of said lands; which was read, and referred to the committee on Cherokee Lands.

Mr. Britton presented a bill to prevent the obstruction of the passage of Fish up the waters of Albemarle Sound, Chowan, Roanoke and Cashie Rivers;

Mr. Chunn, a bill to lay off a road from Asheville, in Buncombe county, to Burnsville, in Yancey county; and

Mr. Golding, a bill in addition to the act of 1844–5, to prohibit the levying of executions upon growing crops, until such crops are matured.
These bills were read the first time and passed, and the last named bill was, on motion, referred to the committee on the Judiciary.

On motion of Mr. Smith,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, that the Judges of the Supreme Court of the State shall publish such of their decisions only as shall determine unsettled questions of law in this State.

Mr. Chunn offered the following resolution; which was read and laid over until to-morrow:

Resolved, That whenever any motion shall be made to adjourn, it shall be the duty of the Clerk in stating the same on the Journal, to note the precise time of day at which such motion is made, and publish the same as part of the Journal.

Mr. Britton called up for consideration, the resolution offered by him on yesterday, providing for afternoon sessions; when the same was amended, on Mr. Puryear's motion, by causing its operation to commence on Monday next, and the question, shall the resolution be adopted, was decided in the affirmative—yeas 68, nays 41.

Those who voted in the affirmative, were


Those who voted in the negative were

Messrs. Austin, E. Barnes, Baxter, Biogden, Charles, Collins, Edwards, Ellis, Fagg, Ferguson, Flemming, Foy, Gatling, Giggs,

Mr. Washington presented a bill to amend an act, passed at the last session, entitled an act relative to notaries; which was read the first time and passed, and referred to the committee on the Judiciary.

The bill to make real estate assets, was, on motion of Mr. Gilliam, made the order of the day for to-morrow.

The bill to amend the Revised Statutes, entitled deeds and conveyances, was read the third time and passed, and ordered to be engrossed.

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

Saturday, December 19, 1846

Mr. Steele introduced a bill, to change the time of selling lands and negroes, in the county of Richmond; which was read the first time and passed.

Mr. D. A. Barnes, a bill making compensation to Jurors who may hereafter be summoned and empannelled to serve on Coroner's inquests, in the county of Northampton; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Mebane, a bill concerning the sale of corporations; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Griggs, a bill concerning public Roads; which was read the first time and passed.

Mr. Washington presented a petition on behalf of the heirs of John Pintard, praying payment by the State of certain certificates issued during the American Revolution; which was read and referred to the committee on Claims.

Mr. Ferguson presented a bill to charter a Turnpike-Bridge Road, in Haywood county; which was read the first
time and passed, and referred to the committee on Internal Improvements.

The resignation of Joseph J. Williams, as a Justice of the Peace of the county of Franklin, was read and accepted.

The bill to abolish Jury trials in the County Court of Rutherford county, was read the second time, amended on motion of Mr. Beam, by including the county of Cleveland, and passed.

The bill extending the time of perfecting titles to lands heretofore entered, was read the second time. Mr. Hicks moved to amend the said bill, by striking out the words, "the first day of January, 1849," and inserting the words, "the first day of August, 1847," which was rejected, and the said bill read the second time and passed.

Mr. Austin presented the following resolution, viz:

Resolved, That until otherwise ordered by the House, only private bills and bills upon their third reading, shall be taken up for consideration of the House, at its evening sessions.

The consideration of which, is, under the Rule, postponed until to-morrow.

Mr. Hall presented the following resolution:

Resolved, That the House of Commons do take a recess from Wednesday the 23rd, to Monday the 28th inst.

The question on the adoption of this amendment[?] was decided in the affirmative—yeas 56, nays 50.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, Beam, Brogden, Brower, Brown, Calloway,
Mr. Steele moved that the House do now reconsider the vote by which the last named resolution was adopted. This question was decided in the negative.

Mr. Puryear moved that a message be sent to the Senate, proposing that the two Houses adjourn sine die on Thursday next; which, on motion of Mr. Brogden, was ordered to lie on the table.

The bill concerning the Supreme and Superior Courts, and for the more speedy and certain administration of justice therein, was, on motion of Mr. Baxter, made the special order of the day for Wednesday next.

Mr. Ferebee introduced a resolution concerning the establishment of a Medical Board for this State; which was referred to a select committee, consisting of Messrs. Ferebee, Ellis, Hall, Washington and Rayner.

Mr. Reid presented a bill to incorporate the Mecklenburg Declaration Lodge, No. 9, of the Independent Order of Odd Fellows, in the town of Charlotte; which was read the first time and passed.

Mr. Mebane introduced a resolution, relating to certain scrip issued by the Raleigh and Gaston Rail Road Company, and endorsed by the State; which was read the first time and passed.

The bill to prevent Sheriffs and Clerks of Courts from becoming security for each other on their official bonds, was read the second time and rejected.

The bill to authorise the holding of the Superior and County Courts of Halifax, in the new Court House now being erected in the town of Halifax, was read the second and third times, passed, and ordered to be engrossed.

Mr. Paine, from the committee on the Judiciary, reported, with amendments, the bill to protect the Public Bridges within this State. The amendments were concurred in, and the bill read the second time and passed.

Mr. Paine, from the same committee, reported the bill to provide for the opening and clearing out of Third and
Fourth Creeks, in the counties of Rowan and Iredell, with an amendment. The amendment was concurred in. The bill was further amended, on motion of Mr. Haynes, by including Witherow and Back Creek; and the question, shall the said bill pass the second reading, was decided in the affirmative.

The bill in favor of the Cherokee Chief, Junoluskee, was read the second time, and the question, shall the said bill pass, was determined in the affirmative—yeas 107, nays 3.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Kelly, Webster, Williamson, 3.

On motion, the said bill was again read the third time, passed, and ordered to be engrossed.

The bill to make real estate assets, was read the second time.

Mr. D. A. Barnes, offered the following amendment: In the last section of the bill, and in the sixth line after the word repeated, insert the following: "If the personal estate of any deceased person shall be insufficient to pay his or her debts, and the executor or administrator, shall fail within six months after the expiration of the time now provided by law, for the settlement of estates, then, and in that case, it shall be lawful for any creditor to prosecute his claim to final judgment, and is-
sue seire facias against the heirs, or devises of said deceased person." This amendment was rejected.

Mr. Adams moved the following as an amendment, which was also rejected. "That no administrator or executor, shall give one creditor preference over the other, when the debt or debts are of the same dignity." The question, shall the said bill pass the second reading? was decided in the affirmative.

The bill to incorporate the Roanoke rail road company, was reported to the House by Mr. Puryear, on behalf of the committee on Internal Improvements, with sundry amendments; which were concurred in. Ordered, that the bill lie on the table.

Mr. Rayner, from the same committee, who was instructed to enquire into the expediency of submitting some plan by which the Wilmington and Raleigh rail road may be brought into market, by a foreclosure of the mortgage which the State holds on said road, reported that the committee consider it unwise to legislate with a view to the end proposed, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Rayner, from the same committee, reported unfavorably on the resolution relative to a road from the Shallow Ford [of the Yadkin, to Fort Defiance, in Caldwell county. Ordered, that the same lie on the table.

Mr. Steele, from the committee on Propositions and Grievances, reported a bill to amend the Revised Statutes, entitled auctioneers.

Mr. Reid introduced a bill concerning a public road in Iredell county; which was read the first time and passed.

Received a message from the Senate, concurring in the amendment made by the House of Commons, to the engrossed bill to incorporate the South Carolina and Charlotte rail road company. Ordered that the said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill concerning Clerks and Masters in Equity, and asking the concurrence of this House. The said bill was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Puryear offered the following resolution; which was read and rejected:

Resolved, That the resolution adopted by this House, this day, providing for a recess from the 23rd to the 18th inst., be, and the same is hereby repealed.
Mr. Fagg offered the following:

Resolved, That a committee of twenty-five members be appointed to visit, and inspect the Wilmington and Raleigh road, and the Raleigh and Gaston railroad, and make report thereon.

This resolution was laid on the table.

The House then adjourned until Monday morning, 10 o'clock.

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Monday, December 21, 1846.

Messrs. Hicks, E. P. Miller, Shaw and Stone, were appointed a committee on enrolled bills for this week.

On motion, leave of Absence for six days, was granted to Messrs. Bond and Coffield.

Mr. Ellis moved that the House do now reconsider the resolution offered on Saturday last, by Mr. Puryear, proposing to rescind the resolution providing for a recess of this House from the 23rd to the 25th inst.

The question, will the House so reconsider? was decided in the affirmative—yeas 104, nays 1.

Those who voted in the affirmative, were

Mr. Wilson, voted in the negative.

The question then recurring on the adoption of the resolution of Mr. Puryear, as aforesaid, was decided in the affirmative—yeas 104, nays 1.

Those who voted in the affirmative, were


Mr. Wilson, voted in the negative.

And so the resolution providing for a recess, was rescinded.

On motion of Mr. Smaw,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of providing by law, that the Wardens of the poor shall enter into bond for the safe keeping and disbursement of all monies received by them, by virtue of their election as Wardens; and that said committee report by bill or otherwise.

The resolution offered on Saturday last, by Mr. Austin, relative to the business to be done at the evening sessions, was taken up and adopted.

On motion of Mr. Griggs,

Resolved, That a select committee of five be appointed, whose duty
it shall be to enquire into the condition so far as is ascertained of
the Inlet, which has recently been opened near Bodkin's Island,
on our coast; and that they report to the House on the practicality
and propriety of improving said Inlet, and making it permanent.

Said committee consists of Messrs. Ferebee, Creedle, Charles,
Griggs and Gatling.

Mr. Hargrave presented a bill to increase the number and
pay of Jurors, in the county of Anson; which was read the first
time and passed, and referred to the committee on Private
Bills.

Mr. Piggott introduced a bill to amend the 7th section of the
123rd chapter Rev. Stat, and to encourage Common Schools;
which was read the first time and passed, and referred to the
committee on Education.

Mr. Mebane introduced a bill concerning orphans and per-
sons non compos mentis; and

Mr. Washington, a bill to alter the time of holding the Su-
perior Courts of Law and Equity in the second Judicial Dis-
trict of this State, and of the Courts of Pleas and Quarter Ses-
sions, for the counties of Jones and Onslow. These bills were
read the first time and passed, and referred to the committee on
the Judiciary.

The engrossed bill to regulate the appointment of Field Of-
ficers of Regiments of Volunteers, called into the service of the
United States, was taken up and made the special order of the
day for to-morrow.

Mr. Steele presented a resolution in favor of Duncan Mc-
Farland, of Richmond county; which was read the first time
and passed, and referred to the committee on Propositions and
Grievances.

Mr. W. F. Jones presented a bill relative to the appoint-
ment of Field Officers of Volunteers, called into the service of
the United States; which was read the first time and passed,
and made the special order of the day for to-morrow.

Mr. McKesson presented a bill authorizing the construction
of a turnpike road from the town of Morganton to the town of
Lincolnton; which was read the first time and passed, and re-
ferrerd to the committee on Internal Improvements.

Mr. Washington presented a memorial from the owner of
the Steam Boat Wayne, now plying on the River Neuse, pray-
ing that no exclusive privileges to navigate said River, should
be granted to others; which was laid on the table.
Mr. Hackney presented a bill to transfer the funds belonging to the Board of Internal Improvement, to the Public Treasury; which was read the first time and passed, and referred to the committee on Finance.

Mr. Williams presented a memorial from certain citizens of New Hanover, praying a modification of the laws relating to insolvent debtors; which was referred to the committee on the Judiciary.

Mr. Flemming presented the following resolution:

Resolved, That from and after the 23rd inst., this House do hereby agree to act upon bills on their second reading, and upon private bills; and that no bills of a public nature be put upon their third reading until the 28th inst.

On motion of Mr. Mebane, ordered that said resolution be laid on the table.

The bill granting a further extension of credit on the bonds endorsed by the State, for the Wilmington and Raleigh railroad company, and also on the debts due the State and Literary Fund by said company, was read the second time and amended, on motion of Mr. Hall, when the further consideration thereof was on motion of Mr. Paine, postponed till tomorrow.

Mr. Washington, from the committee on the Judiciary, reported without amendment, the bill to amend an act, passed by the General Assembly at its sessions in 1844-5, entitled an act relative to Coroners; when the said bill was read the second time and passed.

Mr. Fagg moved that the vote on the last named bill just taken, be rescinded. Pending this question, the House under the rule adopted, took a recess till 3 o'clock P. M.

Monday Afternoon, 3 O'clock.

The engrossed bill to incorporate the North and South Carolina railroad company, was read the third time, and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 80, nays 20.
Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said bill be enrolled.

On motion of Mr. Washington,

Ordered, that the message of the Governor, communicating the report of the Treasurer of the University of N. C., be sent to the Senate, and that it be printed.

Received from his Excellency the Governor, by his Private Secretary, a message communicating a copy of the proceedings of a convention of delegates from sundry counties of North Carolina and Virginia, relating to the navigation of the Roanoke River and its tributaries; which was, on motion of Mr. Wilder, referred to the committee on Internal Improvement.

Received in like manner from the Governor, the following message:

To the Honorable the General Assembly of North Carolina.

By my request, the Public Treasurer has handed me the enclosed statement of the condition of the Treasury, showing a deficit of 37,000, on the first day of January next. The resolution of the last session, authorizing monies to be borrowed by
the Treasurer, expired at the beginning of your present session. It is necessary, therefore, that early measures be taken to meet the public engagements at that day.

WILLIAM A. GRAHAM.

Executive Department, Dec. 21, 1846.

Ordered, On motion of Mr. Puryear, that the same be referred to the committee on Finance.

Received a message from the Senate, informing that they had passed the engrossed bill to emancipate Abel Payne and his wife Patsey, and the engrossed bill to incorporate Neuse River Steam Boat Company; and asking the concurrence of this House. The said bills were read the first time and passed; and the last named bill, was on motion of Mr. Washington, referred to the committee on Internal Improvements, to which committee was also referred the memorial presented this morning from the owners of the Steamer Wayne.

The bill authorizing the Governor to establish a depot of arms at Newbern;

The bill in addition to an act in the Revised Statutes, entitled an act concerning Mills and Millers;

And the bill to amend the 30 section of CV. chapter of the Revised Statutes, entitled salaries and fees; were each read the third time, passed, and ordered to be engrossed.

The engrossed bill to charter the Wilmington and Manchester rail road company, was read the third time, and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 73, nays 26.

Those who voted in the affirmative, were

Those who voted in the negative, were


Ordered, That said bill be enrolled.

The bill to provide for the appointment of a Common School Commissioner, together with the report of the committee thereon, was, on motion of Mr. Foy, ordered to be printed.

The bill to incorporate the White House Cavalry, in the county of Robeson, commanded by Captain Edmund P. Ashley, was read the third time and passed, and ordered to be engrossed.

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

Mr. Shaw presented a petition from sundry Officers of the 33d Regiment, praying a compensation for holding a Court Martial, for the trial of Col. Duncan McCormick; which was referred to the committee on Military Affairs.

Mr. Mebane presented a resolution, authorizing the Public Treasurer to borrow money for State purposes; which was read the first time and passed.

Mr. Courts presented a bill to incorporate Wentworth Lodge, in the county of Rockingham; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Washington, a bill in favor of the Raleigh Military Academy;

Mr. E. P. Miller, a bill to lay off and establish a road from the town of Lenoir, to Valley Croix;
Mr. Flemming, a resolution in favor of David Gillespie; And Mr. Shaw, a bill to repeal an act, passed at the session of 1844, chapter 32, entitled an act in favor of Poor Debtors.
These were read the first time and passed.
Mr. Hargrave presented a resolution in favor of George D. Boggan, sheriff of Anson county; which was read the first time and passed, and referred to the committee on the Judiciary.
Mr. Piggott presented a resolution in favor of Thomas Day, of Carteret county; which was read the first time and passed, and referred to the committee on Propositions and Grievances.
A message from the Senate, informing that Messrs. Bogle and , form, on their part, the committee on Enrolled Bills for the present week.
Mr. Mebane introduced a bill to abolish Jury trials in the County Courts of this State, and to divide the State into three Judicial divisions, and for other purposes; which was read the first time and passed, and referred to the committee on the Judiciary.
Mr. Beam presented a petition from sundry citizens of Cleaveland, relative to the sale of town lots in Shelby; which was referred to the committee on Private Bills.
Mr. Hicks, from the committee on the Judiciary, reported, with an amendment, the bill further to prevent trading with slaves. The amendment was concurred in, and the bill read the second time and passed.
Mr. Washington presented a bill, founded on a memorial, to amend an act, passed at the session of 1844-5, chapter of the act of the Revised Statutes, entitled an act concerning wrecks and wrecked property; which was ordered to lie on the table and be printed.
Mr. Hawkins, from the committee on Claims, reported favorably on the resolution for the relief of Jacob Siler and Joseph Cathey; when the same was read the second time, amended and passed.
Mr. Hawkins, from the same committee, to whom was referred sundry resolutions in favor of Jeptha Horton and Howell Cook, Joseph Kearney and Archibald E. Henderson, reported unfavorably thereon; when the said resolutions were severally read the second time and rejected.
Mr. Hawkins, from the same committee, reported unfa-
verably on the petition of the heirs of John Pintard and others, asking payment to be made for certain certificates, issued during the Revolutionary War; and asked to 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 an amendment, the bill to alter the mode of electing Wardens of the Poor; and the bill was read the second time and passed.

Mr. D. A. Barnes, from the same committee, reported, without amendment, the bill making compensation to Jurors who may hereafter be summoned and empanelled to serve on Coroner's Inquests, in the county of Northampton; and The bill to incorporate Eureka Lodge, No. 7, of the Independent Order of Odd Fellows.

When the said bills were read the second time and passed.

Mr. Rayner, from the committee on Internal Improvements, moved that certain documents, exhibits and reports, accompanying the report of the Board of Internal Improvement, be printed; which was concurred in.

Mr. Flemming, from the joint select committee on Cherokee lands, reported a bill concerning the duties of the Cherokee land agent; which was read the first time and passed.

Received a message from the Senate, proposing to rescind the joint order of the two Houses, setting aside this afternoon for the recommendation of Justices of the Peace, and proposing that Tuesday afternoon next be assigned for this purpose. The proposition was agreed to.

On motion of Mr. Gwynn,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the laws in relation to Widow's Dower and year's provisions, as to give two magistrates out of court, the same powers that are now possessed by the County Courts; and that they report by bill or otherwise.

On motion of Mr. Nicholls,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of making a Turnpike or Public Road from the Public Lands in Hyde county, to some point in the county of Washington; and that they report by bill or otherwise.
Mr. Hayes presented a resolution in favor of Morgan B. Ownly; which was read the first time and passed, and referred to the committee on Claims.

Mr. Flemming, from the committee on Cherokee lands, to whom was referred the subject of entry of Cherokee lands, reported that the laws already in force are sufficient; and prayed to be discharged from the further consideration of the subject. The report was concurred in.

The bill to regulate the appointment of Field Officers of Regiments of Volunteers, called into the service of the United States, was taken up on the second reading. Mr. W. F. Jones, moved to amend said bill by a substitute offered marked A. And Mr. Washington moved to amend said amendment, by a substitute which he offered marked B. Pending the question on these motions, the hour arrived for taking the recess; when the Hon. Edward Stanly gave notice, that, on this afternoon, he should resign the Chair, as Speaker of this Body.

The House then took a recess until 3 o'clock, P. M.

THREE O'Clock, P. M.

Received a message from the Governor, transmitting sundry resignations of the Justices of the Peace, received at the Executive Department since his last communication on the subject. These were accepted and sent to the Senate.

The resignation of B. F. Grady, as a Justice of the Peace for the county of Duplin, was presented by the Speaker, and read and accepted.

The Speaker having temporarily left the Chair, Mr. Hawkins presented the following resolution:

Resolved. That the thanks of this House are due, and are hereby tendered to the Hon. Edward Stanly, for the ability, dignity and impartiality, with which he has discharged the duties, as Speaker to the House of Commons.

The question upon the resolution was passed in the affirmative unanimously, when Mr. Stanly resumed the Chair, and tendered his acknowledgments to the House in an appropriate address, and resigned the Chair as Speaker of this Body.
Whereupon the House proceeded to elect a Speaker for the residue of the session.

Robert B. Gilliam having been nominated by Mr. Washington, and John W. Ellis by Mr. Long,

The House voted as follows:

FOR ROBERT B. GILLIAM,


FOR JOHN W. ELLIS,


For GASTON H. WILDER, Mr. Kelly, 1,

Hon. R. B. Gilliam, having been thus declared duly elected Speaker, took the Chair and returned his thanks to the Commons, in an appropriate manner.

The House resumed the consideration of the unfinished business in which it was engaged upon taking the recess in the forenoon, and after proceeding therein to a late hour, on motion of Mr. Baxter, the further consideration of the subject was postponed to, and made the order of the day for, Tuesday next.

The House adjourned until to-morrow morning, 10 o'clock.
Mr. Baxter was appointed a member of the committee on the Judiciary, in the place of the Hon. R. B. Gilliam, promoted to the Chair.

Received a message from the Senate, transmitting certain documents relating to the coast survey of the United States, and proposing that they be referred to a joint select committee of two on the part of each House. The proposition was agreed to, and Messrs. Washington and Ferebee were appointed to form said committee on behalf of the Commons.

Mr. Mebane, from the committee on Propositions and Grievances, reported to the House the resolution in favor of Duncan McFarland, of Richmond county, and asked to be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Washington,

Ordered, That the bill to regulate the appointment of Field Officers of Regiments of Volunteers, called into the service of the United States, and the amendments offered, be printed.

Mr. Piggott presented petitions from certain citizens of Carteret county, praying a repeal of the law prohibiting the hunting of Wild Fowl in the night time, on the waters of Core Sound; which was referred to the committee on Propositions and Grievances.

The bill to extend to the county of Buncombe, the provisions of the act of Assembly, ratified 26th January, 1843, entitled an act for the relief of purchasers of land sold for taxes, in the counties of Haywood and Henderson, was taken up, and amendments offered by Messrs. Chunn and Baxter; when said bill and proposed amendments were recommitted to the committee on the Judiciary.

The bill concerning the Supreme and Superior Courts, and for the more speedy and certain administration of justice therein, was, on motion of Mr. Smith, made the order of the day for Monday next.

The bill extending the time for perfecting titles to lands heretofore entered, was read the third time and passed, and ordered to be engrossed.

The resolution in favor of E. S. Moore, Sheriff of Cald-
well county, was read the third time and passed, and ordered to be engrossed.

The bill to improve the navigation of the Yadkin river, was read the second time and amended. Mr. Hakney offered the following amendment:

*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 1st day of April preceding the creation of such debts; and that any sale or transfer of stock, shall not exempt them from liability.*

The question on the adoption of this amendment, was decided in the negative—yeas 35, nays 49.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question shall the said bill pass the second reading, was decided in the affirmative—yeas 66, nays 19.

Those who voted in the affirmative, were


Those who voted in the negative, were


On motion, leave of absence from the service of the House, from this day till Monday next, was granted to Messrs. Hall and Williams.

The resolution in favor of Duncan McFarland, of Richmond county, was read the second time and passed.

The resignation of Solomon Vestal, of Surry county; George W. Hayes, of Cherokee county; and of John Marriott of Jones county; Justices of the Peace, were presented, read and accepted.

The bill to incorporate the Orapeake Canal and Turnpike Company, was read the second time and passed.

The bill to incorporate the Roanoke Rail Road Company, was read the second time, and amended and passed.

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

Thursday, December 24, 1846.

The Speaker laid before the House the resignation of Edward Stanly, one of the members of this House, from the county of Beaufort, to take effect from and after the 30th inst. The resignation was read and accepted, and, on motion of Mr. Smaw, ordered that a writ of election issue from this House, commanding the Sheriff of Beaufort county to hold an election in said county, at the several precincts, for a member to supply said vacancy.

On motion of Mr. Puryear,

Resolved, That a message be sent to the Senate, proposing that
on the adjournment of the two Houses this day, they adjourn until Saturday next, at 10 o'clock.

The engrossed bill authorizing John Malone, a free man of color, to emancipate his wife and son, upon certain conditions herein mentioned; and

The engrossed bill to emancipate Abel Payne and his wife Patsey, were each read the second and third times, passed, and ordered to be enrolled.

On motion of Mr. Griggs,

Ordered, That the bill concerning Public Roads, be referred to the committee on Internal Improvement.

The resignation of Jesse Jackson, as a Justice of the Peace of the county of Lenoir, was presented, read, and accepted.

The engrossed bill to incorporate Cedar Falls Manufacturing Company, was read the second time and passed.

The bill to abolish Jury trials in the County Courts of Rutherford county, was read the third time, amended and passed, and ordered to be engrossed.

Received a message from the Senate, concurring in the proposition of this House, to print the annual report of the Treasurer of the University, together with the message of the Governor communicating the same.

Mr. Wilder introduced a resolution for enclosing the Capitol Square; which was read the first time and passed, and, on motion of Mr. Stanly, two thirds of the House concurring, the said resolution was read the second time and passed.

The engrossed bill to incorporate the Cedar Falls Manufacturing Company, was read the third time, passed, and ordered to be enrolled.

The bill to incorporate the town Hendersonville, in the county of Henderson, was read the second time and passed.

On motion of Mr. Marshall,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of three on the part of each House, whose duty it shall be to visit the school for the deaf and dumb, in the city of Raleigh, and to report by bill or otherwise.

Mr. Washington presented a resolution concerning the security required for the prosecution of civil suits; which was read and adopted.
Mr. Calloway introduced a bill to prevent the citizens of Virginia and Tennessee from driving their stock into this State, to run at large in the forest range; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

The resolution in favor of the widow of the late Gen'l. Jno. J. Pasteur, was read the third time, passed, and ordered to be engrossed.

The bill to protect the public Bridges within this State, was read the third time, amended and passed, and ordered to be engrossed.

The bill making compensation to Jurors, who may hereafter be summoned and empanelled to serve on Coroners Inquests, in the county of Northampton;

And the bill to incorporate the town of Wilkesborough; were each read the third time and passed, and ordered to be engrossed.

Received a message from the Senate, informing that Messrs. Ehringhaus and Stallings form their branch of the joint select committee on the coast survey, and also informing that they concur in the proposition of this House, that the two Houses shall this day adjourn over to Saturday, the 26th inst.

The bill concerning Drysborough, in the county of Craven, was read the third time and 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 made the order of the day for Wednesday next;

The bill to incorporate Thadeus Lodge No. 5, of the Independent Order of Odd Fellows, located in the town of Clinton and county of Sampson;

The bill to incorporate the Atlantic Fire Company No. 1, in the town of Newbern;

The resolution in favor of M. H. Hill;

The resolution in favor of Ezekiel Dowdle and West Truitt;

The resolution in favor of Leslie Gilliam, late Sheriff of Granville county;

The bill to incorporate the town of Windsor, in Bertie county;

And the bill to incorporate Manteo Lodge number eight, in the city of Raleigh of the Independent Order of Odd Fellows; were read the third time and passed, and ordered to be engrossed.
The House then took a recess under the rule.

**Three O’clock, P. M.**

The Speaker laid before the House a message from his Excellency the Governor, transmitting a letter from Calvin Post and John Ross, offering to lease or purchase a portion of the unsurveyed public lands of Cherokee county for mining purposes. Ordered, that the same be referred to the joint select committee on Cherokee Lands.

The resolution in favor of W. Doak, former Sheriff of Guilford county, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Ferebee,

Resolved, 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.

The resolution in favor of John H. Wheeler, was read the third time, passed, and ordered to be engrossed.

The bill to amend an act, entitled an act to authorize the Court of Pleas and Quarter Sessions of Beaufort county, to appoint special Justices of the Peace, and making compensation of such Justices for certain services; and

The bill to repeal an act to give to the county courts of Stanly county two Jury Terms; were read the third time and passed, and ordered to be engrossed.

The House in pursuance of the joint order, adjourned until Saturday morning, 10 o’clock.

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**Saturday, December 26, 1846.**

On motion, leave of absence from the service of this House for this day, was granted to Mr. Hackney.
Mr. Wilson presented a petition from sundry citizens of the county of Wake, praying a law to be passed for the removal of obstructions to the passage of fish up Neuse River; which was referred to the committee on Propositions and Grievances.

On motion of Mr. Washington,

Ordered, That a message be sent to the Senate, proposing that the two Houses shall, on Tuesday next, proceed to the election of six Trustees of the University.

Received a message from the Senate, agreeing to the proposition of this House, to appoint a joint select committee to visit the Institution in the city of Raleigh, established for the deaf and dumb, and informing that Messrs. Patterson, Cameron and Bogle form their branch of said committee. Ordered, that Messrs. Marshall, Blount and Holden form said committee on behalf of this House.

A message from the Senate, concurring in the proposition to raise a joint select committee, to make arrangements for the reception and qualification of the Governor elect, on the first day of January next, and informing that Messrs. Wilson, Gilmer, Ashe and Poindexter form their branch of the said committee. Said committee, on be half of the Commons, consists of Messrs. Ferebee, Edwards, Faucett and Neal.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill to lay off and establish a county by the name of Alander; and

A bill to establish a new county to be called La Fayette; and asking the concurrence of this House. These bills were read the first time and passed.

The bill concerning Courts of Haywood and other counties;

The resolution in favor of R. S. McDonald, Clerk of the county court of Richmond;

The resolution for the relief of Jacob Siler;

The resolution in favor of Matthew McBee;

The bill to amend an act, entitled an act to incorporate the Neptune Fire company, in the town of Washington;

The bill to alter the mode of electing Constables, in the counties of Iredell and Wilkes;

The resolution for the relief of Mary D. Moore, were read the third time, passed, and ordered to be engrossed.

Mr. Hayes presented a resolution in favor of Seth W. Hyatt and E. Dowdle; which was read the first time and passed, and referred to the committee on Claims.
The bill to alter the mode of electing Constables in the county of Granville, was read, and, on motion of Mr. Edwards, laid on the table;

The bill to incorporate the 2nd Volunteer Regiment of Militia in the county of Stokes, was read the third time and rejected.

The bill to prevent obstructions in Town Creek, in Edgecomb county;

The bill to revive the act of incorporation of the Richmond Academy;

The bill for regulation of the town of Mocksville, in Davie county;

The bill to amend an act passed in the year 1812–3, entitled an act to incorporate a Mutual Insurance Company, in the State of North Carolina;

The bill to incorporate the Trustees of the Loretz Centenary Institute;

The resolution in favor of John H. Pearson;

The resolution in favor of the representatives of the late A. H. Van Bokelen;

The resolution in favor of Thomas M. Angel; and

The bill making compensation for the Tales Jurors of the county of Union; were severally read the third time, passed, and ordered to be engrossed.

The bill to cede a portion of Buncombe county to the county of Henderson, was called up from the table by Mr. Baxter, and read the second time, and the question, shall the said bill pass the second reading? was decided in the negative.

A bill to provide for the opening and clearing out of Third and Fourth Creeks, in the counties of Rowan and Iredell, was read the third time, passed, and ordered to be engrossed.

The House then adjourned until Monday morning, 10 o'clock.

Monday, December 28, 1846.

Received a message from the Senate, informing that Messrs. Gilmer and Ferrand, compose their branch of the joint select
committee on enrolled bills the present week. Ordered, that Messrs. Krimminger, Holden, Hargrave and Brogden form said committee on behalf of this House.

Mr. Hargrave presented a petition from sundry citizens of Anson county, on the subject of changing the place of reviewing the Militia of said county; which was referred to the committee on Military Affairs.

Mr. Washington presented a memorial from sundry citizens of Craven county, complaining of the tardy and inefficient administration of Justice in said county, and praying relief; which was referred to the committee on the Judiciary.

Mr. Russell presented a bill to restore Jury Trials at two of the sessions of Montgomery county court; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Fagg, from the committee on Proposition and Grievances, reported without amendment, the bill to prevent the establishment of a toll gate within the corporate limits of the town of Asheville, in Buncombe county; when said bill was read the second time and passed.

The bill to incorporate Eureka Lodge No. 7, of the Independent Order of Odd Fellows;

The bill to incorporate the town of Hendersonville, in the county of Henderson; and

The resolution in favor Jacob Siler and Joseph Cathey; were each read the third times, passed and ordered to be engrossed.

The bill to make real estate assets;

And the bill to amend an act, passed in the year 1844, entitled an act relative to notaries; were read the third time, passed, and ordered to be engrossed.

The resignation of Allen C. Perry, a Justice of the Peace of the county of Franklin, was read and accepted.

The bill to amend an act to reduce into one the several acts, concerning pilots and commissioners of navigation, Revised Statutes, chapter 88, sec. 32, was read the third time, amended and passed, and ordered to be engrossed.

The bill to alter the mode of electing wardens of the poor, was read the second time, and laid on the table till Friday next.

On motion of Mr. Washington,

Ordered, That the committee on the Judiciary have leave to hold their sittings in the afternoon, and that the members
thereof be excused from attendance in this House while the committee is thus in session.

The bill concerning wreck and wrecked property, was read, and, on motion of Mr. Washington, re-committed to the committee on the Judiciary.

On motion of Mr. Puryear,

Resolved, That the committee on Finance be instructed to enquire into the expediency of appointing a Clerk to assist the Comptroller, opening and keeping a proper account of Cherokee bonds; and that they report by bill or otherwise.

Received a message from the Senate, proposing to add four additional members on the part of each House to the joint select committee raised on the Treasurer's Report, concerning the States' liabilities, and the creating of a sinking fund. The proposition was agreed to, and Messrs. Rayner, Austin, Hall, and Puryear, were added to said committee on the part of this House.

The bill to incorporate the Orappeake Canal and Turnpike Company, was, on motion of Mr. Ferebee, laid on the table, and ordered to be printed.

The bill to prevent further trading with slaves, was read and laid on the table.

The resolution in favor of Duncan McFarland of Richmond county; and

The bill to improve the navigation of the Yadkin River, were each read the third time, passed, and ordered to be engrossed.

The bill concerning the Supreme and Superior Courts, and for the more speedy and certain administration of justice therein, was made the order of the day for Thursday next.

The bill to incorporate the Roanoke rail road company, was read the second time, amendments were offered by Mr. Baxter, and debate having arisen thereon, the House adjourned until to-morrow morning, 10 o'clock.
Tuesday, December 29, 1846.

Received a message from the Senate, informing that they had passed certain resolutions respecting the Sons of North Carolina, engaged in the battle of Monterey, and asking the concurrence of this House. The said resolutions were read and adopted, and ordered to be enrolled.

A message from the Senate, informing that the additional members on the part of the Senate to the joint select committee on the financial condition of the State, are Messrs. Waddell, Graves, Patterson and Cameron.

A message from the Senate, proposing that the election of Trustees of the University be held on Thursday next, instead of Tuesday. The proposition was agreed to.

Mr. Stanly introduced a bill for the appointment of commissioners of wrecks; and

Mr. Piggott a bill to amend an act, entitled an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation. These bills were read the first time and passed, and referred to the committee on the Judiciary.

Mr. Trull presented a bill to alter the mode of appointing Constables in Union county; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Washington, from the committee on the Judiciary, reported with an amendment the bill to alter the time of holding the Superior Courts of Law and Equity, in the Second Judicial District of this State and of the Courts of Pleas and Quarter Sessions for the counties of Jones and Onslow. The bill and proposed amendment, were laid on the table.

Mr. Washington, from the committee on the Judiciary, who were instructed to enquire into the expediency of changing the mode of allotment of widow's dower and year's support, reported that it is inexpedient to change the law as proposed. The report was concurred in.

Mr. Washington, from the same committee, reported unfavorably on the resolution relating to the publication of the decisions of the Supreme Court, asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Rayner, from the committee on Internal Improvements, reported back to the House the bill concerning public roads;
when the said bill was referred to the committee on the Judiciary.

Mr. Rayner, from the same committee reported unfavorably on the petition of certain citizens of Yancy county, for an appropriation for the making of a road from Burnsville to the Tennessee line, and asked to be discharged from the further consideration of the subject.

Mr. Rayner, from the same committee, to whom was referred the message of his Excellency the Governor, on the 21st inst., relating to the navigation of Roanoke River, above Gaston, reported that at present it is not expedient to make an appropriation therefor, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Stone, from the committee on Propositions and Grievances, reported without amendment the bill to divide consolidated bonds given by purchasers of Cherokee lands; when said bill was read the second time and passed.

Mr. Webster presented a bill to form and establish a new Regiment out of the Militia of the county of Catawba; which was read the first time and passed.

On motion of Mr. Rayner,

Ordered, That a message be sent to the Senate, proposing that in the election of Trustees of the University, the two Houses vote by ballot and not *viva voce*, and that the Joint Rules of Order be suspended for this purpose only, and informing that the following persons are nominated for the appointment of Trustees, viz.: Alex'r. Wilson, Richard S. Mason, Daniel W. Courts, Richard Hines, Anderson Mitchell, Walter F. Leake, J. C. B. Ehiringhaus, John A. Gilmer, Hezekiah G. Spruill, James F. Hardy, Giles Mehane, Kiah P. Harris, William W. Avery, John Kerr, Wm. B. Rodman, Wm. F. Collins, James W. Osburn, Henry F. Clark, Jesse R. Siler, Thomas J. Lemay, Evander McNair, James W. Bryan, Robert R. Heath, Wm. J. Clark, Wm. A. Wright and Wm. Johnson.

Mr. Hicks presented a resolution in favor of Wm. Morrison and Samuel Bryson; which was read the first time and passed.

The bill to incorporate the Roanoke Rail Road Company, was now taken up, as the unfinished business of yesterday; the question pending being on the adoption of the following amendment offered by Mr. Baxter, viz: In the 12th section strike out the following words—"in performing this only
they shall consider the proprietor of the land as being the owner of the whole fee simple interest therein;" which amendment was rejected. Mr. Baxter moved further to amend the bill, by adding to the said section the following proviso: "Provided that if the said freeholders shall be called on to assess damages on any land which may be held for a term of years, and the same shall have been acquired by any person when it was used for Rail Road purposes, the said freeholders shall not condemn it as in other cases; but in estimating damages, shall look to the benefit the said company would derive from it, their condition, compared with land in its natural and unimproved state."

The question on the adoption of this amendment, was decided in the negative—yeas 17, nays 77.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question then being shall the said bill pass the third reading, was decided in the affirmative. Ordered that said bill be engrossed.

On motion, ordered that Mr. Moye have leave of absence from the service of the House for three days.

The bill to alter the time of holding the Courts of Law and Equity in the 2nd Judicial District, and of the Court of Pleas and Quarter Sessions of the counties of Jones and Onslow, was taken up, and the amendment proposed by the
committee on the Judiciary was adopted, and the question, shall the said bill pass the second reading, was decided in the affirmative—yeas 95, nays 4.

Those who voted in the affirmative, were


Those who voted in the negative, were


On motion, the Rule was suspended, and the said bill was again read the third time and passed, and ordered to be engrossed.

The House now proceeded to the special order of the day, being the engrossed bill to regulate the appointment of Field Officers of Regiments of Volunteers called into the service of the United States. The bill having been read the second time, Mr. Rayner moved to strike out all of said bill after the enacting clause, and to insert an amendment marked A. The question thereon was decided in the negative—yeas 21, nays 74.

Those who voted in the affirmative, were

Those who voted in the negative, were


Mr. Baxter moved to amend said bill by striking out all after the enacting clause, and by inserting his amendment marked B. Mr. Paine called for a division of the question, and the question being on striking out, was decided in the affirmative—yeas 53, nays 42.

Those who voted in the affirmative, were


Mr. Wilson, voted in the negative.


Pending the question on the second branch of Mr. Baxter's motion, the House, under the Rule, took a recess till 3 o'clock.
THREE O'CLOCK, P. M.

This being the afternoon set apart by the joint order of the two Houses for recommending Justices of the Peace, the names of the counties were called over, and sundry recommendations were made and sent to the Senate for their concurrence.

When the House adjourned until Monday morning, 10 o'clock.

WEDNESDAY December 30, 1846.

Received a message from the Senate, informing that they had passed the engrossed bill to emancipate Samuel Mackey, a slave; and

The engrossed resolution for enclosing the Public Square on which the State Capitol is erected; and asking the concurrence of this House.

These were read the first time and passed, and, on motion, the said resolution was read the second time and passed.

Mr. Foy presented a memorial from the Field Officers of the 25th Regiment, suggesting certain amendments in the Militia Laws; which was referred to the committee on Military Affairs.

Mr. Washington presented certain petitions from citizens of Craven and Lenoir, and Mr. Waddell, a petition from sundry citizens of Wayne, praying that no law may be passed, granting exclusive privileges to any company to navigate Neuse River with Steam Boats. These petitions were referred to the committee on Internal Improvement.

Mr. Ferebee introduced a bill to amend the 10th section of the Revised Statutes, chapter 102nd; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Williams presented a bill to incorporate the Trustees of the Female Institute, in the county of New Hanover;
which was read the first time and passed, and referred to the committee on Education.

Mr. Whitaker, a bill to incorporate Eglantine Academy; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Beam presented a petition from sundry citizens of Cleaveland, concerning the sale of town lots in the village of Shelby; which was read, and referred to the committee on Private Bills.

Mr. Courts presented a resolution in favor of the Public Treasurer; which was read the first time and passed, and referred to the committee on Finance.

Mr. Bullock presented a resolution in favor of James H. Gooch; which was read the first time and passed, and referred to the committee on Claims.

Mr. Gambill presented a resolution in favor of the officers of the present General Assembly; which was read the first time and passed.

Mr. Moye presented a bill to incorporate Toisnot Academy, in the county of Edgecomb; which was read the first time and passed.

Mr. Skinner presented a memorial from sundry citizens of Perquimons county, concerning the granting of licenses to retail spirituous liquors; which was referred to the committee on Propositions and Grievances.

Mr. Hall presented a bill to amend the first section of an act, entitle an act concerning the Pilots and Commissioners of Navigation; and

Mr. Wellborn, a bill supplemental to an act to incorporate the town of Wilkesborough; which were read the first time and passed.

Mr. Cox presented a resolution in favor of William Humphrey; which was read the first time and passed, and referred to the committee on Claims.

Mr. Washington, from the committee on the Judiciary, reported, without amendment, the engrossed bill concerning the trial of causes in the Supreme Court; when the same was read the second time, and laid on the table.

Mr. Washington, from the same committee, reported unfavorably on the bill in addition to the act of 1844, to prohibit the levying of executions upon growing crops until such crops are matured; when the same was read and rejected.
Mr. Washington, from the same committee, to whom was referred the petition from citizens of New Hanover, relative to the imprisonment of honest debtors, reported that it is not expedient to legislate in the way proposed, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Washington, from the same committee, reported unfavorably on the resolution for the relief of Isaac White, late Sheriff of Randolph county; when said resolution was read the second time and rejected.

Mr. Washington, from the same committee, reported, with an amendment, the bill to provide suitable punishment for owners or occupiers of houses burning the same, under circumstances therein named. The amendment was concurred in, and the bill read the second time and passed.

Mr. Mebane, from the committee on Propositions and Grievances, reported to the House the petition of sundry citizens of Montgomery against County Court Juries, and asked to be discharged from the further consideration of the subject. The report was concurred in, and the said petition was, on motion, referred to the committee on Private Bills.

Mr. Mebane, from the same committee, reported, without amendment, the bill to prevent the citizens of other States from driving stock into this State, to run at large in the Forest Range; and

The resolution for the relief of Thomas Day, of Carteret county;

When the said bill and resolution were read the second time and passed.

Mr. Mebane, from the same committee, reported unfavorably on the bill to alter the mode of appointing Constables in Union county;

Also, on the petition from citizens of Haywood county, praying that George Vaughn be restored to credit;

Also, on the petition from Pasquotank, relative to the hiring out of free negroes; and prayed that the committee be discharged from the further consideration of these subjects.

The reports were concurred in.

Mr. Mebane, from the committee on Finance, to whom was referred the message of his Excellency the Governor, transmitting the report of the Commissioners of the Raleigh and Gaston Rail Road, reported that no legislation on the subject is necessary, and asked to be discharged from the further consideration thereof. The report was concurred in.
Mr. Holeman, from the committee on Private Bills, reported favorably on the bill to incorporate Wentworth Lodge, in the county of Rockingham; when the same was read the second time and passed.

Mr. Charles, from the committee on Propositions and Grievances, reported a bill regulating the height of fences in the county of Pasquotank, and for other purposes; and
The bill for the better regulation of the hiring, renting and selling of wards' property, in the county of Pasquotank. These bills were read the first time and passed.

Mr. D. A. Barnes, from the committee on Private Bills, reported, without amendment, the bill to restore Jury trials at two of the sessions of Montgomery County Courts; when the said bill, together with a petition from sundry citizens of the county of Montgomery, presented by Mr. Steele, was referred again to the committee on Private Bills.

Mr. D. A. Barnes, from the same committee, reported, with amendments, the bill to amend an act, entitled an act to incorporate the town of Greensborough, in the county of Guilford; when the amendment was concurred in, and the bill read the second time and passed.

Mr. Holeman, from the same committee, reported, without amendment, the bill to increase the number and pay of Jurors in the county of Anson; when the said bill was read the second time and passed.

Mr. D. A. Barnes, from the committee on Private Bills, reported, without amendment, the bill exempting certain citizens of Buncombe county from working on the Public Roads on the East side of French Broad river, in said county; when said bill was read the second time and passed.

Mr. D. A. Barnes, from the committee on Education, reported a bill authorizing the President and Directors of the Literary Fund to transfer to the Public Treasury certain bonds, notes and judgments, and for other purposes; when the same was read the first time and passed, and referred to the joint select committee on State Liabilities and Sinking Fund.

Mr. Rayner, from the committee on Internal Improvements, reported, with amendments, the bill for the improvement of the navigation of New River, in Onslow. The amendments were concurred in, and the bill read the second time and passed.

Mr. Rayner presented a bill providing for a proper distribution of the Acts of Assembly; which was read the first
and second times, passed, and referred to the committee on
the Judiciary.

The bill to establish a public road in the county of Bun-
combe, was read the second time and passed.

The House now proceeded to the unfinished business of
yesterday, and resumed the consideration of the bill to reg-
ulate the appointment of Field Officers of Regiments of
Volunteers, called into the service of the United States. Mr.
Baxter moved that the House do reconsider their last vote,
by which all of the bill was stricken out after the enacting
clause. The motion prevailed, and Mr. Baxter then with-
drew his proposed amendment marked B. The question
then recurring on the adoption of Mr. Jones' amendment,
marked A., Mr. Washington moved to amend the amend-
ment by striking out the same, and inserting an amendment
marked C. The question on Mr. Washington's motion was
decided in the negative—yeas 32, nays 70.

Those who voted in the affirmative, were

Messrs. Adams, D. A. Barnes, Blount, Bond, Brower, Creede,  
Davenport, Toy, George, Golding, Guion, Hall, Hargrave, Haynes,  
Hoover, Hunt, Jackson, Krimminger, Lasater, Mebane, Nicholls,  
Ogburn, Palmer, Piggott, Puryear, Rayner, Russell, Skinner,  
Steele, Washington, Watters, J. White, 32.

Those who voted in the negative, were

Messrs. Austin, E. Barnes, Baxter, Beam, Brogden, Brown,  
Bullock, Calloway, Charles, Coffield, Collins, Court's, Cox, Dancy,  
J. P. Davis, J. N. Davis, Edwards, Ellis, Erwin, Fagg, Faucett,  
Ferebee, Ferguson, Gambill, Galling, Griggs, Gwynn, Haekner,  
Harrison, Hayes, Hicks, Holden, Holeman, W. F. Jones, R.  
Jones, Kelly, Leathers, Lem mond, Marshall, J. Martin, W. K.  
Martin, E. P. Miller, Murphey, McCurry, McMullen, McNeill,  
Neal, Pegram, Person, Potts, Reid, Reinhardt, Ribelin, Richardson,  
Sanders, Scott, Sheek, Sims, Smith, Stanly, Troll, Waddell,  
Walser, Webster, J. H. White, Whitaker, Wellborn, Williams, Wil-  
son, 70.

The question then recurring on the adopting the amend-  
ment offered on yesterday by Mr. Jones, marked A. Mr. Ray-
ner moved to amend the same by adding after the first section
the words, "and that said election be by ballot."
Pending the question on this motion of Mr. Rayner, the House took a recess till the afternoon.

**Three O’clock, P. M.**

Mr. Stanly moved that the vote of yesterday, by which was passed the third time, the bill to alter the holding of the Superior Courts in the second Judicial Circuit, be now reconsidered. The House voted to reconsider; when the said bill was again read the third time, amended, on motion of Mr. Stanly, and passed, and ordered to be engrossed.

The House again resumed the consideration of the question in which it was engaged at the recess, when Mr. Jones accepted the amendment offered by Mr. Rayner.

Mr. Mebane moved to amend the bill by striking out all after the enacting clause, and inserting the following: “That the appointment of Field Officers of the Volunteer Regiment, lately called for by the General Government to serve in the Mexican War, be made by the Governor of the State, and the officers so appointed, shall be commissioned by him accordingly.”

This amendment was rejected, yeas 33, nays 70.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. Hayes moved to strike out all after the enacting clause, and insert the following: "That the appointment of the Field Officers of the Volunteer Regiment, late called for by the general Government to serve in the Mexican War, be made by joint vote of the two Houses of the General Assembly now in session; and that the officers so appointed, shall be commissioned by the Governor of the State." The question on this vote was decided in the negative—yeas 42, nays 64.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Baxter moved to strike out from Mr. Jones's amendment to said bill, the words, "and that said election be by ballot." This question was decided in the affirmative—yeas 55, nays 49.

Those who voted in the affirmative, were

Messrs. Austin, D. A. Barnes, Baxter, Brogden, Bullock, Coffield, Courts, Cox, Creedle, Davenport, J. N. Davis, Edwards, Fagg. Faucett, Foy, Gambill, George, Golding, Gwynn, Harrison, Hayes, Haynes, Hicks, Holden, Hoover, Jackson, Kelly,
The question now being on the motion of Mr. W. F. Jones, to strike out all of the original bill after the enacting clause, and insert his amendment in the words following, viz: "That the Militia Laws providing for the election of Field Officers, be repealed so far as the Volunteer Regiment now called for by the War Department is concerned, and that the power of electing Field Officers for such Volunteer Regiment, be vested in the General Assembly of this State." The question on this motion, was decided in the negative—yeas 25, nays 67.

Those who voted in the affirmative, were


Those who voted in the negative, were

The Question now recurring on the passage of the engrossed bill the second reading, Mr. Baxter moved to amend by striking out all of said bill after the enacting clause, and insert the amendment offered by him yesterday, and withdraw and marked B D. The question on this motion, was decided in the negative—yeas 6, nays 90.

Those who voted in the affirmative were,

Messrs. Baxter, Erwin, Fagg, Hicks, Scott, Stanly, 6.

Those who voted in the negative, were


Mr. Baxter then moved to strike out all of the 9th section of the bill after the word "Regiment" in the the 10th line, and insert, "that the person receiving the highest number of votes shall be elected; and in case of a tie, the Governor shall make the appointment from those receiving the highest and equal number of votes. The question on this motion was decided in the negative—yeas 32, nays 70.

Those who voted in the affirmative, were

Messrs. Austin, Baxter, Bullock, Calloway, Chunn, Coffield, Fagg, Foy, Gambill, George, Hackney, Hayes, Haynes, Hicks, Jackson, Krimminger, Mebane, Neal, Paine, Person, Reinhardt,
Those who voted in the negative, were


Mr. Baxter further moved to amend said bill, by adding the following section:

Be it further enacted, That in case the Volunteers now called for, should be ordered to rendezvous at different points, then, and in that case, the election shall be held by the Commissioned Officers of the several Companies, at such time and place, and under such regulations, as shall be designated by the Governor; and returns shall be made thereof to the Governor by the Officers aforesaid, and the Governor shall commission the persons receiving the highest number of votes, and in case of a tie, the Governor shall appoint from those receiving the highest and equal number of votes.

The question on this motion was decided in the negative—yeas 10, nays 86.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. Foy moved that the House do now adjourn until to-morrow morning, 10 o'clock. The question theron was decided in the negative—yeas 12, nays 80.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question recurring, shall the said engrossed bill from the Senate pass the second reading, was decided in the affirmative—yeas 73, nays 24.

Those who voted in the affirmative, were

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mond, Marshall, Martin, Mebane, E. P. Miller, Murphey, Mc-
Curry, McDowell, McKesson, McMullen, Neal, Palmer, Pegram,
Potts, Reinhardt, Ribelin, Richardson, Russell, Sanders, Sheek,
Sims, Smith, Trull, Waddell, Walser, Webster, J. H. White,
Whitaker, Wellborn, Wilder, Williams, Wilson, 73.

Those who voted in the negative, were

Messrs. Adams, D. A. Barnes, Baxter, Faucett, Ferebee, Foy,
Guion, Hall, Holeman, Jackson, Leathers, G. A. Miller, Ogburn,
Paine, Piggott, Puryear, Reid, Scott, Skinner, Stanly, Steele,

Received a message from the Senate, transmitting the
pension certificate in favor of Martha Spears, countersigned
by the Speaker of the Senate. Ordered that the same be
referred to the committee on Claims.

A message from the Senate, informing that they do not
concur in the proposition of this House, to vote by ballot for
Trustees of the University, informing further that the name
of Robert R. Heath is withdrawn from the nomination, and
that of J. J. James of Caswell is added thereto.

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

THURSDAY, December 31, 1846.

Mr. Baxter presented a petition from sundy citizens of
Henderson, praying a repeal of the law which dispenses
with Jury trials in said county. The petition was laid on
the table.

On motion of Mr. Walser,

Resolved, That the committee on Military Affairs be instructed to
inquire into the expediency of dividing the county of Davidson into
three Regiments of Militia,

Mr. Smaw presented a resolution in favor of Alsey Be-
vers; which was read the first, second and third times, pass-
ed, and ordered to be engrossed.
On motion of Mr. Fagg,

Resolved, That the committee on Claims be instructed to inquire into the charge of Felix Axley, of Cherokee, for services rendered under an act passed in 1849, directing the Governor to appoint a Commissioner in behalf of the State, at the sale of the town lots adjoining Murphey, in the county of Cherokee.

Mr. J. H. White presented a bill to lay off and sell a portion of the Town Commons, in the town of Lincoln; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Wilder presented a bill in favor of Thomas Jenkins; which was read the first time and passed.

Mr. Ferreebe, from the joint select committee, raised to make suitable arrangements for the qualification of the Governor on the Ist of January next, made a report, which was read and concurred in.

The House proceeded to the execution of the joint order for the election of 6 Trustees of the University of North Carolina, Messrs. Watters and Dancy being Tellers on the part of this House, and voted as follows:

FOR JOHN KERR,


FOR DANIEL W. COURTS,

FOR JOHN A. GILMER,

FOR GILES MEBANE,

FOR RICHARD S. MASON,

FOR J. J. JAMES,
Messrs. Davenport, Jackson, McMullen, 3.

FOR WM. B. RODMAN,

FOR WM. W. AVERY,
Messrs. Adams, Austin, E. Barnes, Baxter, Beam, Brogden, Brown, Bullock, Collins, J. N. Davis, Ellis, Erwin, Ferguson, Flemming, Gatling, Griggs, Hackney, Hargrave, Hayes,

FOR HENRY T. CLARK,

FOR W. F. LEAKE,

FOR J. C. B. EHRINGHAUS,

FOR WM. A. WRIGHT,

FOR G. F. E. HARDY.
Messrs. Baxter, Calloway, Chunn, Edwards, Erwin, Fagg, Ferguson, Flemming, Hicks, Krimminger, Leathers, Lemmond, Me-
banc, E. P. Miller, G. A. Miller, Person, Potts, Puryear, McKes-

FOR J. W. OSBORNE,
Messrs. Baxter, Bean, Blount, Brower, Dancy, J. N. Davis, El-
lis, Ferguson, Foy, George, Haynes, Holeman, Hoover, G. A.
Miller, Palmer, Reid, Richardson, Steele, Trull, Walser, Webster,
J. White, 22.

FOR WILLIAM J. CLARK,
Messrs. Beam, Brown, Charles, Cox, Griggs, Holden, Rein-
hardt, Richardson, Sims, Smith, Webster, J. H. White, Wilder,
Williams, 14.

FOR RICHARD HINES,
Messrs. Blount, Bond, Brower, Calloway, Charles, Courts, J.
P. Davis, Ferebee, Foy, Gambill, Golding, Guion, Hackney,
Hargrave, Holeman, Jackson, W. F. Jones, Lasater, E. P. Miller,
McCurry, Piggott, Puryear, Rayner, McKesson, Skinner, Smaw,
Waddell, Washington, Walters, 29.

FOR HEZ. G. SPRUILL,
Messrs. Blount, Charles, Creedle, E. P. Miller, Nicholls, Skin-
ner, 6.

FOR K. P. HARRIS,
Messrs. Bond, Chunn, Erwin, Fagg, Haynes, Krimminger,
Lemmond, G. A. Miller, Palmer, Potts, Reid, Scott, Trull, 13.

FOR THOS. J. LEMAY,
Messrs. Brower, Hicks, Sanders, 3.

FOR WM. F. COLLINS,
Messrs. Adams, Brown, Coffield, Collins, Courts, Creedle Dan-
cy, Davenport, J. P. Davis, Faucett, Foy, Gatling, George, Gold-
ing, Gwynn, Hackney, Harrison, Hicks, Hoover, Kelly Krimm-
giner, Lasater, Leathers, McDowell, McNeill, Nicholls, Ogburn, Pe-
gram, Person, Piggott, Regan, Russell, Scott, Sheek, Steele, Trull,
Walser, Walters, J. White, 39.

FOR ALEX. WILSON,
Messrs. Bullock, Cox, Davenport, Faucett, Jackson, Leathers,
McMullen, 7.

FOR ANDERSON MITCHELL,
Messrs. Calloway, Fagg, Gambill, George, Hayes, R. Jones, E.
P. Miller, McNeill, Nicholls, Wellborn, 10.
Mr. Watters, from the committee appointed as Teller of this election, reported that Daniel W. Courts and John A. Gilmer had received a majority of the whole number of votes given, and that they were duly elected, and that no other person had received such majority. The report was concurred in.

Mr. Washington, from the committee on Education, to whom sundry resolutions on the subject had been referred, reported a bill to amend an act, entitled an act to consolidate and amend the acts passed on the subject of common schools; which was read the first time and passed, and, on Mr. Mebane's motion, ordered to be printed.

The bill concerning the Supreme and Superior Courts, and for the more speedy and certain administration of justice therein, was made the order of the day for Saturday next. And

The bill to provide for the appointment of a common school commissioner, was made the order of the day for Monday next.

Mr. Ellis introduced a bill to alter the times of holding the Superior Courts of Law and Equity in the Sixth Judicial Circuit; which was read the first time and passed, and referred to a select committee consisting of Messrs. Krimminger, Ellis, G. A. Miller, Puryear, Calloway, Wellborn, Wilson, J. H. White, J. H. Potts, Reid and Lemmond. The House now took a recess until 3 o'clock.

Mr. E. P. Miller presented a bill concerning Burke, Caldwell and McDowell counties; which was read the first time and passed.

Received a message from the Senate, informing that they had passed the engrossed bill from the House of Commons, extending the time of perfecting titles to land heretofore entered with certain amendments; and asking the concurrence of this House. The amendments were read and agreed to, and the Senate so informed.

A message from the Senate, informing that they had passed
the engrossed bill supplemental to a bill passed by the present General Assembly, entitled a bill to lay off and establish a new county by the name of Gaston, and to annex a part of Catawba county to the county of Lincoln; and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Washington, from the committee on Education, reported without amendment the bill to incorporate the Trustees of the Female Institute in the county of New Hanover; when the same was read the second time and passed.

Mr. Washington, from the committee on Education, to whom were referred, a bill to amend the 7th section of the 123 chapter of Revised Statutes, to encourage common schools;

Also a bill to alter the time of appointing superintendents of Common Schools;

Also a bill for the better regulation of Common Schools, in the county of Iredell;

Also a resolution relating to the expediency of requiring an additional report from the chairman of the board of superintendents of Common Schools, reported unfavorably on the same, and asked to be discharged from the further consideration thereof. The report was concurred in, and the said bills rejected.

The resignation of James Rentford, as a Justice of the Peace for the county of Johnston, was read and accepted.

Received a message from the Senate, informing that they had passed the engrossed resolution in relation to the borrowing of money by the Public Treasurer; and asking the concurrence of this House. The said resolution was read the first time and passed.

On motion, this resolution was again read the second time, when Mr. Ellis moved to amend the same by striking out in the 4th line, the words "the Literary Fund," and the question thereon was decided in the negative—yeas 40, nays 68.

Those who voted in the affirmative, were

Those who voted in the negative, were


The question recurred on the passage of the resolution the second reading, was decided in the affirmative—yeas 89, nays 20.

Those who voted in the affirmative, were


Those who voted in the negative, were


On motion, two thirds of the House concurring, the said resolution, was again read the third time, passed, and ordered to be enrolled.
The engrossed resolution for enclosing the Public Square on which the State House is erected, was read the third time; when Mr. Adams moved to amend the resolution as follows, viz: "Strike out all after the word resolved to the 4th line, and insert, that the said board shall advertise in two newspapers printed in the city of Raleigh, including a description of the plan for three months, and let the same to the lowest bidder, provided he should enter into bond &c."

And the question on the motion, was decided in the negative—yeas 50, nays 55.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question shall the said resolution pass the third reading, was decided in the negative—yeas 49, nays 54.

Those who voted in the affirmative, were

Those who voted in the negative, were


Mr. Flemming moved that this last vote be reconsidered; which motion was laid on the table.

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

Friday, January 1, 1847.

Mr. Wilder, from the committee on the Judiciary, reported, without amendment, the resolution in favor of George D. Boggan, Sheriff of Anson county; when the same was read the second time and passed.

Mr. Hall, from the committee on Finance, reported unfavorably on the bill directing the sale of certain public lands in the City of Raleigh; when the bill was read the second time and rejected.

Mr. G. A. Miller, from the committee on Claims, reported, without amendment, the resolution in favor of Morgan B. Ownley; when the same was read the second time and passed.

Mr. McCurry, from the committee on Private Bills, reported, without amendment, the bill to lay off and sell a portion of the Town Commons, of the town of Lincolnton; when the same was read the second time and passed.

Mr. D. A. Barnes, from the same committee, reported fa-
vorably on the bill to incorporate Eglantine Academy; and the bill was read the second time and passed.

Mr. D. A. Barnes, from the same committee, reported, without amendment, the bill to restore Jury trials at two of the sessions of Montgomery County Courts; when the said bill was read the second time and passed.

Mr. Ellis, from the select committee, to whom was referred the bill to alter the times of holding the Superior Courts of Law and Equity, in the 6th Judicial Circuit, reported the same without amendment, and the bill was read the second time and passed.

Mr. Washington, from the committee on the Judiciary, reported, without amendment, the bill to restore Jury trials at two of the sessions of Montgomery County Courts; when the said bill was read the second time and passed.

Mr. Ellis, from the select committee, to whom was referred the bill to alter the times of holding the Superior Courts of Law and Equity, in the 6th Judicial Circuit, reported the same without amendment, and the bill was read the second time and passed.

Mr. Washington, from the committee on the Judiciary, reported, with an amendment, the bill providing for a proper distribution of the Acts of Assembly. The amendment was agreed to, and the bill read the second time and passed.

Mr. Washington, from the same committee, reported, without amendment, the bill concerning orphans, and persons non compos mentis; and the said bill was read the second time and passed.

Mr. Wilder, from the committee on the Judiciary, reported, with an amendment, the bill from the Senate to regulate the issuing of process in certain cases; when the said bill was read the second time and passed, as amended.

The bill granting a further extension of credit on the bonds endorsed by the State for the Wilmington and Raleigh Rail Road Company, and also on the debts due the State and the Literary Fund by said Company, was read the second time and postponed till to-morrow.

On motion of Mr. Steele,

Ordered, That a message be sent to the Senate, proposing that an election for four Trustees of the University, yet to be appointed, be had at 3 o'clock, P. M., and informing that the names of A. Mitchell, H. G. Spruill, H. P. Harris, T. J. Lemay, J. R. Siler, E. McNair and W. J. Clark, are withdrawn from the nomination.

Mr. Jackson presented a petition from sundry citizens of Lenoir county, against the granting of exclusive privileges to navigate the waters of Neuse River by Steam Boats; which was read, and referred to the committee on Internal Improvement.

The engrossed resolution for enclosing the Capitol Square, was again taken up. The House having agreed to reconsider the vote of yesterday, by which the said resolution was
rejected; and the question recurring on the passing of the said resolution the third time, Mr. Adams offered, as an amendment, the same that was rejected yesterday, and which was now accepted.

Mr. Paine moved to amend said resolution, by striking from the first branch, all after the word "iron," in the 5th line, to the word "provided," in the 8th line.

The question on this amendment was decided in the negative—yeas 15, nays 91.

Those who voted in the affirmative were,

Messrs. Bond, Davenport, Hall, Hargrave, Hicks, Jackson, Laster, Leathers, Mebane, E. P. Miller, Nicholls, Paine, Piggott, Reid, Steele, 15.

Those who voted in the negative, were


The question shall the said bill pass the third reading, was decided in the negative—yeas 48, nays 61.

Those who voted in the affirmative, were

Those who voted in the negative, were


On motion of Mr. Wilder,

Resolved, That his Excellency the Governor be requested to furnish this House with any correspondence he may have had with the War Department of the General Government, in relation to the raising of a Regiment in this State, to serve during the war with Mexico.

The bill to regulate the appointment of Field Officers of Regiments of Volunteers, called into the service of the United States, was read the third time.

Mr. Wellborn offered the following amendment: "The several Companies composing the said Regiment, shall vote at the different places of rendezvous, and transmit a statement of the polls to the Adjutant General; and it shall be the duty of the Governor to commission the persons having the largest number of votes." This amendment was rejected.

Mr. Fleming moved that the said bill be re-committed to the committee on Military affairs. The question on this motion was decided in the negative—yeas 41, nays 63.

Those who voted in the affirmative, were

Those who voted in the negative, were


The question then being, shall the said bill pass the third reading, was determined in the affirmative—yeas 80, nays 24.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said bill be enrolled.

Received a message from the Senate, concurring in the proposition of this House to go into an election of Trustees of the University at half past three o'clock to day.

The House then took a recess.

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The Speaker announced that the hour had now arrived, when, by the joint order of the two Houses, the qualification of the Governor of the State 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 the seats on the right of the Chair.

When William A. Graham, the Governor elect, attended by the joint select committee heretofore appointed, accompanied by the Judges of the Supreme Court, 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 being administered by Chief Justice Rufin.

His Excellency Governor Graham, with his attendants, having withdrawn from the Hall, the Speaker of the Senate announced that the Senators would return to their Chamber. This being done, and the Speaker of the Commons having called the House to order, the House took a recess till 3 o'clock P. M.

THREE O'CLOCKS, P. M.

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

A bill to regulate the removal of hands liable to work on the Public Roads from one road to another;

A bill to incorporate the New River and Bear Creek Canal Company, in Onslow county; and

The bill to authorize the Sheriffs of Hyde and Carteret to execute process on board of vessels lying in waters between Hyde and Carteret counties.

These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill from the Commons, to abolish Jury trials in the County Courts of Rutherford, with an amend-
ment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate so informed.

The bill to dispose of a portion of the unsurveyed land in Cherokee county, and for other purposes, was, on motion of Mr. Hayes, referred to the joint select committee raised on the State's Liabilities and a Sinking Fund.

Mr. Ellis presented a resolution relating to Volunteers for Mexican service; which was read the first time and passed.

The House proceeded to the election of Trustees of the University, Messrs. Holden and Russell being Tellers, and voted as follows:

FOR JOHN KERR,


FOR W. F. LEAKE,


FOR GILES MEBANE,

Messrs. Speaker, Austin, D. A. Barnes, Brogden, Brown, Bul- lock, Charles, Cox, Creedle, Davenport, J. P. Davis, Edwards,

FOR RICHARD HINES,

FOR HENRY T. CLARK,

FOR J. C. B. EHリングHAUS,

FOR WM. A. WRIGHT,

FOR WM. K. RUFFIN,
Messrs. Erwin, Long, Smith, 3.

FOR J. F. HARDIE,
Mr. Holden, from the Tellers appointed on this election, reported that John Kerr and Walter F. Leake, had each received a majority of the whole number of votes given, and that they were duly elected; and that no other person voted for had received such majority. The report was concurred in.

Mr. Ellis moved that the House adjourn until to morrow morning, 10 o'clock. The question thereon was decided in the negative—yeas 31, nays 59.

Those who voted in the affirmative, were

Those who voted in the negative, were


Received a message, from the Senate, informing that they had passed the engrossed resolution in favor of P. Busbee; and asking the concurrence of this House. The said resolution was read the first, second and third times, passed, and ordered to be enrolled.

The bill to incorporate the Trustees of the Female Institute, in the county of New Hanover, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to amend an act passed in 1823, to exempt certain citizens in Tyrrell county from public duty, was read the second time and passed.

The bill to establish a public road in the county of Buncombe, was taken up, and, on motion of Mr. Fagg, laid on the table.

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

Saturday, January 2, 1847.

Mr. Stone presented a petition from sundry citizens of Granville and Wake, praying the establishment of a new county out of portions of their limits. The petition was referred to the committee on Propositions and Grievances.

Mr. Murphey presented a petition from certain citizens of New Hanover, praying that a certain portion of said county may be attached to the county of Sampson; which was referred to the committee on Propositions and Grievances.
The resignation of Thomas Y. Cook, as a Justice of the Peace of the county of Granville, was presented read and accepted.

Mr. Waddell presented a resolution concerning the Cape Fear Navigation Company, and Mr. Chunn a bill to amend an act, entitled an act extending the time of perfecting the titles to lands heretofore entered, passed at the last session of the General Assembly. These were read the first time and passed.

On motion of Mr. Steele,

Ordered, That a message be sent to the Senate, proposing that a vote be had immediately for two Trustees of the University.

A message was received from the Senate, agreeing to this proposition, and informing that Messrs. Gilchrist and Wooten form their branch of the committee to conduct the election. Messrs. Scott and Pegram were appointed Tellers, on the part of this House, and the House voted as follows:

FOR RICHARD HINES,

FOR GILES MEBANE,

FOR C. B. EHRINGHAUS,

FOR WM. F. COLLINS,
Mr. Scott, on behalf of the Tellers, reported that Thos. N. Cameron had received a majority of the whole number of votes given, and that he was duly elected, and that no other person in nomination had received such majority. The report was concurred in.

On motion of Mr. Stone,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote again this afternoon, at half past three o'clock, for one Trustee of the University, and informing that the name of Wm. F. Collins be withdrawn from the nomination.

On motion of Mr. Rayner,

Resolved, That the Committee on Claims be instructed to inquire into the propriety of paying to R. W. Ashton $250, for services alleged to have been rendered in taking care of the Government House, in the years 1834 and 1835.

Mr. Wilder, from the committee on the Judiciary, reported favorably on the bill concerning Public Roads; when said bill was read the second time and passed.

Mr. Wilder, from the same committee, reported, with an amendment, the bill to amend the 10th section of 102nd chapter of Revised Statutes. The amendment was concurred in, and the bill read the second time and passed.
Mr. Paine, from the same committee, reported unfavorably on the bill to amend an act, entitled an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chap. 38, sec. 40. Ordered, on motion of Mr. Washington, that the bill lie on the table.

Mr. Hicks, from the same committee, reported a bill concerning securities for the prosecution of suits; which was read the first time and passed.

Mr. Washington, from the same committee, reported favorably on the bill from the Senate, concerning Clerks and Masters in Equity. The said bill, after undergoing several amendments, was, on motion of Mr. D. A. Barnes, postponed indefinitely.

Mr. W. F. Jones, from the committee on Military Affairs, reported, with an amendment, the bill to incorporate the Velvet Light Infantry, in the county of Cabarrus; when the bill was read the second time.

Mr. Mebane, from the committee on Propositions and Grievances, to whom was referred the memorial of sundry citizens of Wake, in relation to the obstructions of Fish passing up Neuse River, reported that it is not expedient to legislate on the subject; and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mebane, from the same committee, to whom was referred, the petition from Perquimons county, in relation to licenses to retail spirituous liquors; and the petition from Person concerning the betting on elections, reported that it is not expedient to legislate on these subjects as proposed, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mebane, from the same committee, reported a bill to repeal an act, entitled an act to prevent fire hunting of fowl in the county of Carteret; which was read the first time and passed.

Mr. Mebane, from the committee on Finance, reported without amendment the resolution in favor of the Public Treasurer; when the same was read the second time and passed.

The bill concerning the Supreme and Superior Courts, for the more speedy and certain administration of justice therein, coming up as the special order of the day, was, on motion of Mr. Baxter, laid on the table.
Mr. Ellis moved that the House do reconsider their vote given yesterday, passing on the third reading, the engrossed bill to regulate the appointment of Field Officers of Regiments of Volunteers, called into the service of the United States. Ordered that the motion to reconsider be laid on the table.

Mr. Mebane, from the committee on Propositions and Grievances, reported favorably on the bill to emancipate Samuel Mackey a slave; when the said bill was read the second time and passed.

The bill granting a further extension of credit on the bonds endorsed by the State, for the Wilmington and Raleigh rail road company, and also on the debts due the State and the Literary Fund by the said company, was read the second time, and the question, shall the said bill pass the second reading? was decided in the negative—yeas 13, nays 87.

Those who voted in the affirmative, were

Messrs. Ervin, Fagg, Hall, Hayes, Hicks, E. P. Miller, G. A. Miller, McDowell, Nicholls, Person, Piggott, Reid, Waddell, 13.

Those who voted in the negative, were


Mr. Williams moved that this last named vote be reconsidered. The motion prevailed, and the question again recurring on the passage of the said bill the second reading, Mr. Williams moved to amend the said bill by striking out all after the enacting clause, and inserting as an amendment, a substitute marked A. The amendment was adopted, and the said bill as thus amended, passed the second reading.
Received a message from the Senate, informing that they had passed the engrossed resolution providing for equipping; and paying expenses of Volunteers to Wilmington and Charlotte; and asking the concurrence of this House. The said resolution was read the first time and passed.

The bill to dispose of a portion of the unsurveyed land in Cherokee county and for other purposes, was read the second time. Mr. Gwynn moved to amend said bill in the last line of the third section, by striking out the word ten, and inserting fifteen. The question on the adoption of this amendment, was decided in the negative—yeas 36, nays 69.

Those who voted in the affirmative, were


Those who voted in the negative, were


The House then took a recess till 3 o'clock, P. M.

Three O'clock, P. M.

The House resumed the consideration of the question pending on taking the recess. And the question, shall the said bill pass the second reading? was decided in the affirmative.

The House proceeded to the execution of the joint order and voted for one Trustee of the University. Messrs. Guion and
McMullen being Tellers on the part this House; and the names of Messrs. Hines and Avery being withdrawn from the nomination.

FOR GILES MEBANE.


FOR JOHN C. B. EHRINGHAUS.


Mr. Guion, on behalf of the Tellers, reported that Giles Mebane had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

The motion of Mr. Ellis, to reconsider the vote passing, on the third reading, the bill to regulate the appointment of Field Officers of Regiments of Volunteers called into the service of the United States, was now taken up, and the question, will the House so reconsider? was decided in the affirmative—yeas 64, nays 44.

Those who voted in the affirmative, were

Smaw, Smith, Steele, Trull, Waddell, Washington, Watters, J. White, 64.

Those who voted in the negative, were


Mr. Chunn introduced a resolution, relating to the appointment of Officers of the Volunteer Regiment; which was read the first time and passed.

Received from his Excellency Governor Graham a message, sending a copy of the correspondence called for by the resolutions of yesterday. Ordered that said correspondence be sent to the Senate and be printed.

On motion of Mr. Puryear,

Resolved, That the committee on the Judiciary be instructed (if, in their opinion, it be expedient) to report a bill to compel Sheriffs and Coroners to give receipts for process placed in their hands for service or collection.

Mr. Davenport offered the following resolution:

Resolved, The Senate concurring, that the two House of this General Assembly adjourn sine die on Monday the 11th inst., and that the Clerks make up the estimates to that time.

Ordered, That the consideration of the same be postponed to, and made the order of the day for that day.

Mr. Flemming moved that the House adjourn until Monday morning, 10 o'clock.

The question was decided in the negative—yeas 32, nays 77.

Those who voted in the affirmative, were

Messrs. Austin, Baxter, Bond, Calloway, Charles, Cox, Erwin, Fagg, Flemming, Foy, Guion, Hall, Holden, Mebane, Murphey,

Those who voted in the negative, were


The last named motion being again repeated, the House adjourned until Monday morning, 10 o'clock.

Monday, January 4, 1847.

Messrs. Bond, McDowell, Chunn and Smith, were appointed the committee on enrolled bills the present week.

Received a message from the Senate, concouring in the proposition to print the correspondence of his Excellency Governor Graham, with the Department of War.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill making compensation to Tales Jurors, in the county of Union; and

The bill to alter the mode of electing Constables, for the counties of Iredell and Wilkes, with certain amendments, and asking the concurrence of this House therein.

The amendments were read and concurred in.

A message from the Senate, informing that Messrs. Kerr
and Hogan form their branch of the committee on enrolled bills the present week.

The bill relating to the public roads in Henderson county; and the bill supplemental to an act passed at the last session of the General Assembly, entitled an act to cede a portion of Rutherford county to the county of Henderson, were, on motion of Mr. Baxter, referred to the committee on the Judiciary.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Neuse Fire Company, in the town of Newbern; and asking the concurrence of this House. The bill was read the first time and passed.

Mr. Cox presented a petition from certain citizens of Onslow county, praying that a law be passed, prohibiting the hauling of large Seines at the mouth of New River, in said county; which was referred to the committee on Propositions and Grievances.

Mr. Gambill presented a petition from sundry citizens of Wilkes county, against the annexation of any further portions of said county to other counties. The petition was read and laid on the table.

Mr. Courts presented a resolution relating to Mexican Volunteers; which was read the first time and passed, and made the order of the day for Wednesday next.

Mr. Ferguson introduced a bill to lay off and establish a new county, to be called Jackson; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

Mr. Bullock presented a resolution for holding sessions of the House at night; which was read and laid on the table.

Mr. Wellborn presented a resolution relating to the salary of the Secretary of State; which was read and rejected.

Mr. McNell introduced a bill to incorporate the Lumber Bridge Independent Company, in the county of Robeson; which was read the first time and passed, and referred to the committee on Military Affairs.

Mr. Erwin presented a bill to appoint Commissioners to view and lay off a road from J. L. Carson's, in the county of McDowell, to intersect the road leading from Morganton to Burnsville, in the county of Yancey; which was read the first time and passed.
Mr. Reid introduced a resolution authorizing the Banks of this State to issue small bills;

Mr. Beam, a bill concerning the Treasurer of Public Buildings for Cleaveland county, and for other purposes; and

Mr. Britton, a bill to authorize William T. Sutton to build a Draw Bridge across Salmon Creek, in the county of Bertie.

These bills and resolution were read the first time and passed.

Mr. Hall introduced a bill to increase the revenue of the State; and

Mr. Britton, a bill to impose a tax upon certain articles.

These bills were read the first time and passed, and ordered to be printed—and the first named bill was made the order of the day for Friday next—and the second, referred to the joint select committee on State Liabilities.

Mr. Paine presented a bill to alter the time of holding the terms of the Superior Courts of Equity and the Courts of Pleas and Quarter Sessions in the several counties composing the first Judicial Circuit; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Courts, from the committee on the Judiciary, reported, with an amendment, the bill to extend to the county of Buncombe the provisions of an act of Assembly, ratified 26th January, 1843, and entitled an act for the relief of purchasers of lands sold for taxes, in the counties of Haywood and Henderson. The amendment was concurred in. The bill was read the third time, when Mr. Baxter moved further to amend the bill, by striking out the whole after the enacting clause, and inserting the following: "That an act, entitled an act for the relief of purchasers of lands sold for taxes in the counties of Haywood and Henderson, passed at the session of 1842-3, be, and the same is hereby repealed." The question thereon was decided in the negative—yeas 5, nays 100.

Those who voted in the affirmative, were

Messrs. Austin, Baxter, Bond, Brogden, Wilson, 5.

Those who voted in the negative, were

Messrs. Adams, D. A. Barnes, E. Barnes, Beam, Britton, Brewer, Brown, Bullock, Calloway, Chunn, Collins, Courts, Cox, Cree-
The bill was amended on the further motion of Mr. Baxter. The question, shall the said bill pass the third reading, as amended, was decided in the affirmative.

Ordered, That said bill be engrossed.

Mr. Mebane, from the committee on Propositions and Grievances, reported a bill to annex a part of New Hanover to the county of Sampson; which was read the first time and passed.

A message from the Senate, proposing that the joint select committee on the re-assessment of land, and the more accurate enlistment of taxable polls, be discharged from the further consideration of the subject. The proposition was agreed to.

Mr. Creedle presented a bill to repeal the 7th section of an act, entitled an act to amend the 123rd chapter of the Rev. Statutes, concerning wrecks and wrecked property; which was read the first time and passed, and referred to the committee on Propositions and Grievances.

The bill to regulate the appointment of Feld Officers of Regiments of Volunteers called into the service of the United States, was, on motion of Mr. Mebane, made the order of the day for to-morrow.

Mr. Washington presented a bill in addition to the 66th section of the 60th chapter of the Revised Statutes, in relation to the sale of Fire Wood; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Brogden presented a bill to incorporate Everettsville Female Academy, in the county of Wayne; which was read
the first time and passed, and referred to the committee on Private Bills.

The bill to provide for the appointment of a Common School Commissioner, was read the second time, and the question shall the said bill pass the second reading, was decided in the negative—yeas 26, nays 86.

Those who voted in the affirmative, were


Those who voted in the negative, were


The House then took a recess till 3 o'clock.

THREE O'CLOCK, P. M.

The bill exempting certain citizens of Buncombe county from working on the Public Roads on the East side of French Broad River in said county;

The bill to increase the number and pay of Jurors, in the county of Anson;

The bill to amend an act, entitled an act to incorporate the town of Greensborough, in the county of Guilford;
The bill to incorporate Wentworth Lodge, in the county of Rockingham;
The resolution in favor of Thomas Day and Wm. Day, of Carteret county;
The bill to alter the times of holding the Superior Courts of Law and Equity, in the 6th Judicial Circuit;
The bill concerning orphans and persons non compos mentis;
The bill to prevent the citizens of other States from driving their stock into this State, to run at large in the Forest Range;
The bill to provide suitable punishment for owners and occupiers of Houses burning the same, under circumstances therein named;
The bill to divide consolidated bonds given by purchasers of Cherokee lands;
The bill to prevent the establishment of a Toll Gate within the corporate limits of the town of Asheville, in the county of Buncombe;
Were read the third time, passed, and ordered to be engrossed.

Mr. Hall presented a bill to repeal an act passed in January, 1845, in regard to retail licenses of spirituous liquors, in the county of New Hanover; which was read the first time and passed.

The bill to dispose of a portion of the unsurveyed land in Cherokee county, and for other purposes, was read the third time, and the question shall the said bill pass the third reading, was decided in the negative—yeas 33, nays 72.

Those who voted in the affirmative, were

Messrs. Adams, Bond, Calloway, Chunn, Davenport, Ervin, Fagg, Ferguson, Gambill, George, Guion, Hackney, Hall, Hayes, Hicks, Hunt, Krimminger, Leathers, Mebane, G. A. Miller, Murphy, McKesson, Ogburn, Paine, Puryear, Rayner, Reid, Ribelin, Scott, Smaw, Smith, Steele, Waddell, 33.

Those who voted in the negative, were

The bill to incorporate Eglantine Academy;
The bill to restore Jury trials at two of the sessions of Montgomery County Court;
The bill providing for the proper distribution of the Acts of Assembly;
The bill to lay off and sell a portion of the Town Commons of Lincolnton;
The bill for the improvement of the navigation of New River, in Onslow county;
The resolution in favor of Morgan B. Owensley; and
The resolution in favor of George D. Boggan, Sheriff of Anson county;
Were each read the third time and passed, and ordered to be engrossed.
The resignation of P. C. Caldwell, a Justice of the Peace of the county of Mecklenburg, was read and accepted.
Received a message from the Senate, transmitting a memorial from sundry citizens of Haywood and Macon counties, concerning the Cherokee Indians and their agents, and proposing that the memorial be printed. The said memorial was read, and the question, shall the House order the same to be printed, was decided in the negative.
The engrossed bill from the Senate to amend an act, passed in 1823, entitled an act to exempt certain citizens of Tyrrell county from public duty; and
The engrossed bill to regulate the issuing of process in certain cases;
Were each read the third time and passed, and ordered to be enrolled.
The bill granting a further extension of credit on the bonds endorsed by the State for the Wilmington Rail Road Company, and also on the debts due the State and the Literary Fund by said Company, was read the third time; and the question, shall the said bill pass the third time, was decided in the affirmative—yeas 71, nays 42.
Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said bill be engrossed.

The bill to amend the 10th section of 102 chapter of Revised Statutes;
The bill to incorporate the Velvet Light Infantry in the county of Cabarrus;
The bill concerning public roads; and the resolution in favor of the Public Treasurer; were read the third time and passed, and ordered to be engrossed.
The engrossed bill so emancipate Samuel Mackey, was read the third time. And the question on the passage thereon, was decided in the affirmative yeas—63, nays 45.

Those who voted in the affirmative, were

A. Miller, Murphey, McCurry, McDowell, McKesson, McNeill, Neal, Ogburn, Palmer, Pegram, Person, Puryear, Rayner, Reid, Reinhardt, Ribelin, Russell, Shaw, Sheek, Steele, Trull, Waddell, Washington, Watters, J. H. White, Wellborn, Williams, Wilson, 63.

Those who voted in the negative, were


Ordered, That said bill be enrolled.

The bill making compensation to the Jurors of the county of Jones; and

The bill for a public road in Yancy county, were each read the second time and passed.

The bill to lay off a public road in Cherokee county, and to make an appropriation for the same, was read the second time, and the question, shall the said bill pass the second reading? was decided in the negative—yeas 43, nays 65.

Those who voted in the affirmative, were


Those who voted in the negative, were


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

Tuesday, January 5, 1847.

Mr. Gambill presented a petition from sundry citizens of Wilkes county, praying that there may be no further divisions or annexations of the Territory of said county; which was ordered to be laid on the table.

Mr. Hayes presented a bill to revive the Hiwassee Turnpike Company, and to extend the charter of the same; which was read the first time and passed.

The bill to incorporate the Neuse Fire Company in the town of Newburn, was referred to the committee on Private bills.

Mr. Baxter, from the committee on the Judiciary, reported without amendment the bill relating to the public roads in Henderson county, and the bill was read the second time and passed.

Mr. Baxter, from the same committee, reported without amendment, the bill supplemental to an act passed at the last session of the General assembly, entitled an act to cede a portion of Rutherford county to the county of Henderson. Mr. W. F. Jones moved that said bill do lie on the table.

The question thereon was decided in the negative—yeas 14, nays 90.

Those who voted in the affirmative were,

Those who voted in the negative, were


The question, shall the said bill pass the second reading? was decided in the affirmative.

Mr. Paine presented resolutions to enable the State to meet any extraordinary demands upon the public Treasury, and to vest the Raleigh and Gaston rail road in the President and Directors of the Literary Fund, for the benefit of Common Schools.

Mr. Hall moved that these resolutions be indefinitely postponed. The question thereon was decided in the affirmative—yeas 87, nays 21.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, Bond, Charles, Collins, Creedle, Davenport,
The pension certificate in favor of Martha Spears of Cumberland county, a state pensioner, was read, and ordered to be countersigned by the Speaker of the House.

Mr. Washington, from the committee on the Judiciary, reported without amendment the bill to alter the time of holding the terms of the Superior Courts of Law and Equity, and the county Courts in the several counties composing the first Judicial Circuit; which was read the second time and passed.

Mr. D. A. Barnes, from the committee on Private bills, reported without amendment the bill to incorporate Everettsville Female Academy in the county of Wayne; when the same was read the second time and passed.

The engrossed bill from the Senate, to regulate the appointment of Field Officers of Regiments of Volunteers, called into the service of the United States, coming up as the special order of the day, was, on motion of Mr. Puryear, made the order of the day for Thursday next.

Mr. Hawkins, from the committee on Claims, reported favorably on the Resolution in favor of Joseph H. Gooch; when the said resolution was read the second time and passed.

Mr. E. P. Miller, from the committee on Claims, reported a resolution in favor of Felix Axley; which was read the first time and passed.

Mr. Brogden, from the select committee, to whom was referred the bill to regulate the fees of Physicians, reported the same with an amendment. The amendment was concurred in; when Mr. Paine moved that the said bill be postponed indefinitely, and the question thereon was decided in the affirmative—yeas 77 nays 32.

Those who voted in the affirmative, were


Those who voted in the negative, were


The engrossed bill to establish a new county to be called La Fayette, was read the second time, Mr. D. A. Barnes moved that said bill be postponed indefinitely. The question thereon, was decided in the negative.

Mr. Baxter moved to strike out all of said bill after the enacting clause, and to insert an amendment marked A. The question on this motion, was decided in the negative—yeas 42, nays 62.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. D. A. Barnes offered the following amendment: "Provided, however, if there should not be the requisite number of persons within the limits of said county, to entitle them to a representation, according to the Constitution and laws of the State, then and in that case this act shall be null and void."

The question on the adoption of this amendment, was decided in the affirmative—yeas 55, nays 48.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question recurring, on the passing the said bill as amended the second reading, the House under the rule took a recess till 3 o'clock.

**Three O'clock, P. M.**

Mr. Harrison moved that the House do reconsider their vote of yesterday, by which was rejected on the third reading the bill to dispose of a portion of the unsurveyed land in Cherokee county and for other purposes; and Mr. Stone moved that said motion be laid on the table. The motion prevailed.

The bill concerning wrecks and wrecked property, was read the second time and passed.

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 amend an act passed at the session of 1844, incorporating the Carthage Male and Female Academies, in the county of Moore;

A bill to incorporate the Oxford Manufacturing Company;

A bill to amend an act, entitled an act to incorporate a company styled the Guilford Gold Mining Company;

And the bill to incorporate the Ringgold Artillery. These bills were read the first time and passed.

Mr. Steele introduced a resolution, relating to the Roof of the State Capitol; which was read three times and passed, and ordered to be engrossed.

The bill for a public road in the county of Yancy;

The bill making compensation to the Jurors of the county of Jones; and

The resolution in favor of J. H. Jerman; were read the third time and passed, and ordered to be engrossed.

The resolution granting a portion of Cherokee land for a camp ground, was read the second time, and the question, shall the said bill pass the second reading? was decided in the affirmative—yeas 76, nays 21.

Those who voted in the affirmative, were


Those who voted in the negative, were

The engrossed resolution in favor of James Page, was read the second time. Mr. Wilson moved to amend said resolution, by striking out the words "and the usual pay for mileage." The question on this motion, was decided in the affirmative—yeas 87, nays 16.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question, shall the said resolution pass the second reading, as amended, was decided in the negative—yeas 40, nays 61.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, Austin, D. A. Barnes, E. Barnes, Beam, Bond, Britton, Brogden, Brower, Bullock, Courts, Dancy, J. P. Davis, J. N.
Mr. Hawkins moved that the House do re-consider their vote of yesterday, by which was rejected the bill to lay off a Public Road in Cherokee county, and to make an appropriation for the same; which motion was laid on the table.

The vote making the resolution relating to Mexican Volunteers the order of the day for to-morrow, was, on motion of Mr. E. P. Miller, reconsidered.

Mr. Washington, from the committee on the Judiciary, reported unfavorably on the bill in addition to the 66th section of the 65th chapter of the Revised Statutes, in relation to the sale of Fire Wood; and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Raynor introduced a bill to supply omissions in the 42d chapter of the Revised Statutes entitled entries and grants; 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 authorize the Commissioners of Wilmington to borrow $200,000, and for other purposes; and asking the concurrence of this House. The said bill was read the first time and passed.

The engrossed bill to give exclusive jurisdiction to the Superior Courts of Moore county, and for the better regulation of the County Courts of said county, was, on motion of Mr. Person, laid on the table.

Mr. Britton presented a bill regulating State elections; which was read the first time and passed.

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

A bill to repeal an act concerning the Fair near Laurel Hill, in Richmond county;

The bill relative to the payment of Jurors for the county of Wayne;

The bill concerning a Turnpike Road, in the county of Macon;
The bill to incorporate the Fayetteville Hotel Company;
The bill supplemental to an act to incorporate the town of Wilkesborough;
The bill to amend the 1st section of an act, entitled an act concerning Pilots and Commissioners of Navigation;
The bill to incorporate Toisnot Academy, in the county of Edgecombe;
The bill concerning the duties of the Cherokee Land Agent;
The bill concerning a road in Iredell county;
The bill to alter the times of selling lands and negroes, in the county of Richmond;
The bill to lay off a road from Asheville, in Buncombe county, to Burnsville, in Yancey county;
The bill to incorporate the Mecklenburg Declaraton Lodge, No. 9, of the Independent order of Odd Fellows, in the town of Charlotte;
The bill concerning Chapel Hill;
The bill to compel the Entry Taker of Union county to keep his office at the Court House;
The bill to incorporate the Orapake Canal and Turnpike Company;
The resolution in favor of Spier Whitaker and James Iredell;
The resolution authorizing the Public Treasurer to borrow money for State purposes;
The resolution in favor of Owen Sizemore, of Wilkes county;
The resolution in favor of Charles L. Hinton, Public Treasurer;
The bill to incorporate the Pasquotank Artillerists;
The bill to incorporate Franklin Institute, in the county of Fraklin;
The bill to appoint Commissioners for the town of Corthage;
The bill to incorporate the Trustees of the Dan River Institute, in the town of Yancyville;
The bill to repeal an act, entitled an act to incorporate the town of Shelby, in the county of Cleaveland, and appoint Commissioners thereof;
The bill for the better regulation of Nashville, in Nash county;
The bill to incorporate the Perquimons and Pasquotank Guards;
The bill making compensation to the Jurors of Greene county;
The bill to incorporate Euckhorn Academy, in the county of Hartford;
The bill to incorporate the town of Statesville; and
The bill to establish a Public Burying Ground, in the county of Cherokee.
The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY January 6, 1847.

The resignation of Angus Fairly, a Justice of the Peace of the county of Richmond, was presented, read and accepted;
Mr. Ferguson presented a petition from sundry citizens of the county of Haywood, praying an appropriation for the construction of a Public Road in said county; which was referred to the committee on Internal Improvements.
Mr. Hawkins, from the committee on Claims, reported unfavorably on the resolution in favor of Richard W. Ashton, and prayed to be discharged from the further consideration of the subject. The report was concurred in.
Mr. Hawkins, from the same committee, reported a resolution for paying certain Militia Officers of the 85th Regiment, in Cumberland county, for holding a Court Martial; which was read the first time and passed.
Mr. Hawkins, from the same committee, reported unfavorably on the resolution in favor of William Humphrey, and prayed to be discharged from the further consideration thereof. The report was concurred in.
Mr. Mebane, from the committee on Propositions and Grievances, reported unfavorably on the bill to repeal the 7th section of an act, entitled an act to amend the 123d section of the Revised Statutes, concerning wrecks and wrecked property. The said bill was read the second time and rejected.
Mr. Mebane, from the same committee, to whom was re-
ferred the petition for a new county out of portions of Granville and Wake; and also the petition from Onslow, concerning fishing at the mouth of New River; and also the petition from sundry citizens of Haywood and Macon counties, praying the establishment of a county, to be called Jackson—reported against the expediency of legislating on these subjects, and prayed to be discharged from the further consideration of the subject thereof. These reports were concurred in.

Mr. Mebane, from the joint select committee on State liabilities, and to whom was referred the bill authorizing the President and Directors of the Literary Fund to transfer to the Public Treasury certain bonds, notes and judgments, and for other purposes, reported the same without amendment. The bill was amended on motion of Mr. Waddell, and Mr. Williams moved that the said bill be postponed indefinitely. The question on this motion was decided in the negative—yeas 52, nays 56.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Hall moved to strike out the third section of the bill. The question thereon was decided in the affirmative—yeas 56, nays 50.
Those who voted in the affirmative were,


Those who voted in the negative, were


On motion of Mr. Paine, ordered that said bill be laid on the table.

Mr. E. P. Miller presented a bill to protect from injury the lots belonging to the State in the City of Raleigh; which was read the first time and passed.

Mr. Rayner, from the committee on Internal Improvements, reported, without amendment, the bill to incorporate the Washington and New Orleans Telegraph Company; when the said bill was read the second time and passed. The bill was again read the third time, and, on motion of Mr. Mebane, laid on the table.

Mr. Rayner, from the same committee, reported, without amendment, the bill for the construction of a Turnpike Bridle Road, in the county of Haywood; which was read the second time and passed, and re-committed to the committee on Internal Improvements.

Mr. Washington, from the committee on the Judiciary, reported, without amendment, the bill to supply omissions in the 42nd chapter of the Revised Statutes, entitled "entries and grants." The said bill was read the second and third
times, the rule being suspended, and passed, and ordered to be engrossed, and transmitted forthwith to the Senate.

Mr. Washington, from the same committee, reported, without amendment, the bill to enable the people of Stanly county, to restore their records and papers, which were lost in the burning of the Court House and Clerk's Offices of Montgomery county; when the same was read the second time and passed.

The bill to establish a Public Road in the county of Buncombe, was read the third time; and the question shall the said bill pass, was decided in the affirmative—yeas 53, nays 51.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said bill be engrossed.

On motion of Mr. W. F. Jones, the House proceeded to the orders of the day, and took up the bill from the Senate to establish a new county by the name of Lafayette. The Question on the passage of the said bill the second reading, being the subject before the House, when the recess was taken yesterday.
Mr. Courts moved that the consideration of this subject be postponed, and that the House do now take up and consider the resolution by him introduced, appropriating £15,000 for the equipment and expenses of the Volunteers from this State for Mexico.

The question on this motion was decided in the negative—yeas 49, nays 56.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question then recurring on the passage of the bill to establish a new county by the name of La Fayette the second reading, was decided in the affirmative—yeas 52, nays 48.

Those who voted in the affirmative, were

Those who voted in the negative, were


The engrossed resolution from the Senate, providing for the equipping and paying expenses of the Volunteers to Wilmington and Charlotte, was taken up, and on Mr. Puryear's motion, made the order of the day for to-morrow.

On motion, leave of absence from the service of the House, for the residue of the session, was granted to Mr. Faucett from and after this day, to Mr. Davenport from and after Friday, to Messrs. Coffield and Bond from and after Saturday next.

The House then took a recess till 3 o'clock.

Three O'clock, P. M.

Mr. Flemming presented the following resolution:

Resolved, That a select committee be appointed and instructed to report a bill to this House, directing the sale of the Raleigh and Gaston rail road, upon such terms as they may deem most expedient for the benefit of the State; and that the proceeds of said sale be applied to pay the liabilities of the State for rail road purposes.

Mr. Ferebee moved to amend said resolution by making it the duty of said committee to "enquire into the expediency of reporting a bill" &c. &c.; which motion prevailed. Mr. Wellborn moved that the resolution be laid on the table.

The question on Mr. Wellborn's motion, was decided in the negative—yeas 5, nays 102.

Those who voted in the affirmative, were

Those who voted in the negative, were


The question, shall the said resolution be adopted as amended, was decided in the affirmative, and Messrs. Flemming, D. A. Barnes, W. K. Martin, Moye and Waddell, were appointed the select committee under the said resolution.

Mr. Washington gave notice under the rule of order, that he should on to-morrow, offer to the House the following resolution:

Resolved, That the rule of this House which prescribes, that no business shall be considered in the afternoon sessions except Private bills, and bills on their third reading, be, and the same is hereby rescinded.

The bill concerning wrecks and wrecked property, was read the third time and amended; and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 60, nays 28.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said bill be engrossed.

The bill to alter the times of holding the terms of the Superior Courts of Law and Equity, and the Courts of Pleas and Quarter Sessions in the several counties composing the first Judicial Circuit, was read the third time and amended, and the question, shall the said bill pass the third reading? was decided in the negative—yeas 25, nays 70.

Those who voted in the affirmative, were


Those who voted in the negative, were


The bill for the incorporation of the town of Washington, was read the second time and passed.

The bill to incorporate the Everettville Female Academy, in the county of Wayne;
The bill supplemental to an act, passed at the last session of the General Assembly, entitled an act to cede a portion of Rutherford county to the county of Henderson;
The bill relating to the public roads, in Henderson county;
The resolution granting a portion of the Cherokee lands for a camp ground; and
The resolution in favor, of Joseph H. Gooch; were read the third time, passed, and ordered to be engrossed.
The following engrossed bills from the Senate, were read the third time, passed, and ordered to be enrolled, viz:
A bill to establish a public burying ground, in the county of Cherokee;
A bill to incorporate the Pasquotank Artillerists;
A bill to incorporate Franklin Institute, in the county of Franklin;
A bill to appoint commissioners for the town of Carthage, in the county of Moore, and to incorporate the same;
A bill to incorporate the Trustees of Dan River Institute, in the town of Yadneyville;
A bill to repeal an act, entitled an act to incorporate the town of Shelby, in the county of Cleaveland, and appoint commissioners thereof;
A bill for the better regulation of the town of Nashville, in Nash county;
A bill to incorporate the Perquimons and Pasquotank Guards;
A bill making compensation to the Jurors of Greene county;
A bill to incorporate Buckhorn Academy, in the county of Hartford;
A bill to incorporate the town of Statesville;
A resolution in favor of Charles L. Hinton, Public Treasurer;
And a resolution in favor of Owen Sizemore.
The House then adjourned until to morrow morning, 10 o'clock.
THURSDAY, January 7, 1847.

James H. Blount, the member elect from the county of Beaufort, to fill the vacancy occasioned by the resignation of Hon. Edward Stanly, appeared and was qualified according to law.

The resolution offered by Mr. Washington, of which notice was given yesterday, was now taken up and adopted.

Mr. Baxter presented a petition from sundry citizens of Henderson, praying the restoration of Jury Trials in their county Courts; which was laid on the table.

On motion of Mr. Foy,

Resolved, That a select committee of seven on the part of this House be appointed to examine the accounts of the Board of Commissioners of the Raleigh and Gaston Rail Road, and report the result of their examination to this House at as early a day as practicable.

Mr. Calloway presented a petition from sundry citizens, praying the establishment of a new county out of parts of the counties of Ashe, Wilkes and Caldwell, to be called Clay; which was, on Mr. Calloway's motion, laid on the table.

Mr. Erwin gave notice, that he should, on to-morrow, offer the following additional Rule of Order:

No member of the House, after having once voted on any question, shall be allowed to change his vote, unless he shall first state to the House that he voted under a misapprehension; Provided this Rule shall not be construed to apply to any election by the General Assembly, or by the House.

Mr. Holden presented a resolution in relation to the Public Arsenal, in the City of Raleigh; which was read the first time and passed.

On motion of Mr. Holden,

Resolved, That a joint select committee, to consist of two on the part of the Senate and three on behalf of the House, be appointed, whose duty it shall be to inquire into the expediency of erecting in this City, a suitable building for the institution of the deaf and
dumb, and the ways and means for doing the same; and also to inquire whether greater facilities than now exist, can be given to said institution, so as to advance still further the benevolent objects contemplated in the establishment of said Institution; and that said committee have leave to report by bill or otherwise.

The bill to prevent the obstruction of the passage of Fish up the waters of the Albemarle Sound, Chowan Roanoke, and Cashie Rivers, was read, and, on motion of Mr. Paine, indefinitely postponed.

On motion, leave of absence from the service of the House for the residue of the session, from and after Saturday next, was granted to Messrs. Hoover and Walser.

The engrossed resolution providing for the equipping and paying the expenses of the Volunteers to Wilmington and Charlotte, now came up as the special order of the day, and was read the second time, and in the following words:

Whereas, by the action of the Executive and the subsequent sanction of Congress, this Republic is involved in a Foreign War, and our State is called upon for Volunteers; whereas it is the duty of this State to give all the aid she conveniently can to the operations of the General Government, to bring this war to a speedy and honorable termination; and whereas it is desirable to secure the immediate comfort and support of the soldiers who may volunteer in this State:

Resolved, That the sum of ten thousand dollars be, and is hereby appropriated out of any monies in the State Treasury, for the purpose of equipping and paying the expenses to Wilmington and Charlotte, of the Regiment of Volunteers required of this State by the President of the United States; and that the amount be placed at the disposal of the Governor, to be placed by him at different points of the State, most convenient for the purposes herein specified.

Mr. Flemming moved to amend the same, by adding after the word "whereas," in the first line of the preamble, the following words: "from repeated acts of injustice on the part of Mexico, in withholding claims admitted to be due by her recognized agents, by the oppression of our citizens with their vessels and merchandize on the high seas; and her refusal twice to receive our ministers specially sent to adjust these difficulties upon terms recognized by the laws of civilized nations, it became necessary that." And Mr. Courts
moved to amend the amendment, by striking out all before and after the word "resolved," and insert the following: "That the sum of fifteen thousand dollars be, and the same is hereby appropriated, from any monies in the State Treasury, for the benefit of the Volunteers called for by the President of the United States from North Carolina, to serve in the War against Mexico."

Pending this question, the hour arrived for a recess by the House, when, on motion of Mr. Wilder, the further consideration of the question was postponed, and made the special order of the day for to-morrow, at 11 o'clock; and the House took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

On motion of Mr. Washington, the bill in addition to the 66th section of the 60th chapter of the Revised Statutes, in relation to the sale of Fire Wood, was taken up, and recommitted to the committee on the Judiciary.

The bill to repeal an act concerning the Fair near Laurel Hill, in the county of Richmond;

The bill relative to the payment of Jurors, for the county of Wayne;

The bill concerning a Turnpike Road, in Macon county;

The bill supplemental to an act to incorporate the town of Wilkesborough;

The bill to amend the first section of an act, entitled an act concerning Pilots and Commissioners of Navigation;

The bill concerning duties of the Cherokee Land Agent;

The bill concerning a road in Iredell county;

The bill to incorporate Toisnot Academy in the county of Edgecomb;

The bill to alter the time of selling lands and negroes, in the county of Richmond; and

The bill to lay off a road from Asheville, in Buncombe county, to Burnsville, in Yancey county, and from thence to the Tennessee line,

Were read severally the third time, passed, and ordered to be engrossed.

The engrossed bill from the Senate, to incorporate the Fayetteville Hotel Company, was read the third time, and
amended and passed. Ordered that the concurrence of the Senate be asked in the amendment.

Mr. Piggot called up for consideration the bill to amend an act, entitled an act to reduce into one the several acts concerning Pilots and Commissioners of navigation, of Revised Statutes, chap. 88, sec. 40; when the same was read the second time and passed.

Mr. Washington also called up the bill heretofore laid on the table, concerning contempts of Courts; when the same was read the second time and passed.

The bill to compel the Entry Taker of Union county to keep his office at the Court House;

The bill concerning Chapel Hill;

The bill to incorporate the Mecklenburg Declaration Lodge, No. 9, of the Independent Order of Odd Fellows, in the town of Charlotte;

The bill to incorporate the Orapeake Canal and Turnpike Company; and

The resolution in favor of Spier Whitaker and James Iredell;

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

The resolution authorizing the Public Treasurer to borrow money for State purposes, was read the third time and laid on the table.

The bill more effectually to guard against frauds upon the revenue laws, was read, and, on motion of Mr. Stone, postponed indefinitely.

The engrossed bill to enable the people of Stanly county to restore their records and papers, which were lost in the burning of the Court House and Clerk's Offices of Montgomery county, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to establish a new county by the name of Lafayette, was read the third time. Mr. Baxter moved an amendment marked A., and the question on the adoption of this amendment, was decided in the negative—yeas 46, nays 49.

Those who voted in the affirmative, were

Messrs. Adams, D. A. Barnes, Baxter, J. H. Blount, Bond, Brower, Calloway, Charles, Courts, Creedle, Dancy, J. N. Davis, Fere-
Those who voted in the negative, were


Mr. Baxter offered a further amendment, marked B, and the question on the adoption of this amendment, was decided in the negative—yeas 47, nays 53.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question then recurring, shall the said bill pass the third reading? was decided in the negative—yeas 45, nays 54.
Those who voted in the affirmative, were


Those who voted in the negative, were


The bill to incorporate the Washington and New Orleans Telegraph Company, was read the third time, amended, on motion of Mr. Mebane, and passed, and ordered to be engrossed.

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

Friday, January 8, 1847.

Received a message from the Senate, concurring in the proposition of the House, to amend the engrossed bill to regulate the issuing of process in certain cases. Ordered that said bill be enrolled.

A message from the Senate, concurring in the proposition of this House, to raise a joint select committee on the deaf and dumb institution in this City, under the resolution yesterday adopted, and informing that Messrs. Thompson and Russell form their branch of this committee.
Ordered, That Messrs. Holden, Washington and J. H. Blount, be appointed to form this committee on behalf of this House.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Caldwell Institute, in the town of Hillsborough, with an amendment; and asking the concurrence of this House. The amendment, was read and agreed to.

A message from the Senate, informing that they had passed the engrossed bill to provide for the opening and clearing out certain creeks in Rowan and Iredell, with an amendment; and asking the concurrence of this House. The amendment was concurred in.

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 repeal an act for the relief of purchasers of land sold for taxes in the counties of Haywood and Henderson, ratified 26th January, 1843.

A resolution respecting the sale of the Swamp Lands; and A resolution on the sale of chattles about the Capitol. These were read the first time and passed.

Messrs. Foy, Bullock, Piggott, Brower, Jackson, Shaw and Shaw, were appointed the select committee provided for under Mr. Foy's resolution of yesterday, concerning the receipts and expenditures of the Raleigh and Gaston rail road commissioners.

On motion of Mr. Bullock,

Resolved, That the committee on the Library be instructed to inquire into the expediency of disposing of the Compendium of the Sixth Census, now in the possession of the superintendent of Public Buildings.

The House now proceeded to the special order of the day, being the question on the amendment to the amendment to the engrossed resolution from the Senate, providing for the equipping and paying the expenses of the Volunteers to Wilmington and Charlotte, and continued the consideration of the same until the arrival of the hour under the rule for taking a recess:
The consideration of the question in which the House was last engaged, was again resumed.

Mr. Washington moved that the vote of yesterday, by which the engrossed bill to establish a new county to be called La Fayette, was rejected, be reconsidered, and, on motion of Mr. Courts, this motion was laid on the table.

Mr. Bullock moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon, was decided in the negative—yeas 37, nays 72.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Long moved that the House adjourn till to-morrow morning, 10 o'clock. The question thereon, was decided in the negative—yeas 34, nays 75.

Those who voted in the affirmative were,

Messrs. Austin, E. Barnes, Beam, Brogden, Bullock, Daney,
Mr. Ellis moved that the House adjourn till to-morrow morning, 10 o'clock. This question was decided in the negative—yeas 43, nays 70.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. Griggs moved that the House adjourn till to-morrow morning, 10 o'clock.
The question thereon, was decided in the negative—yeas 44, nays 65.

Those who voted in the affirmative, were


Those who voted in the negative, were


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

Saturday, January 9, 1847

Received from his Excellency Governor Graham, by his Private Secretary, a message relating to his collection of Documents, concerning the Revolutionary history of North Carolina, in obedience to a resolution of the last General Assembly on this subject; which was read and ordered to be sent to the Senate and be printed.

Mr. Washington, from the committee on the Judiciary,
reported, with an amendment, the bill in addition to the 66th section of the 60th chapter of the Revised Statutes, in relation to the sale of Fire Wood. The amendment was concurred in, and the bill read the second time and passed.

Mr. D. A. Barnes, from the committee on Private Bills, reported, with an amendment, the bill to incorporate the Neuse Fire Company, in the town of Newbern; which amendment was agreed to, and the said bill was read the second time, as amended, and passed.

Mr. Hawkins, from the committee on Military Affairs, reported, without amendment, the bill to incorporate the Lumber Bridge Independent Company, in the county of Robeson; when the same was read the second time and passed.

Mr. Hawkins, from the same committee, reported unfavorably on the resolution in relation to a division of the Regiment of the county of Davidson, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Dancy presented a resolution relating to Edgecomb School Fund; which was read the first time and passed, and referred to the committee on Education.

Mr. Wellborn presented a bill to establish a Turnpike on the Ready's river road; and

A bill to establish a Turnpike on the Deep Gap road, in the county of Wilkes. These bills were read the first time and passed, and referred to the committee on Internal Improvement.

Mr. Waddell presented a bill concerning titles to lands; and Mr. Adams, a bill concerning deeds and mortgages. These bills were read the first time and passed, and referred to the committee on the Judiciary.

Mr. Ellis presented a resolution concerning the School Fund for Rowan county; which was read the first and second times and passed, and referred to the committee on Education.

Mr. Adams, a bill to alter the time of electing the County Trustee for Guilford county; which was read the first time and passed, and referred to the committee on Private Bills.

Mr. Stone presented a resolution relating to Medical attendance on slaves; which was read and rejected.

Mr. Paine, a bill to allow Thomas F. Jones, of Perquimons, to build a bridge across Skinner's or Raceon Creek, in said county; which was read the first time and passed, and referred to the committee on Private Bills.
The House proceeded to the consideration of the bill to lay off and establish a new county, by the name of Alexander; when the same was read the second time an passed—yeas 57, nays 42.

Those who voted in the affirmative, were


Those who voted in the negative, were


The House now proceeded to the special order of the day, being the unfinished business of yesterday, the question being on the amendment offered by Mr. Courts to the amendment offered by Mr. Flemming to the engrossed resolution from the Senate, providing for the equipping and paying the expenses of the Volunteers to Wilmington and Charlotte.

Mr. Flemming, on leave, withdrew his said amendment; when Mr. Courts moved to amend the engrossed resolution from the Senate, by striking out the whole thereof before and after the word "Resolved," and inserting, "That the sum of fifteen thousand dollars be, and the same is hereby appropriated from any monies in the State Treasury, for the benefit of the Volunteers called for by the President of the United States, from North Carolina, to serve in the War against Mexico."

The question thereon was decided in the negative—yeas 56, Nays 58.
Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Courts moved to strike out of the preamble of said resolution the words, "by the action of the Executive, and the subsequent sanction of Congress." The question on this motion, was decided in the negative—yeas 55, nays 58.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, D. A. Barnes, Baxter, J. H. Blount, Bond, Brower, Calloway, Charles, Chunn, Creedle, Davenport, Erwin, Fagg, Ferebee, Foy, Gambill, George, Golding, Guion, Gwynn,
Mr. Ellis moved to strike out the preamble. The question thereon was decided in the negative—yeas 56, nays 58.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Flemming now offered the amendment to the preamble, which he had heretofore offered and withdrawn. The question thereon was decided in the negative—yeas 55, nays 58.

Those who voted in the affirmative, were

Messrs. Austin, E. Barnes, Beam, Brogden, Brown, Bullock, Coffield, Collins, Courts, Cox, Dancy, J. P. Davis, J. N. Davis, Edwards, Ellis, Ferguson, Flemming, Gatling, Griggs, Hall, Har-

Those who voted in the negative, were


Mr. Smith moved to insert, at the close of the preamble, the following "The course of Mexico towards the United States, has presented a catalogue of aggressions and insults, of outrages on our National Flag, and on the persons and property of our citizens; of the violation of treaty stipulations, and the murder, robbery, and imprisonment of our countrymen; and whereas, War exists by the act of Mexico between that republic and the United States; and whereas, the United States is in the right and Mexico in the wrong, this country, in the just, righteous and necessary prosecution of this war, is but protecting the national honor, according to the settled and established usages of all civilized nations; and whereas, the President of the United States has made a requisition upon North Carolina for one Regiment of Volunteers, to serve during the continuance of the War." The question on this motion was decided in the negative—yeas 54, nays 57.

Those who voted in the affirmative, were

Mr. Courts moved to amend, by inserting the following as additional resolutions:

Resolved. That the course which the Executive of the United States has pursued in relation to Mexico, has been eminently called for by the best interests and honor of the country, and meets the cordial approbation of this General Assembly.

Resolved further, That the Governor of this State be requested to transmit a copy of this resolution to the President of the United States, and to each of the members of Congress from North Carolina.

The question on this motion was decided in the negative—yeas 53, nays 57.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, D. A. Barnes, Baxter, J. H. Blount, Bond, Brower,

The House then took a recess until 3 o'clock.

THREE O’CLOCK, P. M.

The House resumed the consideration of the subject in which it was last engaged.

Mr. Daney moved to amend the said preamble, by inserting between the words, "Foreign and War," the words, "but just and necessary."

The question thereon was decided in the negative—yeas 53, nays 58.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. Ellis moved to insert after the word "Volunteers," in the fourth line of the preamble, the words, "to prosecute said War," and to add at the end of said preamble, the words, "and whereas, in the inducement and continuance of the aforesaid War, Mexico is wholly and totally in the wrong, and not our own Government, nor any Department thereof."

The question thereon was decided in the negative—yeas 53, nays 59.

Those who voted in the affirmative were,


Those who voted in the negative, were


Mr. Courts moved to amend the said resolution, by striking out the words, "ten thousand, and inserting "fifteen thousand."

The question thereon was decided in the negative—yeas 54, nays 60.

Those who voted in the affirmative, were

Messrs. Austin, E. Barnes, Beam, Brogden, Brown, Bul-

Those who voted in the negative, were,


Mr. Flemming moved to amend the preamble, by inserting after the word "Congress," in the second line, the words, "our Government being right, and Mexico being wrong."

The question thereon was decided in the negative—yeas 54, nays 60.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, D. A. Barnes, Baxter, E. Blount, J. H. Blount, Bond, Brower, Calloway, Charles, Chunn, Creedle, Davenport,
The question now being on the passing of the engrossed resolution from the Senate, Mr. Wilder demanded a division of the question under the 27th Rule of Order, and moved that the question be put first on the previous, and secondly on the resolution. The Speaker decided that the question is not divisible, and cited from the chair sundry precedents and decisions from the British Parliament and from Jefferson's Manual, as authority on the subject. From this decision of the Speaker, Mr. Wilder took an appeal to the House; and the question now being, "shall the decision of the Chair stand as the judgment of the House," was decided in the affirmative—yeas 63, nays 52.

Those who voted in the affirmative were,


Those who voted in the negative, were

Mr. Courts moved to insert after the preamble, and before the resolution, the following:

Resolved therefore, That it becomes the State of North Carolina, to contribute her aid for the support of this War.

The question thereon was decided in the negative—yeas 55, nays 59.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question now recurring on the adoption of the engrossed resolution on the second reading from the Senate, was decided in the affirmative—yeas 93, nays 19.

Those who voted in the affirmative, were

ney, Hargrave, Harrison, Hayes, Haynes, Hicks, Holden, Hole-
man, Hoover, Hunt, W. F. Jones, Kelly, Krimminger, Lasater,
P. Miller, G. A. Miller, McCurry, McKesson, Neal, Nicholls, Og-
burn, Paine, Palmer, Peebles, Person, Piggott, Potts, Puryear,
Rayner, Reid, Ribelin, Richardson, Russell, Sanders, Scott, Sheek,
Sims, Skinner, Smaw, Smith, Steele, Stone, Trull, Waddell, Walser,
Washington, Watters, Webster, J. H. White, J. White, Wellborn,
Wilder, Williamson, 93.

Those who voted in the negative, were

Messrs. Austin, E. Barnes, Beam, Brown, J. P. Davis, Hall,
Hawkins, Jackson, R. Jones, Lemmond, Moye, Murphey, Mc-
Neill, Pegram, Regan, Shaw, Whitaker, Williams, Wilson, 19.

Mr. Steele moved that the Rule of Order be suspended,
and that the said resolution be now read the third time.

The question on this motion was decided in the negative,
two thirds of the House not concurring therein.

Those who voted in the affirmative on this motion, were

Messrs. Adams, D. A. Barnes, Baxter, E. J. Blount, J. H.
Blount, Bond, Brower, Calloway, Charles, Chunn, Courts, Creedle,
Davenport, Erwin, Fagg, Ferebee, Foy, Gambill, George, Gold-
ing, Gion, Gwynn, Hackney, Hall, Hargrave, Hayes, Haynes,
Hicks, Holeman, Hoover, Hunt, Jackson, W. F. Jones, Kelly,
Krimminger, Lasater, Leathers, Mebane, E. P. Miller, G. A. Mil-
er, Murphey, McCurry, McKesson, Neal, Nicholls, Ogburn, Paine,
Palmer, Peebles, Piggott, Puryear, Rayner, Regan, Reid, Ribelin,
Russell, Sanders, Scott, Skinner, Smaw, Steele, Trull, Waddell,
Walser, Washington, Watters, J. White, Wellborn, 68.

Those who voted in the negative, were

Messrs. Austin, E. Barnes, Beam, Brogden, Brown, Bullock,
Coffield, Collins, Daney, J. P. Davis, J. N. Davis, Edwards,
Ferguson, Flemming, Gatling, Griggs, Harrison, Hawkins, Holden,
R. Jones, Lemmond, Long, Marshall, J. Martin, W. K. Martin,
Moye, McDowell, McMullen, McNeill, Pegram, Person, Potts,
Richardson, Shaw, Sheek, Sims, Smith, Stone, Webster, J. H.
White, Whitaker, Wilder, Williams, Williamson, Wilson, 46.

The House then adjourned until Monday morning, 10 o'clock.
Monday, January 11, 1847.

The committee on Enrolled Bills the present week, consists of Messrs. Dancy; Steele, Ferebee and McMullen.

Mr. Waddell presented the following resolution:

Resolved, This House will hold night sessions, from and after to-day, during the remainder of the session.

Which was read and laid on the table.

On motion of Mr. Bullock,

Resolved, That, with the concurrence of the Senate, this General Assembly will adjourn sine die on Monday next.

Mr. Courts presented the following resolution, viz:


The question on the adoption of this resolution was decided in the negative—yeas 53, nays 59.

Those who voted in the affirmative, were

Messrs. Austin, E. Barnes, Beam, Brogden, Brown, Bullock,

Those who voted in the negative, were


Mr. Moye presented the following resolution:

Resolved by this House, That the Journal be so amended as to state, distinctly, the way and manner in which we voted on the preamble and resolution in relation to the Mexican War and appropriation of $10,000 for the aid of the Volunteers of this State. We protested against the preamble as being untrue, and voted for the resolution; and our vote is recorded in the negative, (signed) Wiatt Moye, Elias Barnes, Richard Jones.

The question on the adoption of this resolution was decided in the negative—yeas 51, nays 60.

Those who voted in the affirmative, were

Those who voted in the negative, were


Mr. Flemming offered the following paper as a protest; which was ordered to be spread upon the Journal:

Mr. Speaker,

Being unfortunately in that position which forced me to vote for the preamble connected with the appropriation of ten thousand dollars, for the purpose of defraying the expenses of our Volunteers to their place of rendezvous, believing that it was calculated to hold out to the world an intimation that North Carolina was opposed to what I conceived to be a just vindication of our rights: and on the other hand, anxious to vote for the appropriation to sustain a war which I believed just and honorable; and the preamble and resolution having been decided by the Chair to be inseparable, justice to my own feelings required me to vote for the resolution and against the preamble, which vote was decided by the Chair to be inadmissible upon the record. Under these circumstances, I claim the right of entering upon the Journals the causes that have induced me to cast that vote which is not recorded. 1st, I consider it inconsistent that a preamble should reflect upon the justice of the war, and, in the next breath, appropriate money to carry on that war. If I believed the preamble to be true, I could not support the resolution; and if I believed the resolution required, as I do in the present case, I ask respectfully, but unqualifiedly, to protest against the preamble.

SAMUEL FLEMMING.

Mr. Ellis offered a paper as a protest against the said resolution; but having voted in favor of the passage of said resolution, it was decided by the Speaker that he had no
right to protest against it; and the said protest was not ent-
tertained.

The engrossed resolution providing for the equipping and
paying the expenses of the Volunteers to Wilmington and
Charlotte, was read the third time, passed, and ordered to
be enrolled.

Mr. Wilder presented a resolution making an appropri-
ation to purchase a Regimental Flag for the Volunteers, to
serve during the Mexican war; which, by general consent, was
read the first, second and third times, passed, and or-
dered to be engrossed.

The bill to alter the mode of electing wardens of the
poor, was read the second time and passed.

Mr. Wilder introduced a resolution in favor of Reeder and
Lougie; which was read the first time and passed and re-
ferred to the committee on Claims.

Mr. Steele introduced a resolution for an appropriation for
Volunteers; which was read the first time and passed.

The bill for the apprehension of runaway slaves in the
great Dismal Swamp, and for other purposes, was read the
second time, and, pending the question, the hour arrived for
a recess till 3 o'clock.

THREE O'CLOCK, P. M.

The House resumed the consideration of the question
pending on taking the recess.

Mr. Ferebee moved that the further consideration thereof
be postponed till the 4th day of July next.

The question thereon was decided in the negative—yeas
28, nays 77.

Those who voted in the affirmative, were

Messrs. Beam, Brogden, Brown, Bullock, Calloway, Dancy,
Ferebee, Ferguson, Flemming, Gambill, Griggs, Gwynn, Harrison,
Haynes, Hicks, Hunt, Lemmond, Marshall, J. Martin, G. A. Mil-
ler, Sheek, Sims, Steele, Webster, J. H. White, Wilder, Williams,
Wilson 28.
Those who voted in the negative, were


The said bill was amended, on motion of Mr. Rayner, and the question, shall the bill pass the second reading? was decided in the affirmative.

The Speaker laid before the House a communication from the Public Treasurer, relating to the State's liability to pay certain bonds of the Wilmington and Raleigh railroad now falling due. The communication was read, and ordered to be sent to the Senate, with a proposition that it be referred to the committee on State liabilities.

Mr. McDowell presented a bill concerning the mileage of the officers and members of the General Assembly; which was read the first time and passed.

Mr. W. F. Jones presented a bill to incorporate the Philadelphia and North Carolina Mining and Smelting Company;

Mr. Cox, a bill to regulate the fishing with seines on New River, in Onslow county;

Mr. Flemming, a resolution in favor of a Uniform Company, in Yancey county. These were read the first time and passed.

Received a message from the Senate, informing them that they had passed the following engrossed bills; and asking the concurrence of this House, viz:

A bill to incorporate Franklin Female Academy, in the county of Franklin;

A bill to tax the vendors of foreign made riding vehicles;

A bill to regulate the pay of Jurors and Witnesses, in the county of Rutherford;

A bill to incorporate Goldsborough, in the county of Wayne;

A bill to alter the time of holding two of the county Courts of Caldwell county;
A bill to incorporate the Cumberland Academy, in the county of Cumberland;

A bill to amend the 75th section, chapter 31, of the Revised Statutes, entitled crimes and punishments;

A bill to amend an act of the last session, entitled an act in favor of poor debtors;

A bill to incorporate the Henrietta Steam Boat Company, in the town of Fayetteville; and

A bill to authorize the county Court of Hyde, to appoint Commissioners of Navigation for Hatteras Inlet in Hyde county. The said bills were read the first time and passed.

The engrossed bills from the Senate, to annex a portion of the county of Wilkes to the county of Caldwell; and

To incorporate the town of Lenoir, in the county of Caldwell, and for the better regulation thereof;

Were read the first time, and, on motion, were rejected.

Received a message from the Senate, proposing that the two Houses of this General Assembly shall adjourn sine die on Monday the 18th instant, at 6 o'clock, A. M. The proposition was concurred in.

A message from the Senate, informing that Messrs. Gilmour and Street form their branch of the committee on Enrolled Bills the present week.

The bill to prevent obstructions to the passage of Fish up Fishing Creek, was called up by Mr. Whitaker, and read the second time and passed.

The bill for the incorporation of the town of Washington; and

The bill concerning contempts of Courts;

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

The engrossed bill to lay off and establish a new county by the name of Alexander, was read the third time. Mr. Gambill moved to amend the bill, by adding the following section:

*Be it further enacted, That this act shall not take effect and be in force, so far as it includes any territory of Wilkes county, until the same shall be approved by a majority of the free men of the county of Wilkes, who are constitutionally entitled to vote for members of the House of Commons, as shall hereafter be provided for by a supplemental bill.*
The question on the adoption of this amendment, was decided in the negative—yeas 32, nays 57.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question on the passing of the said bill the third reading, pending, the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, January 12, 1817.

The question pending on the adjournment yesterday, coming up as the unfinished business, viz: the question on the passing of the bill the third reading, to lay off and establish a new county by the name of Alexander, was decided in the affirmative—yeas 52, nays 43.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That the said bill be enrolled.

On motion of Mr. Rayner,

Resolved, That hereafter until otherwise ordered, the House shall take a recess at 2 o'clock and meet again at 3, and take another recess at 6, and meet again at 7 o'clock P. M.

The following protest was presented by Mr. Austin, read, and ordered to be spread on the Journal:

The undersigned in the exercise of their constitutional privilege, desire to spread upon the Journals of the House of Commons, in the form of a protest against its action on the preamble and resolution, appropriating ten thousand dollars for the use of the Volunteer Regiment, recently called for from this State, one or two of the reasons which induced them to vote against it. And, in the first place, they desire them to say that there is no one in this House or out of it, more thoroughly satisfied than themselves, of the justice and necessity of the present war with Mexico, or of the propriety of the manner in which it has been conducted by the present administration, or more willing to vote liberal supplies for its vigorous prosecution; but to the resolution appriating $10,000, was attached a preamble containing statements which they conscientiously believe to be untrue, and well calculated to embarrass the Government in its
management of the War, to throw a damper on the spirits of our brave Volunteers, and to prevent future enlistments. They were therefore, reluctantly compelled to vote against it.

(Signed,) MAT. C. WHITAKER,
A. A. AUSTIN.

The following protest was also ordered to be spread upon the Journal, viz:

Mr. Speaker,

Having voted in the negative upon the preamble and resolution to appropriate $10,000 to defray the expenses of the Volunteers now called for by the President of the United States, from the State of North Carolina, to serve in the war against Mexico, we desire to have placed upon the Journals our reasons for that vote, that the motives which have influenced our action on this subject, may be understood by our constituents and the world—it having been decided that the question was indivisible, that the House could not vote separately upon the preamble and resolution, as they stood connected together; and a majority of the House having afterwards refused to vote for an amendment which was offered, by which the question would have been rendered divisible; the only alternative presented to us was, either to give an affirmative vote which might be construed into a censure upon the head of our own Government, or a negative one which might place ourselves in the attitude of withholding the necessary supplies from our own Volunteers.

The sentiment contained in the preamble, "that war exists by the action of the Executive," meets our unqualified condemnation, as being untrue in point of fact, and as fixing, in our opinion, a stigma upon our own country, to say nothing of the impolicy, even if the sentiment were true, of promoting such an opinion to the world, when that war is still raging with great violence and bitterness, and after our Congress has declared that it exists by the act of Mexico.

It is not our purpose, in presenting this protest, to enter into a discussion of the character of this war, or of the causes which have led to it. We are perfectly content to leave that question to the arbitrament of an impartial world. And we have no fears that it will visit upon our country that censure which the preamble, in our judgment, implies. Indeed, the extraordinary forbearance of this Government towards Mexico ever since the first moment of the separate
existence of the latter as a nation, under insults offered to
our Flag, and aggressions upon the rights of our citizens,
will, we believe, challenge in the end, the approbation ra-
ther than the condemnation of other nations.
Under these circumstances we thought proper to give a
negative; and that that vote may not subject us to the impu-
tation of an unwillingness to give all proper aid to the Vol-
unteers from North Carolina, we point to former votes of
ours upon the same subject, indicating a preference for a
larger sum than that contained in the resolution which was
adopted.

January 12th, 1847.

Very Respectfully,

(Signed) James P. Davis, Jesse Jackson, Wyatt Moya,
Thomas H. Williams, Richard Jones, Nathaniel Wilson, John
McNeill, Neal Regan, Duncan Shaw, Arthur Brown, Edward
D. Hall, G. W. Pegram, David Murphey.

Mr. Hawkins, from the committee on Claims, reported favor-
ably on the resolution in favor Reeder and Longie; when the
same was read the second and third time, passed, and ordered to
be engrossed.

Mr. Mebane, from the committee on Finance, to whom was
referred, a resolution instructing them to enquire into the
expediency of imposing a tax on capital, prayed that the com-
mittee may be discharged from the further consideration of the
subject. The report was concurred in.

Mr. D. A. Barnes, from the committee on Private Bills, re-
ported favorably on the bill to allow Thomas F. Jones of Per-
quimous county, to build a bridge across Skinner's or Raccoon
Creek in said county;

And the bill to alter the time of electing the county Trustee
for Guilford county; when said bills were read the second time
and passed.

Mr. Washington, from the committee on the Judiciary, re-
ported favorably on the bill concerning titles to lands; when
the same was read the second time and passed.

Mr. Erwin presented a bill concerning surplus money, sale
of town lots in Marion; which was read the first time and
passed.

Mr. Mebane, from the committee on Finance, reported unfa-
vorably on the bill to transfer the funds belonging to the Board
of Internal Improvement to the Public Treasury.
Mr. Paine moved that said bill be laid on the table. The question on this motion, was decided in the negative—yeas 25, nays 82.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Flemming moved that the said bill be postponed indefinitely. The question thereon, was decided in the negative—yeas 22, nays 87.

Those who voted in the affirmative, were


Those who voted in the negative, were


The said bill was amended, on motion of Mr. Paine, and the question, shall the said bill pass the second reading? was decided in the affirmative—yeas 84, nays 20.

Those who voted in the affirmative were,


Those who voted in the negative, were


Received a message from the Senate, concurring in the proposition to refer to the joint select committee on State Liabilities, the communication from the Public Treasurer, respecting the bonds of the Wilmington and Raleigh Rail Road.
On motion, leave of absence from the service of this House from and after Friday next, was granted to Mr. Cox.

Mr. W. K. Martin proposed a resolution in favor of the Doorkeepers; which was read the first time and passed.

Mr. Wilder, from the committee on the Judiciary, reported unfavorably on the bills concerning deeds, mortgages and assignments, and in reference to mortgages and deeds of trust. These bills were put on their second reading and rejected.

The engrossed bill to regulate the appointment of Field Officers of Regiments of Volunteers, called into the service of the United States, was taken up as the special order of the day, and the question being on the passage of the said bill the third reading, Mr. Mebane moved to amend said bill by adding the following:

_Provided however, That if any Regiment shall be required by the General Government to rendezvous at different places, each division of such Regiment may vote, as provided for in this bill, at their respective places of rendezvous, under the superintendence of the Captains who are present, and transmit to the Governor of the State the result of such election.; and the person having the greatest number of votes given, shall be commissioned by the Governor, according to the rank to which they are respectively entitled, or if any two or more of the persons voted for should have the highest or an equal number of votes, the Governor shall select one of the persons to fill the office so voted for.

The question on the adoption of this amendment, was decided in the affirmative—yeas 65, nays 48.

Those who voted in the affirmative, were

Those who voted in the negative, were,


Mr. Mebane offered the following amendment; which was read and adopted:

Be it further enacted, That when any Regiment, having rendezvoused at the same place, and having proceeded to vote as in this bill provided, and there should be a tie, the Captains shall transmit to the Governor the result of such election, who shall select from those having the highest and an equal number of votes, the person to fill such office.

Mr. Mebane moved further to amend said bill, by adding the following section:

Be it further enacted, That nothing in this act contained, shall be so construed as to relate to the appointment of Field Officers for the Regiment of Volunteers now required by the General Government, for the existing war with Mexico; but the appointment of said officers shall be made by the Governor of the State.

And Mr. Kelly moved to amend said amendment, by adding at the end thereof, the words, “from those who are now volunteers.”

The question, on Mr. Kelly’s motion, was decided in the negative—yeas 53, nays 57.

Those who voted in the affirmative, were

Messrs. Austin, E. Barnes, Beam, Brogden, Brown, Bullock,

Those who voted in the negative, were


The question recurring on the adoption of the said amendments offered by Mr. Mebane, was decided in the affirmative—yeas 62, nays 50.

Those who voted in the affirmative, were


Those who voted in the negative, were

The question, shall said bill pass, as amended, the third reading, was decided in the affirmative—yeas 61, nays 52.

Those who voted in the affirmative were,


Those who voted in the negative, were


Ordered, That the concurrence of the Senate be asked in the amendments made to said bill.

Received a message from the Senate, informing that they had passed the following engrossed bills and resolution, viz:
To provide for a re-assessment of lands and a more accurate enlistment of the taxable polls;
To prevent the felling of timber in Hunting Creek;
For the better regulation of Nashville, in Nash county;
To improve the navigation of Lumber River; and
A resolution in favor of John K. Brooks, Sheriff of Caswell county; and asking the concurrence of this House.
The said bills and resolution were read the first time and passed.
The bill to amend the Revised Statute, entitled Courts of
Equity, was read the second time and amended, and the question shall the said bill pass the second reading, was decided in the negative—yeas 27, nays 77.

Those who voted in the affirmative, were


Those who voted in the negative, were


Received a message from the Senate, informing that they had passed the engrossed bills:

To repeal an act, entitled an act to exempt certain citizens of Hyde county from public duty;

To provide for the sale of certain lands, in Macon and Cherokee counties; and

To authorize the Petersburg Rail Road Company to raise by loan or an increase of its capital stock, a sum not exceeding five hundred thousand dollars, for certain purposes; and asking the concurrence of this House.

The said bills were read the first time and passed, and the last named bill made the order of the day for to-morrow.

A message from the Senate, concurring in the proposition of this House to print the communication of the Governor, in reply to a resolution of the last General Assembly, authorizing him to collect papers illustrative of our Revolutionary History.
Mr. Foy, from the committee on the Library, reported a resolution disposing of the compendium of the sixth census; which was read and adopted, and ordered to be engrossed.

The bill in addition to the 66th section of 60th chapter of Revised Statutes, in relation to the sale of Fire Wood; and

The bill to incorporate the Lumber Bridge Independent Company, in the county of Robeson;

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

The engrossed bill to incorporate the Neuse Fire Company, in the town of Newbern, was read the third time and passed. Ordered that the concurrence of the Senate be asked to the amendment heretofore made.

The bill to establish the Commercial Bank at Wilmington;

The engrossed bill supplemental to an act passed by the present General Assembly, entitled a bill to lay off and establish a new county by the name of Gaston, and to annex a part of Catawba county to the county of Lincoln;

And the engrossed bill to amend an act passed at the session of 1844-5, incorporating the Carthage Male and Female Academy, in the county of Moore;

Were severally read the second time, and amended and passed.

A message from the Senate, informing that they had passed the engrossed resolution in relation to the Adjutant General's office; and asking the concurrence of this House. The said resolution was read and adopted, and ordered to be enrolled.

Mr. Hawkins, from the committee on Military Affairs, to whom was referred a resolution on Military Affairs; A resolution relating to the Militia Laws; Memorial of Militia Officers of Person county; Memorials from Jones, Lenoir and Anson counties; A bill concerning Militia Officers; and a bill to pay the Field Officers of the State, for the time occupied in reviewing, reported that the committee had heretofore reported to the House such amendments as they deemed material in the militia laws, and prayed they may be discharged from these several subjects. The report was concurred in.

Mr. Rayner, from the committee on Internal Improvement, reported unfavorably on the engrossed bill to incorpo-
rate Neuse River Steam Boat Company; when said bill was, on motion of Mr. Paine, postponed indefinitely.

The resolution for enclosing the Capitol; and
The bill to increase the revenue of the State;
Were, on motion, made the order of the day for to-morrow.
The House then took a recess until 7 o'clock, P. M.

7 O'clock, P. M.

The bill to provide for the apprehension of runaway slaves in the great Dismal Swamp, and for other purposes, was read the third time. Mr. Ferebee offered an amendment marked A., as an entire substitute for said bill.
The question on the adoption of this amendment, was decided in the negative—yeas 23, nays 58.

Those who voted in the affirmative, were

Those who voted in the negative, were

The question shall the said bill pass the third reading, was decided in the affirmative—yeas 61, nays 24.

Those who voted in the affirmative, were
Messrs. Adams, Austin, Baxter, Beam, Bond, Brower, Calloway, Charles, Chunn, Collins, Courts, Cox, Creedle, Davenport, J.
Those who voted in the negative, were


Ordered, That said bill be engrossed.

The resolutions in favor of the Raleigh Military Academy; and
Relating to certain scrip issued by the Raleigh and Gaston Rail Road Company, endorsed by the State; and
The resolution in favor of David Gillespie;
Were severally read the second and third times, passed, and ordered to be engrossed.

The bill to prevent obstructions to the passage of Fish up Fishing Creek, was read the third time, passed, and ordered to be engrossed.

The resolution relating to the State Capitol; and
The resolution relating to the appointment of Officers of the Volunteer Regiment;
Were, on motion, laid on the table.

The bill to amend the 5th section of the 9th chapter of the Revised Statutes, entitled auctions and auctioneers, was read the second time, and, on motion of Mr. Pegram, postponed indefinitely.

The bill to lay off and establish a road from the town of Lenoir to Valley Croix, was read the second time and amended, on motion of Mr. E. P. Miller, and the question shall the said bill pass, was decided in the negative—yeas 13, nays 73.

Those who voted in the affirmative, were

Messrs. Baxter, Calloway, Chunn, Creedle, Erwin, Fagg,
Gambill, Guion, Krimminger, E. P. Miller, Nicholls, Reid, Smaw, 13.

Those who voted in the negative, were


The engrossed bill to amend the laws regulating the inspection of Turpentine, was read the second and third times, passed, and ordered to be enrolled.

Mr. Rayner, from the committee on Internal Improvement, reported, with an amendment, the bill to incorporate the Jonathan’s Creek and Tennessee Mountain Turnpike Company, in the county of Haywood; which amendment was concurred in, and the bill read the second and third times, passed, and ordered to be engrossed.

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

WEDNESDAY January 13, 1847.

Mr. Holden presented a resolution providing for the payment of the contingent expenses of the Assembly, and also a memorial from J. E. Lumsden, in regard to a claim on the State, for work done about the Capitol during the last session. These were referred to the committee on Claims.

Mr. Mebane, from the committee on Finance, to whom was referred a resolution directing them to inquire into the
expediency of selling the Raleigh and Gaston Rail Road, reported that it is not expedient at this time to pass any such law on the subject, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Mebane, from the committee on Finance, to whom was referred on the 21st ultimo a message from the Governor relating to the Public Treasury, made a verbal report, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Krimminger presented a petition from citizens of Mecklenburg county, praying the appointment of certain persons as Justices of the Peace; which, on motion of Mr. Potts, was laid on the table.

On motion of Mr. Pegram, the question by which the bill to amend the 5th section of the 9th chapter of the Revised Statutes, entitled auctions and auctioneers, was, on yesterday, postponed indefinitely, was now reconsidered, and said bill laid on the table.

Mr. Washington, from the committee on Education, to whom was referred the resolution providing for the payment to the county of Edgecomb of interest on the instalments of the School Fund, reported unfavorably thereon; when said resolution was read the second time; and the question, shall the said resolution pass the second reading, was decided in the negative—yeas 15, nays 89.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. Adams presented a bill to elect two additional Constables, in the county of Guilford; which was read the first, second and third times, passed, and ordered to be engrossed, and be sent to the Senate for their concurrence.

Mr. Washington, from the committee on Education, reported unfavorably on the resolution concerning the school fund for Rowan county; when said resolution was read the second time and rejected.

The bill for enclosing the Capitol Square, coming up as the special order of the day, and having been read the third time, Mr. moved to postpone the bill indefinitely.

The question thereon, was decided in the negative—yeas 47—nays 63.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Ellis moved to amend the bill, by striking out in the
5th section, the words, "that the contract for building said fence, be given to Messrs. Burns and Stronach, of the City of Raleigh, upon their entering into bond," and inserting the following, "That the said Board shall advertise in two newspapers, printed in the City of Raleigh, including a description of the plan for three months, and let the same to the lowest bidder or bidders, provided he or they shall enter into bond &c."

The question on the adoption of this amendment, was decided in the affirmative—yeas 66, nays 39.

Those who voted in the affirmative, were


Those who voted in the negative, were,


The question then recurring on the passage of said bill the third reading, as amended, was decided in the affirmative—yeas 60, nays 54.

Those who voted in the affirmative were,

Messrs. Adams, Austin, D. A. Barnes, Baxter, E. J. Blount,

Those who voted in the negative, were


Ordered, That said bill be engrossed.

Mr. Flemming, from the select committee, to whom the subject was referred, reported a bill for the sale of the Raleigh and Gaston Rail Road; which was read the first time and passed.

Mr. Rayner, from the committee on Internal Improvements, reported a bill to bring into market the Swamp Lands drained by the State, and to construct a road from Plymouth to Pungo River; which was read the first time and passed.

The bill to increase the revenue of the State came up for consideration, on the second reading. Mr. Mebane moved that the said bill be laid on the table.

The question thereon was decided in the negative—yeas 53, nays 56.

Those who voted in the affirmative, were

Messrs. Adams, Austin, D. A. Barnes, Beam, E. J. Blount, J. H. Blount, Bond, Brower, Brown, Charles, Collins, Creedle,

Those who voted in the negative, were


Mr. Ellis moved to amend said bill, by striking out the whole thereof after the enacting clause, and to insert an amendment marked A., and Mr. Hall called for a division of the question; and the first branch of the question, viz. on striking out, as proposed, was decided in the negative; when Mr. Ellis moved that said bill be postponed indefinitely, and the question thereon was decided in the affirmative—yeas 60, nays 43.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Adams, E. Barnes, E. J. Blount, Brogden, Chunn, Collins, Courts, Denzy, J. P. Davis, Edwards, Fagg, Ferebee, Gam-
The House then took a recess until 3 o'clock, P. M.

Three O'clock, P. M.

On motion of Mr. Stone, the House agreed to reconsider their vote by which was rejected on the third reading the bill to dispose of a portion of the unsurveyed land in Cherokee county, and for other purposes; and the question again recurring on the passage of the said bill the third reading, was decided in the negative—yeas 44, nays 51.

Those who voted in the affirmative, were


Those who voted in the negative, were


On motion of Mr. Wilder, the 31st Rule of Order was suspended for the residue of the session.

The bill to alter the mode of electing wardens of the
poor; and the bill to alter the time of electing the County
Trustee, for Guilford county:
Were each read the third time, passed, and ordered to be
engrossed.
Received a message from the Senate, informing that
they had passed the engrossed bill from the House of Com-
mons, granting a further extension of credit on the bonds
endorsed by the State, for the Wilmington and Raleigh Rail
Road Company; and
The bill to restore Jury trials at two of the sessions of
Montgomery County Court, with amendments, and asking
the concurrence of this House.
The amendments were read and concurred in, and the Se-
ate so informed.
A message from the Senate, informing that they had pass-
ed the engrossed bill, supplemental to an act passed at the
present session of the General Assembly, entitled an act to
provide for the holding a term of the Supreme Court once a
year in the western part of the State;
To incorporate Franklinton Female Academy, in the
county of Franklin;
Concerning the survey of the Coast of the State of North
Carolina; and
The engrossed resolutions in favor of Ralph Hughes; and
in favor of John B. Allison; and asking the concurrence of
this House.
The said bills and resolutions were read the first time and
passed.
The engrossed bill to authorize the Petersburg Rail Road
Company, to raise by loan, or by an increase of its capital
stock, a sum not exceeding five hundred thousand dollars,
for certain purposes, was read the second time and passed.
The bill to transfer the funds belonging to the Board of
Internal Improvement to the Public Treasury, was read the
third time. Mr. Brogden moved to amend said bill by stri-
king out the second section.
The question thereon was decided in the negative—yeas
16, nays 93.

Those who voted in the affirmative, were.

Messrs. E. Barnes, Beam, Brogden, Collins, Cox, Creedie, J.
Those who voted in the negative, were


The question then recurring on the passing of the bill the third reading, was decided in the affirmative. Ordered that said bill be engrossed.

Mr. Washington, from the committee on the Judiciary, reported unfavorably on the bill for the appointment of commissioners of wrecks; when the same was on motion of Mr. Washington, laid on the table.

The bill to allow Thomas F. Jones, of Perquimans county, to build a bridge across Skinner's or Raccoon Creek, in said county; and

The bill concerning titles to lands;
Were read the third time, passed, and ordered to be engrossed.

The bill to establish the Commercial Bank at Wilmington, was read the third time, and the question, shall the same pass? was decided in the negative—yeas 37, nays 70.

Those who voted in the affirmative, were

Messrs. Baxter, Bullock, Calloway, Chunn, Cox, J. P. Davis, Ellis, Erwin, Fagg, Ferguson, Flemming, Foy, Gambill, Hall, Hayes, Hicks, Jackson, Kelly, Lemmond, Mebane, E. P. Miller, G. A. Miller, Murphey, McKesson, McNeill, Person, Pig-gott, Puryear,
Those who voted in the negative, were


On motion, leave of absence from the service of the House for the residue of the session, was granted to Mr. McKesson, after Thursday; to Messrs. Jackson, Steele and Ellis, after Friday; and to Mr. George, after Saturday next.

The House then took a recess 'till 7 o'clock, P. M.

7 O'clock, P. M.

The engrossed bill supplemental to an act passed by the present General Assembly, entitled a bill to lay off and establish a new county, by the name of Gaston, and to annex a part of Catawba county to the county of Lincoln, was read the third time.

Mr. Wilson moved to amend said bill by adding the following section:

Be it further enacted, That the Treasurer of Public Buildings of Lincoln County, shall be compelled to pay over to the county Trustee of Catawba county, whatever money may be in his hands collected of the citizens of Catawba county, before the division of said county of Lincoln, after retaining as much of said money, as will pay Catawba's rateable part of the
debt, that Lincoln county did owe at the time it was divided, if there was any "just debt owing."

The question on the adoption of this amendment was decided in the negative—yeas 9, nays 66.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question on the passage of the bill was decided in the affirmative. Ordered that the concurrence of the Senate be asked in the amendment heretofore made.

The engrossed bill to amend an act passed at the session of 1844-5, incorporating the Carthage Male and Female Academy, in the county of Moore, was read the third time and passed. Ordered that the concurrence of the Senate be asked in the amendment made on the second reading.

The bill to regulate the fishing with seines on New River, in Onslow county, was read the second time and rejected.

The bill to charter a Turnpike Road from Morganton, in the county of Burke, to the forks of the road near the 17 mile post, on the road leading to Yorkville, South Carolina, was read the second time. On motion of Mr. Flemming, the word McDowell, was added after the word Burke, in the last line of the seventh section. Mr. Flemming also moved to add thereto "Yancy county."

The question on this motion was decided in the negative—yeas 14, nays 67.
Those who voted in the affirmative, were


Those who voted in the negative, were


The question recurring on the passage of the said bill the second reading, was decided in the affirmative—yeas 52, nays 33.

Those who voted in the affirmative were,


Those who voted in the negative, were

The resolution in favor of William Morrison and Samuel Bryson; and

The bill concerning the bonds of Clerks of County Courts; Were read the third time, passed, and ordered to be engrossed.

The bill regulating the height of Fences, in the county of Pasquotank, and for other purposes; The bill to authorize William T. Sutton to build a Draw Bridge across Salmon Creek, in the county of Bertie; The bill for the better regulation of the hiring, renting and sale, of wards' property, in the county of Pasquotank; The bill to amend an act, entitled an act to incorporate a company, styled the Guilford Gold Mining Company; The bill supplemental to an act; passed at the session of the present General Assembly, entitled an act to charter the Wilmington and Manchester Rail Road Company; The bill to repeal an act, entitled an act to prevent fire hunting of Fowl, in the county of Carteret; The bill concerning the Treasurer of Public Buildings for Cleveland county; The bill for a road in McDowell and Yancy counties; The bill to repeal an act passed Jan. 1845, in regard to retail licenses of spirituous liquors, in the county of New Hanover; The bill to appoint Commissioners to view, lay off and improve the State Road from Wilkesborough to Peyton Colvard's; The bill to form a new Regiment out of the Militia of Catawba county; Were severally read the second time and passed.

The engrossed bill to repeal an act, entitled an act for the relief of purchasers of land sold for taxes, in the counties of Haywood and Henderson, ratified the 26th Jan. 1843; and The resolution in favor of Thomas Jenkins; Were each read the second time and rejected.

The bill to amend the first section of the act heretofore passed on the subject of Common Schools, was read the second time. Mr. D. A. Barnes moved that said bill be indefinitely postponed.

The question thereon was decided in the affirmative—yeas 48, nays 34.
Those who voted in the affirmative, were


Those who voted in the negative, were,


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

THURSDAY, January 14, 1847.

The engrossed bill to incorporate New River and Bear Creek Canal Company, in Onslow county, was read the second and third times, passed, and ordered to be enrolled.

Mr. Ferebee, from the select committee raised on the subject, reported resolutions relating to the Inlets on the Coast of North Carolina; which were read the first, second and third times, passed, and ordered to be engrossed.

The engrossed bill to authorize the Sheriffs and other officers of Hyde and Carteret counties, to execute any process on any person on board vessels lying in the waters between Ocracoke Island, in Hyde county, and the Island of Ports-
mouth; in Carteret county, and to increase their fees for such service; and

The engrossed resolution in favor of John K. Brooks, Sheriff of Caswell county;

Were read the second time and passed.

The engrossed bill for the better regulation of the town of Nashville, in Nash county, was read and laid on the table.

The engrossed bill to repeal an act, entitled an act to exempt certain persons of Hyde county from public duty, was read the second and third times, passed, and ordered to be enrolled.

The bill to bring into market the swamp lands drained by the State, and to construct a road from Plymouth to Pungo River, was read the second time and passed. On motion, the said bill was again read the third time, and the question shall the said bill pass the third reading, was decided in the affirmative—yeas 63, nays 35.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said bill be engrossed.

Received a message from the Senate, informing that they had passed the following engrossed bills, viz:
A bill to authorize the County Court of Hyde to lay a tax for the purpose of purchasing the Mattamuskeet Canal and Rose Bay Turnpike, from Rose Bay to Swan Quarter;
To incorporate the Trustees of the Nashville Male and Female Academies;
To open and improve the road leading from Council's Store, in Ashe county, to Bedford Wiseman's, in Yancy county;
To amend an act of the General Assembly of North Carolina, passed at the session of 1827, entitled an act to prevent the obstruction of Fish passing up the Roanoke and Cashie rivers and their waters, chapter 54;
To incorporate the Rough and Ready Light Dragoons, in the county of Pasquotank;
To authorize the County Court of Guilford to elect two additional Constables;
To extend the authority of the Justices of the County Court of Franklin;
To incorporate the Swift Island Manufacturing Company;
To incorporate the town of Franklinville, in Randolph county;
Directing the President and Directors of the Literary Fund to lend the Trustees of Floral College two thousand dollars;
To repeal in part an act passed in 1844-5, entitled an act to prevent frauds in levying executions issued by a single magistrate, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under execution, and to amend the same;
To enforce the State's indemnity against loss, on account of her suretyship for the Raleigh and Gaston Rail Road Company;
To incorporate the Davidson River Manufacturing Company, in the county of Henderson;
To incorporate the town of Wilkesborough, in Wilkes county, and for the better regulation thereof;
To amend an act, entitled an act to alter the mode of appointing Constables in Beaufort county;
To incorporate the Atlantic Guards;
For the better regulation of the Militia of this State;
Resolution relating to the State Capitol; and
Resolution in favor of Richard D. Spaight and others; and asking the concurrence of the House of Commons.
These bills and resolutions were read the first time and passed.

The engrossed bill to prevent the felling of timber in Hunting Creek, was read the second time and passed.

The engrossed bill to incorporate the Oxford Manufacturing Company, was read the second and third times, passed, and ordered to be enrolled.

On motion of Mr. Adams,

Resolved, That the evening sessions from 3 to 6 o’clock, shall be devoted to Private Bills exclusively, until the whole of them shall be disposed of, or until otherwise ordered.

Mr. Flemming introduced a bill to extend the corporate limits of the town of Morganton, in the county of Burke; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Ferebee, from the committee on the Library, reported a resolution to furnish certain records to Harvard University; which was read the first time and passed.

The engrossed bill to authorize the Petersburg Rail Road Company, to raise by loan or by an increase of its capital stock, a sum not exceeding five hundred thousand dollars, for certain purposes, was read the third time. Mr. Long offered the following amendment:

Be it further enacted, That in consideration of the additional privilege and powers, by the provisions of this act, extended to the said Petersburg Rail Road Company, it shall be the duty of said company, during the period of their charter, to keep up and in good order and in operation, that portion of the road lying between the Junction, in Greenville county in Virginia, and the town of Welden N. C., and also that portion of the Greenville and Roanoke Rail road, lying between the Junction and Gaston.

The question on the adoption of this amendment was decided in the affirmative—yeas 62, nays 41.

Those who voted in the affirmative, were

Messrs. Adams, Austin, D. A. Barnes, E. Barnes, E. J. Blount,

Those who voted in the negative, were


The question, shall the said bill pass as amended the third reading? was decided in the affirmative. Ordered that the concurrence of the Senate be asked in the amendment.

Mr. Brogden moved that the vote of yesterday, rejecting on the third reading, the bill to establish the Commercial Bank at Wilmington be reconsidered, and this motion was laid on the table.

On motion of Mr. Waddell, the House took up for consideration the engrossed bill to establish a new county by the name of La Fayette, the question being on the passage of the said bill the third reading. The bill was amended, on motion of Mr. Baxter, and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 63, nays 31.

Those who voted in the affirmative, were

Those who voted in the negative, were


Ordered, That the concurrence of the Senate be asked in the amendments heretofore made.

The House then took a recess until 3 o'clock P. M.

3 O'clock, P. M.

Received a message from the Senate, informing that they concur in the several amendments made by the House, to the engrossed bill from the Senate to regulate the appointment of Field Officers of Regiments of Volunteers, called into the service of the United States. Ordered that said bill be enrolled.

Mr. Pegram presented a bill for cutting a navigable canal from the waters of the Yadkin to the waters of the Cape Fear, in this State; which was read the first, second and third times, passed, and ordered to be engrossed.

The engrossed resolution directing the President and Directors of the Literary Fund to lend two thousand dollars to the President and Trustees of Floral College, was read the second time and passed. The said bill was again read the third time, and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 57, nays 35.

Those who voted in the affirmative, were

Those who voted in the negative, were


Ordered, That the said bill be enrolled.

The bill regulating the height of fences in Pasquotank county;
The bill to authorize Wm. T. Sutton to build a draw bridge across Salmon Creek, in the county of Bertie.
The bill for the better regulation of the hiring, renting and sale of wards' property, in the county of Pasquotank, were each read the third time, passed, and ordered to be engrossed.
The resolution for paying certain Militia Officers of 55th Regiment in Cumberland county for holding a Court Martial, was read the second time, and on motion of Mr. Shaw, postponed indefinitely.
The resolution in favor of Felix Axley;
The bill concerning surplus money from the sale of town lots in Marion;
The bill to legalize the sale of certain lots in the town of Shelby, in Cleaveland county;
The bill to incorporate the Philadelphia and North Carolina Mining and Smelting Company;
The resolution in favor of a Uniform Company, in Yancy county;
And the resolution in favor of the doorkeepers, were severally read the second and third times, passed, and ordered to be engrossed.
The bill to repeal an act, entitled an act to prevent fire hunting of fowl in Carteret county;
The bill concerning the Treasurer of public buildings for Cleaveland county;
The bill for a road in McDowell and Yancy counties;
The bill to repeal an act passed January 1845, in regard to retail licenses of spirituous liquors, in New Hanover county;
The bill to form a new Regiment out of the Militia of the county of Catawba; and
The bill to revive the Hiwassee Turnpike Company, and to
extend the charter of the same, were each read the third time and passed, and ordered to be engrossed.

Received from his Excellency the Governor, by his Private Secretary, a communication relating to the application of Zilpha Crocker for a pension. Ordered that the message and accompanying papers be referred to the committee on Claims.

The bill to charter a Turnpike Road from Morganton, in Burke county, to the forks of the road, near the 17 mile post, on the road leading to Yorkville, South Carolina, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Cumberland Academy, in the county of Cumberland;

The bill to regulate the pay of Jurors and Witnesses, in the county of Rutherford;

The engrossed bill to incorporate Goldsborough, in the county of Wayne;

The engrossed bill to amend an act of the General Assembly of North Carolina, passed at its session of 1827, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their waters;

The engrossed bill to incorporate Franklinton Male Academy, in the county of Franklin;

The engrossed bill to incorporate the Ringgold Artillery, a Volunteer Company, in the city of Raleigh;

The engrossed resolution in favor of Ralph Hughes, were each read the second and third times, passed, and ordered to be enrolled.

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

The bill to amend an act, entitled an act to incorporate a company styled the Guilford Gold Mining Company;

The bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to charter the Wilmington and Manchester Rail Road Company;

The bill to prevent the felling of timber in Hunting Creek;

The bill to incorporate the town of Franklinville, in the county of Randolph;

The bill to authorize the Sheriffs and officers of Hyde and Carteret counties, to execute any process on any person on board vessels lying in the waters between Ocracoke Island, in Hyde county, and the Island of Portsmouth, and to increase their fees, for such service;

And the engrossed resolution in favor of John K. Brooks, Sheriff of Caswell county;
The bill to appoint Commissioners to view, lay off and improve the State road from Wilkesboro to Peyton Colvard's, was read third time, amended and passed, and ordered to be engrossed.

The engrossed bill to incorporate Franklinton Female Academy, in the county of Franklin;

The engrossed resolution in favor of Richard D. Spaight, Philip Pipkin and John M. Bryan;

The engrossed resolution in favor of John B. Allison;

The engrossed bill to amend an act, entitled an act to alter the mode of appointing Constables in Beaufort county; and

The engrossed bill to incorporate the Atlantic Guards;

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

A message from the Senate, concurring in the amendment made by this House to the engrossed bill from the Senate, to authorize the Petersburg Rail Road Company to raise by loan or by an increase of its capital stock, a sum not exceeding $500,000, for certain purposes.

Ordered, That said bill be enrolled.

The House then took a recess till 7 o'clock, P. M.

7 O'clock P. M.

The engrossed bill to incorporate the Davidson River Manufacturing Company, in Henderson county;

The engrossed bill to authorize the Court of Pleas and Quarter Sessions for the county of Hyde to lay a tax, for the purpose of purchasing the Mattamuskeet Canal and Rose Bay Turnpike, from Rose Bay to Swan Quarter;

The engrossed bill to incorporate the Swift Island Manufacturing Company; and

The engrossed bill to extend the authority of the Justices of the County Court of Franklin county;

Were each read the second and third times, passed, and ordered to be enrolled.

The bill to establish and lay off a new county by the name of Graham, was taken up, and, on motion of Mr. J. H. White, postponed until to-morrow.
The engrossed bill to incorporate the Rough and Ready Light Dragoons, in the county of Pasquotank, was read the second and third times, passed, and ordered to be enrolled.
The bill to prevent further trading with slaves, was read the third time, and the question on the passage of said bill was decided in the affirmative—yeas 57, nays 27.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said bill be engrossed.

The bill to establish the Commercial Bank at Wilmington, was considered again on the third reading; and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 55, nays 40.

Those who voted in the affirmative, were

Those who voted in the negative, were


Ordered, That said bill be engrossed.

The bill to annex a part of New Hanover to the county of Sampson, was read the second and third times, amended on motion of Mr. Murphey, and passed, and ordered to be engrossed.

The engrossed bill to regulate the distribution of the public arms, was read the second and third times, passed, and ordered to be enrolled.

Mr. McKesson presented a bill to incorporate the Caldwell and Ashe Turnpike Company; which was read the first time and passed.

The engrossed bill concerning wrecks and wrecked property, was read the second time, and, on motion of Mr. Washington, laid on the table.

The bill more effectually to prevent frauds on the revenue by pedlars, was read the second time, and, on motion of Mr. Mebane, postponed indefinitely.

The bill to amend an act, passed at the last session of the General Assembly, entitled an act more effectually to secure the debts due for Cherokee lands, and to facilitate the collection of the same, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to regulate the appointment of Principal Clerks of the two Houses, and for other purposes;

The engrossed bill to amend an act for a Canal from Cape Fear to Lumber river: and

The engrossed bill to incorporate the Merchant's Steam Boat Company, of Fayetteville;

Were each read the second and third times, passed, and ordered to be enrolled.

Received a message from the Senate, informing that they do not concur in the amendment proposed by this House to the engrossed bill from the Senate, to incorporate the Fay-
etteville Hotel Company. On motion of Mr. Paine, ordered that this House do insist on their said amendment, and that the Senate be so informed.

The bill to repeal an act, passed at the session of 1844-5, chapter 32, entitled an act in favor of poor debtors; and

The bill to repeal an act, passed at the session of 1844-5, entitled an act more effectually to prevent the imprisonment of honest debtors;

Were each read the second time, and, on motion, indefinitely postponed.

Received a message from the Senate, informing that they concur in the several amendments made by the House of Commons to the Senate

Bill to amend an act passed at the session of 1844-5, incorporating the Carthage Male and Female Academies;

Also the bill supplemental to an act passed by the present General Assembly, entitled an act to establish a new county by the name of Gaston; and

The bill to incorporate the Neuse Fire Company. Ordered that said bills be enrolled.

The resolution in relation to the Public Arsenal, in the city of Raleigh;

The resolution in relation to the payment of the State tax by the Cape Fear Bank; and

The bill to protect from injury the lots belonging to the State in the city of Raleigh;

Were each read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act, entitled an act extending the time for perfecting the titles to lands heretofore entered, passed at the last session of the General Assembly, chapter 49, was read the second time and passed.

The bill concerning Sureties for the prosecution of Suits;

And the bill concerning Burke, Caldwell and McDowell county Courts;

Were each read the second time and rejected.

The bill to amend an act to reduce into one the several acts, concerning Pilots and Commissioners of Navigation; and

The resolution authorizing the banks of this State to issue small bills, were on motion, laid on the table.

Mr. Fagg moved that the vote of yesterday by which was rejected on the second reading, the engrossed bill from the Senate to repeal an act, entitled an act for the relief of purchasers
of land sold for taxes in the counties of Haywood and Henderson, be now reconsidered, and Mr. Baxter moved that said motion be laid on the table. The motion of Mr. Baxter prevailed, and the House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, January 15, 1847.

Mr. Wilson introduced a bill to allow all free white men to retail spirituous liquors and to practice law without license in Catawba county. Mr. Puryear moved that said bill be rejected. And the question on this motion, was decided in the affirmative—yeas 77, nays 14.

Those who voted in the affirmative were,


Those who voted in the negative were

Messrs. Beam, Brodgen, Ellis, Ferguson, Gatling, Harrison, Kelly, Potts, Reid, Reinhardt, Waddell, Webster, J. H. White, Wilson, 14.

The engrossed bill to open and improve the road leading
from Council's Store in Ashe county, to Bedford Wiseman's in Yancy county, was read the second time and passed.

The bill to lay off and establish a new county by the name of Graham, was taken up and considered. Mr. J. H. White moved the following amendment: Strike out all after the word River in the 8th line, and insert "thence up the various courses of the said Catawba to a point half a mile above Sherrill's ford on said River;" and the question on this motion, was decided in the affirmative—yeas 45, nays 42.

Those who voted in the affirmative, were


Those who voted in the negative, were,


On motion of Mr. Bullock, the said bill was then postponed indefinitely.

Mr. Hawkins, from the committee on Claims, reported a resolution in favor of Zilpha Crocker of Wayne county; which was read the first, second and third times, passed, and ordered to be engrossed.

Received a message from the Senate, transmitting the pension certificate of Johnston county Court, in favor of Jaco Peacock, a State Pensioner. Ordered that the same be consigned by the the Speaker of this House.

Mr. Washington, from the committee on the Judicial, supported favorably on the bill to abolish Jury Trials in the
ty Courts of this State, and to divide the State into three Judicial Divisions, and for other persons; when on motion of Mr. Washington, the said bill was laid on the table.

The engrossed bill to authorize the Commissioners of the town of Wilmington to borrow $200,000, and for other purposes, was read the second time: the question, shall the said bill pass the second reading? was decided in the negative—yeas 30, nays 70.

Those who voted in the affirmative, were


Those who voted in the negative, were


The bill to amend an act, entitled an act to reduce into one the several acts concerning Pilots and Commissioners of navigation, was read the third time and amended; and the question on the passage of the bill was decided in the affirmative—yeas 76, nays 9.

Those who voted in the affirmative, were

Those who voted in the negative, were

Messrs. E. Barnes, Brown, Davenport George, Harrison, Holeman, Krimminger, Trull, Whitaker, 9.

Ordered, That said bill be engrossed.

Mr. Ferebee presented a resolution relating to the publication of old Documents; which was read the first time and passed.

Received a message from the Senate, informing that they had passed the engrossed resolution for the appointment of additional Engrossing Clerks; which was read three times and passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed resolution in favor of the Engrossing Clerks, and asking the concurrence of this House. The said resolution was read and rejected.

Received a message from the Senate, concurring in the first and second amendments proposed by this House to the bill to establish a new county by the name of La Fayette, and asking a conference on the disagreeing votes of the two Houses on said bill. Ordered that the Senate be informed that the House agrees to the said proposition for a conference, and proposes that the committee consist of four members on the part of each House.

The resolution authorizing the Banks of this State to issue small bills, was, on motion of Mr. Courts, indefinitely postponed.

The bill to amend an act, entitled an act to consolidate and amend the acts heretofore passed on the subject of Common Schools, was read the second time, amended, and passed. On motion, the House considered the bill on the third reading; and the question, shall the said bill pass the third reading? was decided in the affirmative—yeas 67, nays 23.
Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That the said bill be engrossed.

The House then adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

Received a message from the Senate, informing that they had passed the engrossed bills
To increase the Public Revenue;
To repeal an act, entitled an act respecting Jurors, in Hyde county;
To authorize the removal of the county seat of Wayne from Waynesboro' to Goldsboro', on certain conditions; and asking the concurrence of this House. The said bills were read the first time and passed.
A message from the Senate, agreeing that the Committee of Conference on the disagreeing vote of the two Houses, on the bill to establish the county of La Fayette, shall consist of four members, and informing that Messrs. Francis, Graves, Halsey and Street form their branch of said committee. Ordered, that
Messrs. Washington, Hall, J. H. White and Puryear compose this committee on behalf of this House.

The engrossed bill to provide for a re-assessment of the lands of this State, and a more accurate enlistment of the taxable polls, was read the second time. Mr. Ellis moved to strike out the 4th section of the bill. The question thereon, was decided in the negative—yeas 11, nays 87.

Those who voted in the affirmative, were

Messrs. Ellis, Erwin, Hicks, Lemmond, E. P. Miller, McCurry, McKesson, Pegram, Reid, Ribelin, Wellborn, 11.

Those who voted in the negative, were


The question, shall the said bill pass the second reading? was decided in the affirmative—yeas 67, nays 27.

Those who voted in the affirmative, were

Those who voted in the negative, were


On motion, the said bill was again read, and the question, shall the bill pass the third reading? was decided in the affirmative; and it was ordered to be enrolled.

On motion of Mr. Foy,

Ordered, That the select committee, raised for the purpose of examining the accounts of the State's Commissioners for selling and keeping up the Raleigh and Gaston rail road, have leave to sit to-morrow during the sitting of the House.

The engrossed bill to incorporate the town of Wilkesboro', in the county of Wilkes, and for the better regulation thereof, was read the second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in said amendments.

Mr. Hawkins, from the committee on Claims, reported a resolution in favor of J. E. Lumsden; which was read three times, passed, and ordered to be engrossed.

The engrossed bill to authorize the county Court of Guilford to elect two additional Constables, was read and laid on the table.

The engrossed bill to give exclusive jurisdiction to the Superior Courts of Moore county, and for the better regulation of the county Courts of said county, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Trustees of the Male and Female Academy, in the town of Nashville, in Nash county, was read the second and third times, passed, and ordered to be enrolled.

Received a message from the Senate, proposing to raise a committee of conference on the disagreeing votes of the two Houses, on the bill to incorporate the Fayetteville Hotel Company. The proposition was agreed to, and Messrs. D. A. Barnes, Smith, Stone and Krimminger were appointed
said committee on behalf of this House. A message from the Senate, informing that Messrs Cameron, Wadell, Hill and Woodlin, form their branch of said committee.

The bill to incorporate the Caldwell and Ashe Turnpike Company; and

The resolution to furnish certain records to Harvard University, were read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, concurring in the amendment made to the engrossed bill to incorporate the town of Wilkesborough. Ordered that said bill be enrolled.

The engrossed bills to improve the navigation of Lumber River; and

To authorize the Court of Pleas and Quarter Sessions of Hyde county to appoint Commissioners of navigation for Hatteras Inlet, near Stowe's Hill, in Hyde county;

To incorporate the Henrietta Steam Boat Company, in the town of Fayetteville;

Were read the second and third times, passed, and ordered to be enrolled.

The following engrossed bills, viz:

To amend an act, entitled an act to amend the Revised Statutes, entitled an act concerning last wills and testaments;

To alter the time of holding two of the County Courts of Caldwell county;

To authorize the laying off and establishing a Turnpike Road from the head of Carter's and Spencer's Canal, near Mattamuskeet Lake, in Hyde county, to Columbia, in Tyrrell county; and

The engrossed resolution respecting sale of Swamp lands;

Were each read the second and third times, passed, and ordered to be enrolled.

The bill to amend an act, entitled an act extending the time for perfecting titles to lands heretofore entered, passed at the last session of the General Assembly, was read the third time, passed, and ordered to be engrossed.

The House then took a recess 'till 7 o'clock, P. M.
Mr. Pegram introduced a bill supplemental to an act to incorporate the Yadkin and Cape Fear Canal Company; which was read three times and passed, and ordered to be engrossed.

Received a message from the Senate, informing that they had passed the engrossed bill from this House, to incorporate the Washington and New Orleans Telegraph Company, with an amendment, viz: to strike out the whole thereof after the enacting clause, and to insert a substitute marked A., and asking the concurrence of this House. The amendment was read and concurred in, and the Senate so informed.

The engrossed bill concerning the trial of causes in the Supreme Court, was read the second time, and, on motion of Mr. Hicks, indefinitely postponed.

The bill to establish a new county by the name of Williams, out of portions of the counties of Iredell, Wilkes and Surry, was read the second time, and, on motion of Mr. Holeman, postponed indefinitely—yeas 61, nays 27.

Those who voted in the affirmative, were


Those who voted in the negative, were


The engrossed bill supplemental to an act, passed at the
present session of the General Assembly, entitled an act to provide for holding a term of the Supreme Court once a year in the western part of the State, was read the third time. Mr. Baxter moved that said bill be indefinitely postponed.

The question thereon was decided in the negative—yeas 14, nays 72.

Those who voted in the affirmative, were


Those who voted in the negative, were


The question, shall the said bill pass the third reading? was decided in the affirmative. Ordered, that the same be enrolled.

The engrossed bill to enforce the State’s Indemnity against loss on account of her suretyship for the Raleigh and Gaston Rail Road Company;

And the engrossed bill to repeal an act, entitled an act respecting Jurors, in the county of Hyde, were each read the second and third times, passed, and ordered to be enrolled.

Mr. Hawkins, from the committee on Claims, reported favorably on the resolution to pay certain contingent expenses of the Legislature; when the same was read three times and passed, and ordered to be engrossed.

The bill to impose a tax upon certain articles was read, and on motion, laid on the table.
The resolution concerning the Cape Fear Navigation Company, was read the second time and rejected.

The engrossed bill for the better regulation of the Militia of this State, was read the second time, amended, and postponed indefinitely.

Received a message from the Senate, informing that they had passed the bill to prevent further trading with slaves with certain amendments; and asking the concurrence of this House. The proposed amendments were read, and the House refused to concur therein.

The engrossed bill concerning the survey of the coast of the State of North Carolina, was read the second and third times, passed, and ordered to be enrolled.

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

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Saturday, January 16, 1847.

Mr. Mebane, from the committe on Finance, to whom was referred, on the 10th of December, a resolution relating to the taxing of capital and other articles, and the expediency of issuing Treasury notes, reported that it is not expedient at this time to legislate in the way proposed; and asked to be discharged from the further consideration of the subject. The report was concurred in.

The bill authorizing the President and Directors of the Literary Fund to transfer to the Public Treasurer certain bonds, notes and judgments, and for other purposes, was taken up; the question pending, being on the motion to reconsider the vote of the sixth of January, by which the third section of said bill was stricken out; and the question, will the House so reconsider? was decided in the negative—yeas 37, nays 45.

Those who voted in the affirmative, were

Messrs. D. A. Barnes, Baxter, Britton, Brown, Calloway, Ferebee, Gambill, Gatling, George, Golding, Harris, Hargrave,

Those who voted in the negative, were


The said bill was thereupon read the second and third times, passed, and ordered to be engrossed.

The bill for the sale of the Raleigh and Gaston rail road, was read the second time and amended, on motion of Mr. Mebane, and the question, shall the said bill pass the second reading? was decided in the negative—yeas 47, nays 51.

Those who voted in the affirmative were,


Those who voted in the negative, were

Mr. Washington, from the committee of Conference on the disagreeing votes of the two Houses, on the engrossed bill to establish a new county by the name of La Fayette, reported that said committee do recommend that the House recede from their said amendment; and the question on concurring in this report, was decided in the affirmative—yeas 47, nays 44.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. D. A. Barnes, from the committee of Conference on the disagreeing votes of the two Houses, on the engrossed bill to incorporate the Fayetteville Hotel Company, reported that the committee do recommend the House do recede from their said amendment; and the question on concurring in this report, was decided in the negative; and so the House refused to recede from their said amendment.

The engrossed bill to authorize the removal of the county seat in Wayne county, from the town of Waynesborough to the village of Goldsborough, in said county of Wayne, on certain conditions, was read the 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 had passed the engrossed resolution in relation to the bonds given for rent of Cherokee lands, and asking the concurrence of this House. The said resolution was read the first and second times and passed. On motion, the said resolution was again read the third time, and the question on passing the third reading, was decided in the affirmative—yeas 36, nays 34.

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered, That said resolution be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to attach a part of Guilford county to Rockingham county, and asking the concurrence of this House. The said bill was read the first time, and, on motion of Mr. Adams, rejected—yeas 43, nays 40.

Those who voted in the affirmative, were

Those who voted in the negative, were


Received a message from the Senate, informing that they had passed the engrossed bill from the Commons, to provide for the apprehension of runaway slaves in the Great Dismal Swamp, and for other purposes, with an amendment; and asking the concurrence of this House. The amendment was read and concurred in, and the Senate so informed.

A message from the Senate, informing that they had passed the engrossed bill supplemental to act to incorporate the town of Wilkesboro', in the county of Wilke's, with certain amendments; and asking the concurrence of this House. The amendments were read, and concurred in.

A message from the Senate, informing that they had rejected the following engrossed bills from this House, viz:

Providing for a proper distribution of the acts of Assembly;
To consolidate bonds given by purchasers of Cherokee lands;
Resolution in favor of George Boggan, Sheriff of Anson county;
To extend to the county Court of Buncombe, the provisions of an act of Assembly, for the relief of purchasers of lands sold for taxes, in the counties of Haywood and Buncombe; and
The bill concerning Courts of Haywood and Macon counties.

The bill regulating State elections, was read the second time, and, on motion of Mr. Smith, postponed indefinitely—yeas 59, nays 25.

Those who voted in the affirmative, were


Those who voted in the negative, were


The engrossed bill to increase the public revenue, was read the second time. Mr. D. A. Barnes moved to amend said bill by striking out the second section. The question thereon, was decided in the negative, and the bill passed the second and third readings, and was ordered to be enrolled.

The engrossed bill to provide for the sale of certain lands, in Macon and Cherokee counties;

And the resolution in relation to the accounts of the purchasers of Cherokee lands, were each read the second and third times, passed, and ordered to be enrolled.

Received from the Senate, an engrossed resolution relative to the claim of the devisees of Wm. Cathcart dec'd.; which was read three times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills and resolution; and asking the concurrence of this House, viz:

Extending time for perfecting titles to lands heretofore entered;

To change the time of electing superintendents of Common Schools, in the counties of Graville and Wake;

To authorize the inspection of Provisions;

To incorporate the Philadelphia and North Carolina Mining and Smelting Company;

And resolution in favor of Thomas N. Alexander, Sheriff of Mecklenburg county.

These were read the first time and passed.

The House then took a recess until 3 o'clock P. M.
3 O'Clock, P. M.

Mr. McDowell offered a resolution, "that no member be allowed to speak more than five minutes on the same subject during the residue of the session;" which was read, and laid on the table.

The following engrossed bills:
To repeal an act, entitled an act for the relief of purchasers of lands sold for taxes, in the counties of Haywood and Henderson;
Providing for the transfer of the bonds of the Raleigh and Gaston rail road company, endorsed by the State;
To tax the vendors of foreign made riding vehicles;
To provide for the transfer of certain funds of the Internal Improvement Board to the Public Treasury, and for other purposes;
Were severally read the second and third times, passed, and ordered to be enrolled.

The resolution relating to the publication of documents illustration of the history of the State, was read the second and third times, passed, and ordered to be engrossed.

The resolution relating to Volunteers for the Mexican service, was, on motion of Mr. Puryear, laid on the table.

The engrossed bill to regulate the removal of hands liable to work on the public roads, from one road to another, was read, and, on motion of Mr. Davenport, indefinitely postponed.

Mr. Neal introduced a bill to authorize the Governor of the State to sell the Raleigh and Gaston rail road; which was read the first time and rejected—yeas 40, nays 32.

Those who voted in the affirmative, were

Those who voted in the negative, were
Messrs. E. Barnes, Brogden, Courts, Dancy, J. N. Davis, Ed-

Received a message from the Senate, informing that they had passed the engrossed bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Alexander, and asking the concurrence of this House. The bill was thereupon read three times and passed, and ordered to be enrolled.

Mr. Dancy introduced a resolution relative to the mode of printing the Journals of the General Assembly; which was read the first time and passed.

The engrossed resolution in favor of Thomas N. Alexander, was read the second and third times, passed, and ordered to be enrolled.

Mr. W. F. Jones presented a bill supplemental to an act passed at the present session, entitled an act to lay off and establish a county by the name of Polk; which was read the first time and passed. Mr. Baxter moved to amend said bill, by striking out the names of the Commissioners. The question on this motion, was decided in the negative—yeas 32, nays 42.

Those who voted in the affirmative, were


Those who voted in the negative, were


The said bill was thereupon read the second and third times, passed, and ordered to be engrossed.
The resolution relative to the mode of printing the Journals of the General Assembly, was read the second and third times, amended and passed, and ordered to be engrossed.

Mr. Williams moved that the House do reconsider their vote of yesterday, by which was rejected the bill authorizing the Commissioners of Wilmington to borrow $200,000; and Mr. Adams moved that this motion be laid on the table; which prevailed.

Mr. Foy, on behalf of the select committee raised to examine the accounts of the Treasurer of the Raleigh and Gaston Rail Road, since it became the property of the State, made a report; which was ordered to be printed, together with the accompanying documents.

The resolution for an appropriation for Volunteers to Mexico, was read the second time and amended, on motion of Mr. Wilder, and passed—yeas 89, nays 1.

Those who voted in the affirmative, were


Mr. Wilson voted in the negative.

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

To repeal in part an act passed in 1844-5, entitled an act to prevent frauds in levying executions issued by a single magistrate;

To open and improve the road leading from Council's Store, in Ashe county, to Bedford Wiseman's, in Yancey county;
To incorporate the Philadelphia and North Carolina Mining and Smelting Company;
Extending the time for perfecting titles to lands heretofore entered;
To change the time of electing the superintendents of Common Schools, in the counties of Granville and Wake;
To amend an act of the last session, entitled an act in favor of poor debtors;
To amend the 75th sec. chap. 34, Revised Statutes, entitled Crimes and Punishments;
Resolution on sale of chattels about the Capitol; and
Resolution relating to the State Capitol.
The engrossed bill to authorize the inspection of provisions; and
The bill concerning the mileage of the members and officers of the General Assembly;
Were read the second time and postponed indefinitely.
The House then took a recess till 7 o'clock, P. M.

7 O'clock P. M.

Mr. Wilder introduced a resolution to sell the State Lot adjoining John Hutchins'; which was read three times and ordered to be engrossed.
Received a message from the Senate, informing that they recede from their disagreement to the amendment of the House of Commons to the engrossed bill to incorporate the Fayetteville Hotel Company. Ordered that said bill be enrolled.
A message from the Senate, concurring in the amendment proposed by this House to the bill authorizing the seat of justice of Wayne county to be removed. Ordered that said bill be enrolled.
A message from the Senate, informing that they had passed the engrossed bill to provide suitable buildings for the comfortable accommodation of deaf mutes and blind persons of this State, and asking the concurrence of this House. The said bill was read the first, second and third times, passed, and ordered to be enrolled. On the second reading of the bill, Mr. Wilson called the yeas and nays, and the vote was—yeas 69, nays 12.
Those who voted in the affirmative, were


Those who voted in the negative, were


Received a message from the Senate, informing that they had passed the engrossed bill for the preservation of the Raleigh and Gaston Rail Road, and asking the concurrence of this House. The said bill was read three times and passed, and ordered to be enrolled.

The House proceeded again to the consideration, on the second reading, of the bill to authorize the Commissioners of the town of Wilmington to borrow 200,000, and the question being on the passage of the said bill the second reading, was decided in the negative—yeas 31, nays 53.

Those who voted in the affirmative were,


Those who voted in the negative were

Received a message from the Senate, informing that they had passed the engrossed bill from this House to make a road from Plymouth, in Washington county, and to bring into market the swamp lands of the State, with an amendment, and asking the concurrence of this House. The amendment was read, and the House refused to concur therein.

Mr. D. A. Barnes introduced a resolution for supplying the Justices of the Peace in the State with the Revised Statutes; and, on motion of Mr. Leathers, the said resolution was indefinitely postponed—yeas 60, nays 22.

Those who voted in the affirmative, were


Those who voted in the negative, were


The engrossed bill for the better regulation of the militia of this State, was reconsidered, and the question being on passing the said bill the second reading, the same was amended and passed. The bill was again read the third time and
passed. Ordered that the concurrence of the Senate be asked in the amendments.

Received from the Senate a message, informing that they recede from their amendment to the engrossed bill to make a road from Plymouth, &c.

A message from the Senate, informing that they had passed the engrossed bill to prevent Rail Road Companies from obstructing navigable water courses, and for other purposes; and

The engrossed bill to authorize the Board of Internal Improvement to make sale of the Club Foot and Harlow's Creek Canal; and

A resolution addressed to the Governor of the State; and asking the concurrence of this House.

The said bills and resolution were read three times and passed, and ordered to be enrolled.

Mr. Holden presented a resolution relative to duties of Doorkeepers; which was read three times and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to consolidate various acts in favor of poor debtors, and asking the concurrence of this House. The bill was read, and, on motion of Flemming, postponed indefinitely.

A message from the Senate, concurring in the amendments proposed by the House of Commons, to the bill for the better regulation of the militia of this State. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill supplemental to an act, passed at the last session of the General Assembly, entitled an act to cede a portion of Rutherford county to the county of Henderson, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in, and the Senate so informed.

Mr. Skinner presented a bill to impose taxes on transient merchants, in the incorporated towns of the State; which was read three times, passed, and ordered to be engrossed.

A resolution in favor of Henry D. Turner was received from the Senate, together with a message, asking the concurrence of the House therein. The said resolution was read three times and passed, and ordered to be enrolled.

A message from the Senate, informing that they had pass-
ed the engrossed resolution in favor of the heirs of Heze-
kiah Rice, and asking the concurrence of this House. The
said resolution was read three times, passed, and ordered to
be enrolled.
The House then adjourned until Monday morning, 4 o'clock.

MONDAY, January 18, 1847.

Received a message from the Senate, proposing the adop-
tion of the following resolution:

Resolved, That the Sixth Joint rule be suspended for the
remainder of the session, so far as respects Private Bills and
Private Resolutions; and that all Private Bills and Private
Resolutions which have been engrossed in a fair hand, and to
which no amendments have been made after the engrossment,
shall be considered as enrolled, and shall be signed by the
Speaker and ratified accordingly.

The message was concurred in, and the resolution adopted.

Messrs. Scott, Whitaker, Sanders, Britton, Regan, Skinner
and Person, were appointed a committee on Enrolled Bills the
present week, and the House informed by a message from the
Senate, that Messrs. Albright, Cameron, Mills and Kelly com-
pose said committee on behalf of the Senate.

A message was received from the Senate, proposing that the
Joint Order of the two Houses to adjourn at 6 o'clock A. M.
this day, be rescinded; and that the two Houses do adjourn
sine die on to morrow morning at 6 o'clock. This proposition
was not concurred in; and, on motion of Mr. Barnes, ordered
that the Senate be informed, that this House proposes to
postpone the hour of adjournment till 8 o'clock this day.

Received from the Senate a message a agreeing to postpone
till 8 o'clock, the hour of adjournment.

Mr. Ferebee presented a resolution to pay Assistant Engrossing
Clerks; which was read three times and passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to impose taxes on transient merchants in the incorporated towns in this State, with amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

On motion,

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. Neal offered the following, resolution:

Resolved, That the thanks of this House are due, and are hereby tendered to the Hon. Robert B. Gilliam, for the ability, dignity and impartiality, with which he has discharged the duties of Speaker of this House.

The said resolution was unanimously adopted.

Whereupon, the Speaker made his acknowledgments to the House in an appropriate address, and then adjourned the same without day.

ROBERT B. GILLIAM,
Speaker of the House of Commons.

By order

CHAS. MANLY,
Clerk House Commons.
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TO THE

JOURNAL OF THE HOUSE OF COMMONS.

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