Journal of the House of Commons.
1854-'55.
At a General Assembly of the State of North Carolina, begun and held at the capitol in the City of Raleigh, on Monday, the twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-four, and the seventy-ninth year of the independence of the United States of America, being the day appointed by law for the meeting of the General Assembly, the following members of the House of Commons appeared, exhibited their credentials, and were duly qualified as such according to law, viz:

Ashe—A. Gentry.
Alamance—Giles Mebane, J. W. Lancaster.
Alexander—A. M. Bogle.
Buncombe—Z. B. Vance.
Bladen—George M. White.
Bertie—P. H. Winston, Jr.
Beaufort—J. R. Stubbs.
Brunswick—Gaston Meares.
Cabarrus—D. M. Barringer.
Catawba—H. Sherrill.
Craven—S. W. Chadwick, George Green.
Chowan—John C. Badham.
Columbus—A. J. Jones.
Camden—W. Harrison.
Carteret—I. T. Oglesby.
Cherokee—John Roland.
Caswell—Samuel P. Hill, William Long.
Caldwell—S. F. Patterson.
Currituck—S. B. Jarvis.
Cleveland—G. G. Holland, W. W. Wright.
Davidson—J. M. Leach, Henry Walser.
Davie—W. B. March.
Duplin—N. B. Whitfield, W. J. Houston.
Edgecombe—Joshua Barnes, David Williams.
Forsythe—J. A. Waugh, Allen Flynt.
Franklin—W. K. Martin.
Guilford—D. F. Caldwell, Calvin Johnson.
Green—B. F. Williams.
Gates—Mills H. Eure.
Gaston—James H. White.
Hertford—W. L. Daniel.
Hyde—Milton Selby.
Henderson—
Iredell—R. H. Parks, L. Q. Sharpe.
Jackson—Thadeus D. Bryson.
Jones—F. G. Simmons.
Lenoir—William Sutton.
Lincoln—H. Cansler.
Mecklenburg—Wm. R. Myers, William Black.
Martin—John Watts.
McDowell—S. J. Neal.
Moore—Hugh Leach.
Montgomery—Zebedee Russell.
Macon—A. J. Patton.
Madison—John Yancey.
Nash—John W. Bryant.
New Hanover—T. H. Williams, Dugald McMillan.
Northampton—John B. Bynum.
Orange—S. F. Phillips, Josiah Turner, Jr.
Onslow—L. W. Humphrey.
Pasquotank—Wm. E. Mann.
Perquimons—John P. Jordan.
Pitt—G. E. B. Singeltary, W. J. Blow.
Person—Major Green,
Randolph—John A. Craven, Jesse Thornburg.
Richmond—Walter L. Steele.
Rutherford—W. M. Shipp, John G. Bynum.
Rowan—C. A. Rose.
Robeson—Neil Regan, Thomas A. Norment.
Rockingham—Thomas Settle, Jr., Joseph W. Neal.
Sampson—E. F. Shaw, G. H. Daughtry.
Surry—Charles Whitlock.
Stokes—Joel F. Hill.
Stanly—John Furr.
Tyrrell—
Union—James A. Dunn.
Wake—N. G. Rand, W. W. Whitaker, Jacob Mordecai.
Warren—Samuel A. Williams, William A. Jenkins.
Washington—
Watauga—Jobathan Horton.
Wayne—Wm. T. Dortch, L. Whitfield.
Wilkes—L. B. Carmichael, C. L. Cook.
Yancey—J. W. Garland.
Yadkin—C. W. Williams.

A quorum of the whole number of members being present, Mr. Dortch moved that Samuel P. Hill, of Caswell, be appointed Speaker of the House.

Mr. Barringer moved that the name of J. S. Amis, of Granville, be added to the nomination.

The House thereupon proceeded to vote, under the superintendence of Messrs. Dortch and Barringer, as follows:


Mr. Hill voted for Mr. Shepherd.
Mr. Amis voted for Mr. Turner.

Mr. Hill having received a majority of the whole number of votes, was declared duly elected Speaker, and thereupon he was conducted to the chair by Messrs. Dortch and Barringer, and made his acknowledgements to the House, in an appropriate address.

A motion was made by Mr. Waugh, that the House do now proceed to the election of Principal Clerk, which was agreed to, and he nominated for the appointment James T. Marriott, of Wake.

On motion by Mr. Steele, the name of Stephen D. Poole, of Carteret, was added to the nomination.

The House then proceeded to vote as follows:


Thornburg, Steele, Shipp, J. G. Bynum, Furr, Horton, Carmichael and Cooke—46.

Mr. Marriott having received a majority of the whole number of votes given, was declared duly elected Principal Clerk.

Mr. Singeltary moved that the House do now proceed to vote for Assistant Clerk, and he nominated for the appointment George Howard, of Edgecombe.

On motion by Mr. Barringer, he was declared by the House duly elected Assistant Clerk.

Mr. Williams of Warren, moved that the House do now proceed to vote for Principal Doorkeeper, and he nominated for the appointment Wm. S. Webster of Chatham.

On motion by Mr. Phillips, the name of Lee Couch of Orange, was added to the nomination.

The House then voted as follows:


Mr. Webster having received a majority of the whole number of votes given, was declared duly elected Principal Doorkeeper.

On motion by Mr. Lyon, the House then proceeded to the election of Assistant Doorkeeper, the following persons being in
nomination: Wm. R. Lovell, John H. Hill and Mr. Dyche of Cherokee.

The House voted as follows:


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

On motion by Mr. Mebane, the House now adjourned to tomorrow morning 10 o'clock.

TUESDAY, NOVEMBER 21, 1854.

On motion by Mr. Steele,

Ordered, That a message be sent to the Senate informing that body of the due organization of this House, and that we are now ready to proceed to the dispatch of public business.

On motion by Mr. Dortch,

Ordered, That the rules of the last House of Commons be adopted for the temporary government of this House.

Received from the Senate a message informing the House of the organization of that body by the appointment of Hon. Warren Winslow, Speaker; John Hill, Chief Clerk; Quentin
Busbee, Assistant Clerk; James Page, Principal, and John U. Vogler, Assistant Doorkeeper.

Mr. Dortch submitted a resolution in favor of S. D. Poole, which was read the first time and passed, and on his motion the rules were suspended, and the resolution read the second and third time, passed, and ordered to be engrossed.

On motion by Mr. Steele,

Ordered, That the principal doorkeeper of the House be required to procure suitable tables and six chairs for the use of newspaper reporters, and place the same in the lobby behind the Speaker’s chair.

Received from the Senate a message proposing to raise a joint select committee consisting of two members from each House, to wait upon his Excellency, the Governor, and inform him of the due organization of the two Houses of the General Assembly, and that they are ready to receive any communication that he may have to lay before them, which was concurred in. Messrs. Badham and Turner were appointed the committee on the part of the House, and the Senate informed thereof by message.

Received from the Senate a message informing that Messrs. Boyd and Morisey form the Senate’s branch of the committee to wait upon his Excellency, the Governor.

Also a message proposing to raise a joint select committee, consisting of three members from the Senate and five on the part of the House to report joint rules of order for the government of the two Houses during the present session, which was concurred in, and the chair thereupon appointed Messrs. J. M. Leach, Thomas Settle, Jr., J. P. Jordan, L. B. Carmichael and W. K. Martin on the part of the House, and the Senate was informed thereof by message.

On motion by Mr. Dortch,

Ordered, That a committee of five be appointed to prepare rules for the government of the House.

And thereupon the Speaker appointed Messrs. W. T. Dortch, W. L. Steele, J. G. Shepherd; J. S. Amis, and Gaston Meares said committee.

Mr. Singelary presented a resolution authorizing the principal clerks of the two Houses to have suitable curtains furnished for the two halls of the General Assembly, which was read, and
Mr. J. M. Leach moved to amend by substituting "five members of the House" instead of the clerks of the two Houses, and "to furnish curtains for the Commons hall only," which amendment was rejected.

Mr. S. A. Williams moved to lay the resolution upon the table, which motion was lost.

The question then recurring upon the original resolution, the same was read the first time and passed.

On motion by Mr. Carmichael the rules were suspended, and the resolution was read the second and third time, passed and ordered to be engrossed.

Received from the Secretary of State a communication informing the House that W. W. Holden has contracted for the printing for the present General Assembly, which was read, and on motion, laid upon the table.

Mr. Badham, from the committee to wait upon His Excellency, the Governor, reported verbally, that the committee had performed the duty assigned them, and that on to-morrow at 12 o'clock, M., His Excellency would lay before this House a communication in writing.

Mr. J. G. Bynum moved that the House do now adjourn, which motion was lost.

On motion by Mr. Dortch,

Ordered, That the hour of meeting of this House shall be 10 o'clock, A. M., daily, unless otherwise ordered.

On motion by Mr. Shepherd,

Ordered, That a message be sent to the Senate, proposing to go into an election for a solicitor for the fifth judicial circuit to-morrow at 12 o'clock, M.

On motion by Mr. Steele,

Ordered, That a message be sent to the Senate, proposing to go into an election for engrossing clerk on to-morrow at 11 o'clock.

On motion by Mr. Dortch,

Ordered, That a message be sent to the Senate, proposing to go into an election for Secretary of State, on to-morrow at half-past 10 o'clock, A. M.

On motion by Mr. J. G. Bynum, the House adjourned to to-morrow morning 10 o'clock.
The following members elect appeared, produced their credentials, were duly qualified, and took their seats:

Ralph Gorrell, from the county of Guilford; James F. Davenport, from the county of Tyrrell; David Outlaw, from the county of Bertie; and Wm. F. McKesson, from the county of Burke.

Mr. Steele introduced a bill to provide adequate compensation to certain officers of this State, which was read the first time and passed, and on his motion referred to a select committee of five; whereupon Messrs. Steele, J. B. Bynum, Barringer, Humphrey and Houston, were appointed on said committee.

Mr. Steele introduced a bill to authorize the formation of limited partnerships, which was read the first time, passed, and ordered to be printed.

Received from the Senate a message, concurring in the several propositions of the House, to proceed to the election of a solicitor for the fifth judicial circuit, for engrossing clerk, and for secretary of State, and informing that Messrs. Faison and Haughton form the Senate branch of the committee to superintend the election of solicitor; Messrs. McDowell and Cherry the election of engrossing clerk; and Messrs. Cunningham and Willey that of secretary of State.

The hour having now arrived to go into the election of secretary of State, Mr. Dortch nominated William Hill for that office, and the Speaker appointed Messrs. Dortch and Horton on the part of the House to superintend the election, and the Senate was informed thereof by message.

The House now proceeded to vote as follows:

Mr. Dortch, from the committee to superintend the election of secretary of State, reported that William Hill had received the whole number of votes given, and was duly elected, which report was concurred in.

The hour having now arrived to go into the election of engrossing clerk, Mr. Jenkins nominated James W. Powell; Mr. Rand, Erastus Smith; Mr. Norment, Neal McNeill; Mr. Vance, John P. Wheat; Mr. Martin, W. H. Joyner; and the Speaker appointed Messrs. Winston and White of Gaston a committee on the part of the House to superintend the election, and the Senate was informed thereof by message.

The House then voted as follows:


For Mr. McNeill:—Messrs. Cofield, Daughtry, G. Green,
Houston, Jones, McDuffie, Meares, Norment, Regan, Settle, Simmons, Steele, G. M. White, N. B. Whitfield—14.

For Mr. Smith.—Messrs. A. Barnes, Rand, Tomlinson, Whitaker—4.

Mr. Winston, from the committee to superintend the election of engrossing clerk, reported that no one of the candidates had received a majority of the whole number of votes given, and that there was no election.

Received from the Senate a message proposing to go immediately into the election of engrossing clerk, in which the House concurred, and Messrs. S. A. Williams and Love were named the committee on the part of the House to superintend the election.

Mr. Norment withdrew the name of Mr. McNeill, and the Senate was informed thereof by message.

Received from the Senate a message informing that Messrs Cherry and McDowell, form the Senate branch of the committee to superintend said election.

The House then voted as follows:


For Mr. Smith:—Messrs. Rand and Whitaker—2.

Mr. S. A. Williams, from the committee appointed to superintend the election of engrossing clerk, reported that no one of the candidates had received a majority of the votes given, and consequently there was no election, which report was concurred in.

Mr. D. F. Caldwell submitted the following resolutions, which was read and adopted:

"Whereas, the time has arrived for the renewal of the charters of the Bank of the State and the Cape Fear Bank, or the establishment of other banking institutions as substitutes for them, and the State being largely interested in said banks as a stockholder, and the present legislature being desirous to obtain full and correct information especially as to the profits of these institutions prior to any legislation on the subject; therefore,

Resolved, That the presidents and cashiers of said banks, be requested to furnish at their earliest convenience to this legislature, a tabular statement of their dividends and profits annually made on their capital stock since the year 1835; also the amount of taxes paid into the public treasury, and the present amount of their contingent fund.

Resolved, That a copy of this preamble and resolution be transmitted to the presidents and cashiers at said banks by the Speakers of the two Houses."

Received from the Senate a message, accompanied by an engrossed resolution in favor of Oliver H. Perry, which was read the first time, passed, and laid upon the table.

On motion by Mr. Dortch,

Ordered, That a message be sent to the Senate, proposing to raise a joint select committee of eight on the part of the House, and five on the part of the Senate, on the revision of the Statutes.

Received from the Senate a message, informing that Messrs. Saunders, Cherry and Biggs form the Senate branch of the committee on joint rules of order.

The hour having now arrived to go into an election for a solicitor for the fifth judicial circuit, Mr. Shepherd nominated for that office Mr. Robert Strange, of Wilmington.

Mr. Steele added to the nomination the name of Ralph P. Buxton, of Fayetteville.
Messrs. Shepherd and Bryson were named the committee on the part of the House to superintend the election, and the Senate was informed thereof by message.

The House then voted as follows:


Mr. Shepherd, from the committee to superintend the election of solicitor for the fifth judicial circuit, reported that Mr. Strange had received a majority of the votes given and was duly elected, which report was concurred in.

Received from his Excellency David S. Reid, Governor of the State, by his private secretary, Samuel F. Adams, Esq., the following communication, with accompanying documents, which was read; and Mr. Singeltary moved that the same be sent to the Senate with the accompanying documents, with a proposition to print ten copies for each member.

Mr. Amis moved to amend the motion by striking out ten and inserting five. The amendment was disagreed to.

The question then recurring upon the original motion, the same was carried.
GOVERNOR REID'S MESSAGE.

To the Honorable the General Assembly
of the State of North Carolina:

In communicating my regular Message to the General Assembly, a fit occasion is presented for congratulating its members upon the blessings which a kind Providence has bestowed upon the people of the State, and especially upon their exemption, to a considerable extent, from the diseases and calamities which have visited other States and Nations, with such sad and devastating consequences. It is also a subject of congratulation that the spirit of progress and improvement, which, at present, animates our people, presents a bright prospect for the destiny of our beloved State.

Agriculture, in North Carolina, has undergone an important improvement, which has increased the reward of the husbandman, and imparted an additional interest to this great pursuit; the amount of crime committed, it is believed, will compare favorably with that of any other State; the laws have been executed as faithfully, and justice administered as impartially as in any other country; the faith of the State has been scrupulously preserved, and her credit stands deservedly high, both at home and abroad. Improvements are being extended to afford the farmer and mechanic a cheap and expeditious mode of transportation for the surplus products of their labor, and for the supplies they are to receive in return; a university, of the highest rank, aided by numerous colleges and academies, of a high order, and a system of common schools, which will soon be second to that of no other State, are rapidly extending the facilities of mental improvement to every class of our citizens; the geological examinations are almost daily disclosing valuable additions to the inexhaustible mineral wealth of the State; and, added to all these, we have a population that is unsurpassed in the essential elements of true greatness. But, notwithstanding this gratifying condition of things, there are many subjects intimately connected with the welfare and prosperity of the people of the State, which require the action of the General Assembly.

In a government like ours, where the voice of the people, to a great extent, controls public measures, education is not only a subject in which every good citizen feels a deep interest, but it becomes one of great public importance, and demands the foster-
ing care of the State. Hence that clause in the constitution which declares—

"That a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices: and all useful learning shall be duly encouraged and promoted in one or more universities."

The University of the State is in successful operation, sustaining the high reputation it has long and deservedly enjoyed; and, at each commencement, sends forth a number of graduates to engage in the various pursuits of life. This institution is every year educating, gratuitously, no inconsiderable number of meritorious young gentlemen, who have not the means for that purpose. It would be difficult to estimate the beneficial influences the University has exerted in North Carolina, and in other States of the Union.

Our common schools have been in operation but for a comparatively short period, and are progressing as well, perhaps, as we have a right to expect, when we consider the many difficulties that have to be encountered in the commencement of such a system. There are doubtless still many defects in the management of these schools, which time and experience will enable us to correct. The system, however, is doing incalculable good, and its beneficial influence will be more strikingly obvious to the generation which succeeds us. There is no subject more worthy of favorable consideration than common schools. The greatness of a State depends upon her people. In a few years, those who now direct public affairs will pass from the stage of action, and the welfare and destiny of the State and the republic will be committed to the charge of a new generation. If that generation shall be found wanting in wisdom and virtue, what is to be the fate of the monuments of greatness erected by its ancestors? The education of the masses of the people is the best security for the rights of persons and of property; and, in a free government, where intelligence and virtue are the true passports to fame and distinction, it places the poor and obscure upon an equality with the rich and powerful, and will prove the best means of perpetuating the blessings of liberty.

During the last year, there was distributed, from the literary
fund, for common schools, in the various counties of the State, the sum of one hundred and twenty-eight thousand one hundred and two dollars, fourteen cents, ($128,102 14;) and, during the present year, the sum of one hundred and eighty thousand eight hundred and fifty dollars, eight cents, ($180,850 08,) has been distributed for the same object. It is believed that nearly the same amount has been collected by taxation, in the counties, for the support of common schools.

The report of the general superintendent of common schools, for the past year, gives an account, in detail, of the labors and observations of that officer. It states many gratifying facts, and presents various suggestions in regard to the improvement of the schools. It is herewith transmitted. His report for the present year will be communicated in due time.

It is desirable that the principal of the literary fund should be increased, to permanently secure a larger distribution for the support of common schools.

The swamp lands are an uncertain source of income, and their successful management requires a degree of personal attention, that it would be extremely inconvenient for the executive to bestow. The titles of large tracts of the land are in dispute, and it is believed, that trespasses, materially impairing their value, have been committed on them, for years. When counsel are instructed to bring suits, a difficulty arises in procuring the information necessary to their successful prosecution. The lands, in many instances, are inaccessible, except to persons who have experience in their exploration. Further legislation is necessary to protect the public interest in these lands. It is believed that public policy demands that provision should be made for the appointment of an efficient agent, to be paid a reasonable salary, whose duty it should be, under the instructions of the literary board, to procure facts to enable the board to protect its interest in the swamp lands.

The institution for the education of the deaf and dumb and blind, is in successful operation, and affords great facilities for imparting instruction to these unfortunate classes of our population, who, by the knowledge they receive, are prepared to become intelligent and useful members of society. The institution is under the management of a board of directors who perform a good deal of labor without receiving any compensation. I respectfully rec-
ommend that provision be made to pay the members of the board a reasonable sum for their services, and that the executive or some other State officer, be associated with the board in the management of the institution.

The president and directors of the literary fund will, in due time, submit a report, showing the condition of the fund, and the proceedings of the board in relation to other subjects committed to their management.

Under the existing provisions of the constitution of this State, a freehold of fifty acres of land is one of the indispensable qualifications required of a voter for a Senator of the General Assembly. This requirement is unjust, and ought to be removed. The question of free suffrage has been so much discussed, and its importance has become so well understood, that it does not require a lengthy discussion on this occasion. The proposition that no man ought to vote for a representative in one branch of the Legislature, without he owns fifty acres of land, is so palpably wrong, that the time will come when the fact that it ever had a place in the constitution, will be regarded with profound astonishment. No system of free government can be based upon the supposition that the people are politically corrupt, and incapable of exercising the right of suffrage.

This feature of the constitution disfranchises, in one branch of the Legislature, at least fifty thousand of the free white men of the State. These men are as ready as any portion of our population, to contribute their means for the support of government, and to sacrifice their lives in defence of the honor and liberty of their country. They constitute an intelligent, industrious and meritorious part of our citizens, and may safely be entrusted with political equality. The larger number of them are possessed of estates of more value than the ordinary freehold of fifty acres of land, and are engaged in the various honorable pursuits of life. Every candid mind must admit that fifty acres of land does not endow its owner with knowledge, nor does it impart to him virtue or patriotism, when he goes to the ballot-box.

Free suffrage will not deprive the land-holder of any right he now enjoys, but it will give the non-landholder a great privilege, which is now unjustly withheld from him. The people at their elections, have repeatedly declared, by large majorities, in favor
of this question of constitutional reform, and they are in favor of effecting it by the Legislative mode. The constitution prescribes two modes for future amendments: one is by a three-fifths and a two-thirds vote of each House of two consecutive Legislatures, and subsequent ratification by the voters of the State; the other is by a convention authorized to be called by a two-thirds vote of each branch of the Legislature. The former mode is preferable for obtaining free suffrage, because it is safe, economical, and practicable, while the latter is the very reverse. The constitution requires amendments by the Legislature, to be submitted to the voters of the State for ratification; but there is no such injunction imposed in regard to amendments by a convention.

I earnestly recommend that an amendment to the constitution, giving every qualified voter for the Commons, the right also to vote for Senator, be passed by the requisite majorities of the two Houses of the General Assembly, to be submitted, in conformity to the requirements of the constitution, to the action of the next General Assembly, and subsequently to the people of the State for ratification.

The justice of free suffrage is so manifest, that even among freeholders themselves, there is an overwhelming majority who are in favor of its adoption. The elective franchise is the dearest right of an American citizen, and it is the exercise of this invaluable privilege that distinguishes free governments from despotisms. It is hoped the odious distinction between voters will be erased from our constitution, and that we shall, in fact, become a people of "equal rights and equal privileges."

The opinions I have heretofore expressed, in opposition to altering the basis of representation, remain unchanged.

The election of judges and justices of the peace by the people, and for terms less than for life, are also questions of reform, which I recommend to the favorable consideration of the General Assembly.

Agriculture is the great interest of the State, and upon its success depends the prosperity of all other industrial pursuits. This important interest has been too much neglected. The agricultural survey of the State will no doubt be attended with highly beneficial results. The same may be said of the act passed by the last Legislature to encourage agriculture, domestic manufactures,
and the mechanic arts. It is the paramount duty of every well regulated government, to extend due encouragement to those engaged in the cultivation of the soil. There is no pursuit more honorable or better calculated to promote the happiness of man, and none more important to the preservation of republican institutions. A new impulse has been given to this branch of industry, that is perceptible in every part of the State. The tide of emigration which has hitherto drained North Carolina of her wealth and population, has already been stayed, and the enterprise and capital of other portions of the country are now attracted within her limits, affording evidences of prosperity, and contributing towards her advancement to the high position she is destined to occupy.

Intimately connected with the prosperity of agriculture, manufacturing and mining, stands the subject of internal improvements. Commerce in this age is an essential element, without which the great industrial pursuits must languish. That which is comparatively valueless in one part of the world, often becomes a vast mine of wealth when conveyed to another. The value of commerce does not consist in the profitable exchange of commodities alone; but it enables us also to avail ourselves of the improvements and knowledge of every part of the globe. The geographical position of the State is such that her immense stores of wealth could be of little advantage in the scale of commerce, were it not for inland improvement. To the full development of our resources, there are presented many obstacles, which appear almost insurmountable; yet we ought to remember that these are more than compensated by the great advantages we enjoy. When we reflect that others have overcome greater obstacles, there is no cause to despair. For when we consider health, comfort, salubrity of climate, and capacity for agriculture, manufacturing and mining, North Carolina is not surpassed by any State in the Union. A judicious system of internal improvements by the State, has ever been regarded as a subject of great importance, and entitled to the favorable consideration of the General Assembly. The improvements already completed, as well as those in the course of construction, have been productive of very important advantages; but they are still far from affording facilities adequate to the wants of the people. There never was a time when there existed a
stronger necessity for self-reliance. The North during the last twenty-five years, in the way of protection and other unjust exactions, has extorted from North Carolina more money than would have been required to improve all our rivers and construct all of our railroads. The farmers and other classes, need cheap transportation and convenient markets where they can carry their property with safety. They need commercial and manufacturing towns and cities at home, with shipping to do their own importing and exporting, without continuing longer to pay tribute to the North. They need intercommunication within their own State, that they may understand and appreciate the wants of each other.

These desirable objects can be accomplished by inland improvements. They, however, are not the work of a day, nor of a year, but time and a large expenditure of money will be required for their completion. What can be done with safety ought to be done now, and the rest left to time. In embarking in internal improvements, a due regard should be had to the means and resources of the State, as well as to the necessity and practicability of the works themselves. Wild and visionary schemes should be avoided, and the credit of the State should be inviolably maintained. The works should at least promise advantages to the people corresponding with the amount to be expended. The particular objects of improvement which it is expedient to prosecute at this time, is a question submitted to the prudence and discretion of the General Assembly.

Since the re-organization of the Raleigh and Gaston Railroad Company, the road under the charge of that company has been thoroughly repaired, and the connecting link between that road and the Wilmington and Raleigh, and the Seaboard and Roanoke railroads has been completed. This road affords increased facilities for transportation and travel to an important portion of the State. It is represented to be in a very prosperous condition, and is now paying a very handsome dividend to the State.

The Wilmington and Raleigh Railroad continues to afford great facilities to the public, and pays good dividends, which go to increase the income of the literary fund. This road too is represented as being in a very prosperous condition.

The North Carolina Railroad is progressing with the usual expedition of such works, and a considerable portion of the road has
been laid down. This important enterprise when completed, promises great advantages to a large portion of the State.

The Board of Internal Improvement have, from time to time, as it became necessary, ordered the public treasurer to sell the bonds of the State to pay her subscription to this road. Up to this time, the sum of one million six hundred and thirty thousand dollars ($1,630,000) of the bonds authorized by law to be issued for this purpose, have been sold by the public Treasurer. The State has realized no inconsiderable sum for premium obtained on these bonds, a fact affording the highest evidence of her credit and standing. The report of the President and Directors of this company will be communicated in due time.

The charter of the North Carolina Railroad Company provides for the representation of the stock of the State in the meetings of the stockholders, but does not point out the mode by which such representation shall be appointed. At the last session of the General Assembly, an act was passed proposing certain amendments to the charter, one of which authorized the Executive to make the appointment; and with that proposition there was incorporated another which, in all probability, would have placed the State, which owns two thirds of the stock, in a minority in the meetings of the stockholders. This act was, in my opinion, very properly rejected by the individual stockholders themselves. At each meeting I appointed a representative for the State, but I am unofficially informed that such appointment has not been recognised as sufficient, and the consequence has been that the State has been unrepresented in their meetings. The right of representation is provided for in the charter, and its exercise does not depend upon the assent of the individual stockholders. Therefore, to make this question perfectly clear, it is only necessary to provide, by law, the manner in which such representative shall be appointed.

In all cases where the State makes a subscription to a corporation, she ought to retain the right to be represented in proportion to her stock.

The construction of the Wilmington and Manchester Railroad has been prosecuted with much energy and enterprise, and the improvement is affording important advantages to a portion of the State. As far as I have been informed, the company having this
road in charge has not officially acted on the amendment proposed to its charter by the last General Assembly. It is believed, however, that the amendment will not be accepted.

The State's subscription to the Neuse River Navigation Company has been paid. The report of the president and directors in relation to the valuable improvement under the charge of that company, is herewith transmitted.

The subscription authorized by the act of the last session of the Legislature to be made to the Cape Fear and Deep River Navigation Company has been paid upon a compliance with the conditions prescribed. The improvement under the charge of this company is a desirable object, and when completed will afford important commercial advantages.

The appropriation for the improvement of Tar River has been paid to the commissioners appointed to superintend that work. It is believed that the appropriation will be found insufficient to complete this desirable improvement.

The Fayetteville and Western Plank Road has been extended. This valuable improvement has paid good dividends and affords great facilities to the public. The report of the president and directors of the company having that road in charge is herewith transmitted.

The Western Turnpike has also been extended, and is a work affording great convenience to the portion of the State in which it is located.

The stock of the McDowell and Yancey Turnpike has been subscribed, and a part of the State's subscription has been paid.

The reports of the Cape Fear Navigation Company, and of the Western Plankroad Company, are herewith transmitted. Also the report of the president of the Petersburg, and of the Greenville and Roanoke Railroad Companies; and the report of the president and directors of the Roanoke Navigation Company.

Agreeably to the provisions of the act passed at the last session of the General Assembly, to incorporate the Atlantic and North Carolina, and the North Carolina and Western Railroad Companies, arrangements were made with the president and directors of the North Carolina Railroad Company, for the survey of a railroad route from Beaufort Harbor to Goldsboro', and also for the survey of a route from Salisbury to the Tennessee line. In pur-
suance of these arrangements, Col. Walter Gwynn was appointed chief engineer to superintend their execution. The surveys of both of these important improvements have been made. The able report of the survey of the eastern route has been made, and is herewith transmitted. The report of the western route will be transmitted when finished.

The attention of the General Assembly is respectfully invited to the subject of common public highways. Good roads are very important to every community. The present mode of assessing the labor, to construct and repair the common highways, is unjust and unequal. The labor performed is a tax. It frequently occurs under the existing law, that persons possessed of large estates, contribute little or no labor in repairing roads, while heavy exactions are made of others whose means are very limited. This is wrong. Persons ought to contribute in proportion to the value of their estates.

The amount of public debt, on the 31st of October, 1854, was two million, eight hundred and ninety-five thousand, seven hundred and twenty-two dollars, thirty-three cents, ($2,895,722 33). This does not include two hundred and fifty thousand dollars, ($250,000) of the bonds of the Wilmington and Raleigh Railroad Company, which were endorsed by the State, because the company regularly meets the interest, and from time to time, is paying a portion of the principal of its debt.

The report of the public treasurer, showing the condition of the finances of the State, will, in due time, be communicated.

The report of the Comptroller, for the fiscal year ending October 31st, 1853, is herewith transmitted.

In regard to our revenue system, I repeat the recommendation contained in my message at the commencement of the last session of the General Assembly. No more money should be collected from the people than is necessary to defray the economical expenses of a good government. Taxation is indispensable; but it is one of the first duties of the statesman to endeavor to equalize the burdens, as well as the benefits, of the system. Of late years, the demands upon the treasury have increased, and our financial system has assumed a more important aspect. The tax for county purposes is collected entirely on land and polls; and the amount paid into the public treasury, on these two items, is small, when
compared with the tax paid for county purposes. An examination into the existing revenue laws will show that they operate unequally. In many cases, the discrimination made between objects of taxation is strikingly unjust.

As a general rule, it is believed that the tax on the estate of each person should be in proportion to its value, subject to such exceptions as circumstances and fundamental principles may justify. Inasmuch as property, on the one hand, ought not to be made the test of public privilege, neither, on the other hand, ought the absence of property to exempt the person from bearing a just share of the public burden. Therefore, a capitation tax is imposed. Slaves are regarded, to some extent, as both persons and property. The following wise provision of our State Constitution, which ought not to be departed from, defines the power of legislation on this subject:

1. "Capitation tax shall be equal throughout the State, upon all individuals subject to the same.

2. "All free males, over the age of twenty-one years and under the age of forty-five years, and all slaves, over the age of twelve years and under the age of fifty years, shall be subject to capitation tax, and no other person shall be subject to such tax; provided that nothing herein contained shall prevent exemptions of taxable polls, as heretofore prescribed by law, in cases of bodily infirmity."

It will be seen that slave property must form an exception in framing an ad valorem system of taxation. White males alone are subject to a poll tax, while a poll tax is imposed on both male and female slaves, and the period of taxation begins nine years earlier, and continues five years longer on the latter. Thus, it will appear, that by taxing both sexes, the amount of revenue collected from the tax on slaves is double the amount collected on white polls, in proportion to the entire population of the two races; and the difference in the duration of the period for which they are taxed, is equivalent to one hundred per cent. more. It is, therefore, obvious, that in proportion to the whole number of each race, the poll tax paid on slaves is three times as much as that paid on the white population. So it will be found that this provision of the Constitution has imposed a tax on slaves in the
two-fold character of persons and property, and that an *ad valorem* tax cannot be imposed on that species of estate.

Persons and property being the principal objects of taxation, they should bear a fair and just relation to each other in a system of revenue. It is believed that, after excepting slaves, each person's estate, real and personal, including money, whether at interest or not, ought to be taxed alike, according to value. This would require every person to contribute in proportion to the value of his or her estate, and would equalize the public burden between the various classes, upon principles of justice. I know of no better rule to ascertain the ability of the owner to pay, or the degree of protection his estate requires from government, than by resorting to the actual value of such estate. This system need not interfere with taxing certain employments and the income of certain professions, as is now done. Such persons as do not possess personal estate of the value of one hundred and fifty dollars, ($150) ought to be exempt from property tax, and an exemption of a like amount might be made in favor of all others. It is believed that a system of revenue based on these principles, is demanded by public policy.

In conformity to an act passed at the last session of the General Assembly, I appointed the Hon. Thomas Ruffin one of the commissioners to revise and digest the public statute laws of the State, but he declined to accept, and the duties of the commission were completed by Messrs. Moore and Biggs, who have bestowed upon the subject much labor and investigation. The result will in due time be communicated to the General Assembly. This subject will require careful examination, and must necessarily protract the length of the session.

The charters of two of the principal banks of the State will soon expire, and it becomes the duty of the General Assembly either to recharter them, or to establish others to supply the deficiency in the paper circulation, that would result from closing the business of these institutions. The amount of banking capital best adapted to the convenience and substantial prosperity of the State, is a difficult question to determine. It is believed, however, that the amount at present employed, is not adequate to the wants of the public. Banks or branches are needed at some points where at present there are none, and at other places where they
already exist, an increase of capital, and in some cases, an addition to the number of banks, would seem to be demanded. Undue contractions and expansions of the amount of the paper currency ought, as far as possible, to be avoided. The circulation of notes of a less denomination than three or five dollars, should be prohibited; and wholesome restrictions imposed to protect the public against the evils of a depreciated currency.

A well regulated judiciary system is necessary to the security of the rights of persons and of property. North Carolina has been pre-eminently blessed in the wholesome administration of justice in her courts. This has doubtless been more the result of the integrity and wisdom of her judges, than of the perfection of the system itself. It is believed that the Supreme Court ought to consist of four judges instead of three. With the present number, when the court is divided, and the majority are for overruling the decision of the court below, counting the judge who tried the case, the weight of authority, as far as the number of judges is concerned, is equal on both sides. Yet, in such cases, the decision below is reversed, and important legal questions finally adjudicated. If the court consisted of four judges, then on an equal division of the court the decision below would stand. To adjudicate the question and reverse the decision below, would require the concurrence of three of the judges of the Supreme Court.

It is believed that public convenience requires that two additional judicial circuits should be formed, and the corresponding number of judges and solicitors appointed.

The attorney general is at present required to perform the duties of solicitor of the third circuit. He ought to be relieved of those duties, and a solicitor appointed to perform them. The attorney general, for the time being should reside in Raleigh; and in addition to attending the Supreme Court, as now required, he should attend to the business of the public boards in all the courts. I would also suggest that it be made the duty of that officer to superintend the enrolment of all bills and resolutions passed by the General Assembly; and when requested, to give written opinions to the heads of the departments.

It is important to collect the statistics of crime in this State. This might be easily done by making it the duty of the clerks of the county and superior courts to make annual returns to the
attorney general or executive, to be compiled for the use of the
General Assembly.

Since the last session of the Legislature, the Hon. Thomas
Settle, one of the judges of the superior courts of law and equity,
has resigned. With the consent of the council of State, the Hon.
Samuel J. Person was appointed to fill his place. It becomes the
duty of the General Assembly to supply the vacancy.

The lunatic asylum is advancing towards its completion. This
institution will soon be open for the reception of patients. The
commissioners appointed to superintend the construction of the
buildings deserve great credit for the manner in which they have
discharged their duties. Without compensation, they have per-
formed much labor and incurred heavy responsibilities.

The establishment of a scientific and military school is a sub-
ject of importance, to which I beg leave to call the attention of
the General Assembly.

The training of the militia, and additional encouragement to
the formation of volunteer companies, are subjects worthy of
consideration.

The report of the State geologist, giving a detailed account of
the progress of the work committed to his charge, will be trans-
mitted at an early day.

It is but justice to state, that the public treasurer, the secretary
of State, and comptroller of public accounts, have performed the
duties of their respective offices with ability, industry and fidelity.

A circular from the Secretary of State of the United States is
herewith transmitted. I am not prepared to endorse the recom-
mendation contained therein.

Herewith is transmitted the proceedings of a public meeting
held in Philadelphia, in relation to a monument in that city in
commemoration of the declaration of independence, and in honor
of the signers thereof, which I have been requested to lay before
the General Assembly.

I would respectfully suggest the propriety of erecting, on the
capitol square, in the City of Raleigh, two small but neat and
appropriate monuments; one to the memory of the officers and
soldiers of the revolution, and the other to the memory of the
signers of the Mecklenburg declaration of independence.

The bright prospect of our State affairs, I regret to say, is
somewhat clouded by the reckless spirit of fanaticism, which threatens the violation of the Constitution and the dissolution of the Union. The conviction is growing deeper every day, that the abolitionists of the North are determined that the South shall not repose in the quiet enjoyment of her domestic institutions. The politicians and clergy who lead these fanatics, are not purer or wiser than were the cotemporaries of the framers of the Federal Constitution. Then the statesmen and divines were content to take the Bible and the Constitution as the "touch-stones" of their faith, and the North and the South could meet in a spirit of harmony, and unite in a common effort to secure the blessings of civil and religious liberty. But how changed is the picture of the present day! Now these "higher law" men disregard the compromises of the Constitution, and are mischievously endeavoring to violate the rights of our property, and destroy our domestic peace and security. This is a question of paramount importance, and I recommend the General Assembly to declare, firmly and decidedly, that we shall require the compromises of the Constitution to be observed in good faith on the part of the North, and that North Carolina knows her rights and will maintain them.

I close this communication with the expression of the sincere desire that your deliberations may be characterized by harmony; and that the result of your action may be calculated to advance the prosperity and promote the happiness of the people.

DAVID S. REID.

Executive Department,
Raleigh, November 20, 1854.

Mr. Dortch, from the committee heretofore appointed to prepare rules for the government of the House of Commons during its present session, reported the following:

RULES AND ORDER OF CONDUCTING THE 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, adjourned; shall imme-
diately 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, namely: "As many as are of the opinion that (as the question may be,) say Aye:" and, after the affirmative voice has been expressed, "As many as are of the contrary opinion say No." If the speaker still doubt, or a count be required, the speaker shall name two members, one from each side of the House, 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 ordered 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 in the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. 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.

9. 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.

10. No person except members of the Senate, officers and clerks of the two Houses of the General Assembly, judges of the supreme and superior courts, officers of the State resident as the seat of
government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the hall of the House.

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

ORDER OF BUSINESS OF THE DAY.

12. After the reading of the journal of the preceding day, the House shall proceed to business in the following order, viz: 1st, the receiving petitions, memorials, pension certificates, and papers addressed either to the General Assembly or to the House; 2d, the reports of standing committees; 3d, the reports of select committees; 4th, resolutions; 5th, bills; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table. Then the orders of the day; but motions and messages to elect officers shall always be in order.

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 DEBATES.

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, a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands, but by permission of the House. Any member may appeal from the decision of the chair; and if, upon
the appeal, the decision be in favor of the member called to order, he may proceed; if otherwise, he shall not, except by leave of the House; and if the case in the judgment of the House require it, he shall be liable to its censure.

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

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

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

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

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 indefinitely, to postpone to a certain day, to commit or amend; which several motions shall have precedence, in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided,
shall be again allowed on the same day, and at the same stage of the bill or proposition.

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 shall 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 reconsideration 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 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 of reconsideration 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 on any question, upon entering the House, he shall be permitted, on 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. Upon motion of any member, there shall be a call of the House, a majority of the members present assenting thereto; and upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted: after which the names of the absentees shall again be called over. The doors shall then be closed, and those from whom no excuse or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers appointed for that purpose.

41. 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, and three at large, to be appointed by the Speaker. 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.

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

43. 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.

44. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman to preside in committee, shall be appointed by the Speaker.

45. 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.

46. 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.

47. 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.

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

OF BILLS, RESOLUTIONS, ETC.

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

50. Every bill shall receive three several readings in the House, previous to its passage; and the Speaker shall give notice at each whether it be its first, second or third. The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition
be made, or if the question to reject be negatived, the bill shall go to its second reading without question.

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

52. All bills shall be dispatched 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.

53. 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.

54. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at the second reading of the repealing bill; and shall not be read at any other reading of the said repealing bill, unless required by one-third of the House; provided, however, that this rule shall not apply to the report of the commissioners to revise the Statutes.

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

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

Which were read and adopted.

On motion by Mr. Dargan, the House adjourned to to-morrow morning, 10 o'clock.

THURSDAY, November 23, 1854.

Mr. Bynum, of Northampton, presented a series of resolutions referring portions of the Governor's message to committees; and,

On motion by Mr. Barringer, the same were laid upon the table.

Mr. Jordan, from the committee on joint rules, reported the following, which were read and adopted:

JOINT RULES OF BOTH HOUSES.

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

2. In any case of amendment of a bill, resolution or order agreed to in one House and disagreed to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses of the result of their conference.

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

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

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

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

7. The two preceding sections shall not apply to the Revised Statutes so as to require them to be transcribed, but the printed Statutes may be used for engrossment and enrollment; and where amendments are made, such amendments shall be appropriately and duly engrossed or enrolled upon the printed Statutes, or upon suitable paper attached thereto.

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

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

11. 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.

12. 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 may be formed, shall be transmitted to the other House.

13. The committee of finance shall be joint, consisting of eight members from each House; the library committee shall be a joint standing committee, consisting of three members from each House, appointed by the speakers thereof respectively; there shall also be a joint committee on the Revised Statutes, consisting of six members of each House, to be appointed by the Speakers of the two Houses respectively, to which committee shall be referred the Statutes reported by the commissioners, except the chapter entitled "Revenue," which shall be referred to the committee on finance.

14. 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.

15. Either House may make a reference to any joint committee, and all reports shall be made to the House ordering such references.

16. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type; and those documents ordered to be printed by the Senate, shall be printed as "Senate Documents," and those ordered to be printed by the House of Commons shall be printed as "House Documents," and numbered in regular order; except when communications are made to either House by the Governor, treasurer, comptroller, or secretary of 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 ten copies shall be deposited in the public library, and the public librarian be required to have them neatly bound.

17. 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.

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

On motion by Mr. Jordan,

Ordered, That a copy of the joint rules reported, be transmitted to the Senate for their concurrence.

Mr. Dortch submitted the following resolution:

Resolved, That a message be sent to the Senate, proposing to print in pamphlet form the Constitution of the State of North Carolina, the rules of the Senate, the rules of the House of Commons, and the joint rules of the two Houses—one copy for each member of the General Assembly, and one copy for each of the Clerks, and ten copies to be deposited in the public library.

Which was read, and, on motion by Mr. Dortch, laid upon the table.

Mr. Blow moved that a message be sent to the Senate, proposing go into an election for a United States Senator for the term of six years from and after the 4th of March, 1855, at 12 o'clock today, and that the name of Asa Briggs is in nomination.

Mr. Love moved to amend by striking out "to-day," and inserting the "first Monday of December next."

Mr. Blow withdrew his motion, and moved that a message be sent to the Senate proposing to go into said election on to-morrow at 12 o'clock.

Mr. Dargan moved to amend by striking out "to-morrow," and inserting "the first Monday of December next," upon which he demanded the yeas and nays. The amendment was disagreed to; yeas 53, nays 60.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Mr. J. M. Leach moved to amend by striking out "to-morrow" and inserting "Wednesday next," which amendment was also disagreed to.

Mr. Winston moved an adjournment of the House, upon which Mr. Dortch demanded the yeas and nays.

The House refused to adjourn; yeas 54, nays 60.

Those who voted in the affirmative, were,

Those who voted in the negative, were,
Messrs. J. Barnes, A. Barnes, Badham, Black, Blow, Bryant, Bullock, J. B. Bynum, Cansler, Cofield, Daughtry, Dortch, Dunn, Flynt, Garland, Gentry, M. Green, Harrison, J. F. Hill, Holland, Houston, Humphrey, Jarvis, Jenkins, Jordan, Lancaster, H. Leach, Long, Lyon, Martin, McMillan, McDuffie,

Received from the Senate a message proposing to go into an election for a United States Senator to serve the residue of the Senatorial term commencing on the 4th of March, 1853, on to-morrow, at 12 o'clock, M., and that David S. Reid was in nomination before the Senate.

Mr. Cook moved an adjournment, upon which

Mr. Dortch demanded the yeas and nays.

The House refused to adjourn; yeas 52, nays 60.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The House then concurred in the message from the Senate.

On motion by Mr. Dortch,

Ordered, That a message be sent to the Senate, proposing to go into an election for a United States Senator for the term of six
years from and after the 4th of March next, on Saturday next at eleven o'clock, A. M.

On motion of Mr. D. F. Caldwell, the House adjourned to to-
morrow morning 10 o'clock:

FRIDAY, November 24, 1854.

Mr. Henry A. Gilliam, member elect from the county of Wash-
ington, presented his credentials, was duly qualified, and took his seat.

Mr. Dortch submitted the following resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of the House, and three on the part of the Senate, to take into consideration all mat-
ters relating to the lunatic asylum.

On motion by Mr. Singeltary, an engrossed resolution from the Sen-
ate in favor of Oliver H. Perry, was taken up and read the first time, and passed; and

On motion by Mr. Carmichael, laid upon the table.

Received from the Senate a message, informing that they have amended the proposition of the House relative to printing the Governor's Message and accompanying documents, by excluding from the documents to be printed, "the journal of the proceed-
ings of a convention in Philadelphia, concerning a monument to the signers of the declaration of independence;" which amend-
ment was agreed to, and the Senate informed thereof.

The Speaker announced the following standing committees, viz:

Committee on finance:—Messrs. Shepherd, Mebane, Cansler, Steele, Patterson, G. M. White, Smith and Long.

Committee on the library:—Messrs. Houston, Vance and Jenkins.

Committee on education:—Messrs. T. H. Williams, Stubbs, Black, J. H. Headen, Jenkins, Vance, Meares, Humphrey, Wilkins, Selby and Martin.

Committee on propositions and grievances:—Messrs. Waugh, G. M. White, Carmichael, J. Barnes, Winston, Houston, Cook, D. F. Caldwell, Long, Eure and Black.

Committee on the judiciary:—Messrs. Dortch, Shepherd,

Committee on internal improvements:—Messrs. Cansler, McDuffie, Myers, Yancey, J. M. Leach, Badham, Turner, Shipp, McMillan, Carmichael and George Green.

Committee on private bills:—Messrs. Lancaster, Amis, Jenkins, Steele, Singeltary, Shipp, S. A. Williams, Vance, L. Whitfield, Blow, Whitlock, Daniel, Shaw and Roland.

Committee on privileges and elections:—Messrs. McDuffie, Grist, S. A. Williams, McKesson, Jenkins, Simmons, Mordecai, Sherrill, Craven, Watts and Wright.

Committee on agriculture:—Messrs. Normenl, Bullock, Bogle, Patton, Martin, J. H. White, Mann, S. J. Neal, Sutton, M. Green and Jarvis.

Committee on claims:—Messrs. Settle, Stubbs, Dargan, Jones, Love, Daniel, Blow, Yancey, Whitaker, Russell and Houston.

Committee on enrolled bills:—Messrs. J. B. Bynum, Cook, Love, J. H. Headen and Yancey.

On motion by Mr. Carmichael, the engrossed resolution in favor of Oliver H. Perry, was taken from the table and referred to the committee on claims.

Mr. Roland submitted a resolution in favor of Jno. A. Robertson, sheriff of Cherokee county, which was read the first time, passed, and referred to the committee on claims.

Mr. J. M. Leach presented the following preamble and resolutions:

Whereas, The public domain of the United States is the common property of all the States, purchased and procured by the common efforts and common treasure of these States, and in which each and all are fairly entitled to participate; and any appropriation of the public lands to particular States, is creative of unequal, improper and unjust discrimination in the use of a common fund.

And, whereas, The precedent has been set, and the practice obtained in the Congress of the United States, for the purpose of internal improvements, education, &c.

And, whereas, The State of North Carolina in a spirit of generous patriotism and fraternal feeling, ceded to the general government a large and valuable portion of the public territory, and is therefore, upon every principle of justice, equality, and sound
policy, fairly and legitimately entitled to her share of the public lands. Therefore,

Resolved, That in behalf of the people of North-Carolina whom we represent, we do solemnly protest against the provisions of a bill recently before Congress under the imposing, but deceptive title of "the Homestead Bill;" as also against the provisions contained in Senator Hunter’s substitute or amendment, as operating gross injustice to the citizens of the old States, being in a great measure a gift of the public lands to foreigners and the citizens of States contiguous to said lands, and to the States in which they are located, to the utter exclusion of North Carolina and the other old States.

Resolved, That our Senators and Representatives in Congress be requested to make application by bill or otherwise to that body, for an appropriation to North Carolina of a fair and equitable portion of said public lands or the proceeds thereof, which, when so appropriated, shall be applied to purposes of internal improvements, public education, and in relief of the treasury and burdens of the State.

On motion by Mr. Leach, the resolutions were laid upon the table, and ordered to be printed.

Mr. Shepherd introduced a bill to repeal the 117th chapter Revised Statutes, entitled an act to restrain the taking of excessive usury, which was read the first time, passed, laid upon the table, and ordered to be printed.

Received from the Senate a message, proposing to go forthwith into an election for engrossing clerk, which was concurred in, and Messrs. Sherrill and Bogle were appointed a committee on the part of the House to superintend the election, and the Senate was informed thereof by message.

Thereupon the House proceeded to vote as follows:

For Mr. JOYNER.—Messrs. Speaker, J. Barnes, A. Barnes, Black, Blow, Bryant, Bullock, J. B. Bynum, Chadwick, Cotton, Dunn, Flynt, J. F. Hill, Holland, Jarvis, Long, Lyon, Martin, McMillan, J. W. Neal, Norment, Sherrill, Singeltary, Simmons, Tomlinson, J. H. White, L. Whitfield, T. H. Williams, C. W. Williams, D. Williams, Wright and Yancey—32.

For Mr. WHEAT.—Messrs. Amis, Barringer, Bogle, Bryson, D. F. Caldwell, Carmichael, Cook, Craven, Dargan, Daniel,


On motion by Mr. Dortch,

Ordered, That a message be sent to the Senate, proposing to go into an election for a solicitor in the second judicial circuit this day at half-past 12 o’clock.

On motion by Mr. Barringer, the following resolutions, heretofore introduced by Mr. J. B. Bynum, to refer certain portions of the Governor’s message, were taken from the table, read, amended, and adopted.

Resolved, That so much of the Governor’s message as relates to common schools, the literary fund and swamp lands be referred to the committee on education.

Resolved, That a message be sent to the Senate proposing to raise a joint select committee of five on the part of the House and three on the part of the Senate, whose duty it shall be to take into consideration that portion of the Governor’s message which relates to the deaf and dumb and blind.

Resolved, That a committee of five be appointed to consider the questions of constitutional reform recommended in the Governor’s message.

Resolved, That that portion of the message concerning agriculture and the geological survey of the State, be referred to the committee on agriculture.

Resolved, That that portion of the Governor’s message relating to internal improvements be referred to the committee on internal improvements.

Resolved, That the recommendation of the Governor in re-
Nation to common public highways be referred to the committee on propositions and grievances.

Resolved, That so much of the Governor's message as relates to the revenue be referred to the committee of finance.

Resolved, That so much of the message as relates to the charter of the North Carolina Railroad Company be referred to the committee on internal improvements.

Resolved, That that portion which relates to the rechartering of the two principal banks of the State, making other judicial circuits, and assigning other duties to the attorney general be referred to the committee on the judiciary.

Resolved, That a message be sent to the Senate proposing the appointment of a committee of five, three on the part of the House and two on the part of the Senate, to take into consideration the recommendation of the Governor in relation to the erection of monuments on the capitol square.

Mr. Bogle, from the committee to superintend the election of engrossing clerk, reported that neither of the candidates had received a majority of the votes given, and that there was no election, which report was concurred in.

On motion by Mr. D. F. Caldwell,

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

Mr. Vance withdrew the name of Mr. Wheat from the nomination, and the Senate was informed thereof by message.

Received from the Senate a message concurring in the proposition to go forthwith into an election for engrossing clerk, and informing that Messrs. McClees and Oldfield form the Senate branch of the committee to superintend the election.

Whereupon Messrs. Shaw and Rose were named on the part of the House.

The House then proceeded to vote as follows:

For Mr. Joyner:—Messrs. Speaker, Amis, A. Barnes, Barringer, Black, Blow, Bogle, Bryant, Bullock, Chadwick, Cofield, Cotten, Flynt, Gorrell, Harrison, J. F. Hill, Holland, Jarvis, Johnson, Long, Love, Lyon, Martin, McMillan, Mann, McDuffie, Mebane, J. W. Neal, Norment, Patterson, Parks, Phillips, Regan, Selby, Shepherd, Shipp, Sharpe, Sherrill, Singeltary, Simmons, Steele, Sutton, Tomlinson, Walser, Watts, G. M. White, J. H.


After the Speaker had announced the vote of the House, Mr. Winston asked that Mr. Gilliam be allowed to vote, which was refused.

Mr. Shepherd then moved that the House allow Mr. Gilliam to vote, which was agreed to, and he voted for Mr. Powell.

Received from the Senate a message concurring in the proposition of the House to go into the election of solicitor for the second judicial circuit to-day at half past twelve o’clock, and informing that Messrs. Wood and Wiggins form the Senate branch of the committee to superintend the election.

Messrs. Love and Chadwick were named as a committee on the part of the House.

Mr. Houston nominated George S. Stevenson, of Craven, and Mr. Winston George Green, of Craven, for the appointment, and the Senate was informed thereof by message.

The House then proceeded to vote as follows:


Mr. George Green voted for Mr. A. G. Hubbard.

The Speaker announced that the hour had now arrived to go into the election of a United States Senator for the balance of the term commencing from the 4th of March, 1853; that the name of the Hon. David S. Reid is in nomination.

Mr. Shipp added the name of the Hon. Daniel M. Barringer, and the Senate was informed thereof by message.

The House proceeded to vote as follows:


Mr. Barringer voted for John Kerr.
Mr. Jones voted for H. L. Holmes.
Mr. Love voted for Burton Craige.

Received from the Senate a message concurring in the proposition of the House to go into an election of a United States Senator for the term beginning on the 4th of March, 1855, to-morrow at 11 o'clock.

Also a message informing that they have passed the joint resolution, authorizing the principal clerks of the two Houses to provide curtains for the two halls, and ordered the same to be enrolled.

Also a message proposing to raise a joint select committee of three on the part of the Senate, and five on the part of the House, to be called the "committee on swamp lands," which was concurred in.

Mr. Winston, from the committee to superintend the election of United States Senator, reported that the Hon. David S. Ried had received a majority of the whole number of votes given, and was duly elected; which report was concurred in.

Mr. Shaw, from the committee to superintend the election of engrossing clerk, reported that Mr. Powell had received a majority of the whole number of votes given, and was duly elected; which report was concurred in.

Received from the Senate a message, proposing to raise a joint select committee of three on the part of the Senate, and three on the part of the House, to take into consideration the general subject of public printing, and of the printing and distribution of bills, &c., ordered by either branch of the General Assembly, which was concurred in.

Also a message concurring in the proposition of the House to raise a joint select committee on the lunatic asylum, and that Messrs. Mills, Cherry and Eaton form the Senate branch of said committee.

Mr. Love, from the committee to superintend the election of solicitor in the 2nd judicial circuit, reported that Mr. Stevenson had received a majority of the votes given, and was duly elected; which report was concurred in.

Mr. Waugh submitted the following resolution, which was read and adopted:

Resolved, That the doorkeeper be directed to cause the flag of the United States to be hoisted each day over the capitol during
the time this General Assembly may be in session; and further, that he be directed to have lights placed at or near the gates of the public square after night fall.

Received from the Senate a message accompanied by an engrossed resolution, authorizing the principal clerks of the two Houses to purchase clocks for the use of the General Assembly; the same was read the first time and passed, and

On motion by Mr. Dortch, the rules were suspended, and the resolution was read the second and third time, passed, ordered to be enrolled, and the Senate was informed thereof.

Mr. Dargan presented the following resolution:

Resolved, That a message be sent to the Senate, proposing to appoint the Speakers of the two Houses of the General Assembly a joint committee to wait upon his Excellency the Governor, and inform him of his election to the Senate of the United States for the unexpired term, commencing the 4th of March, 1853; and

Mr. Dortch moved to lay the same upon the table, upon which Mr. Cook demanded the yeas and nays, which were ordered, and the motion lost; yeas 15, nays 95.

Those who voted in the affirmative, were,
Messrs. J. Barnes, A. Barnes, Bryant, Dortch, Gentry, M. Green, Holland, Jordan, Myers, Oglesby, Waugh, Whitlock, T. H. Williams, C. W. Williams and Yancey—15.

Those who voted in the negative, were,
Wilkins, Winston, B. F. Williams, S. A. Williams, D. Williams and Wright—95.

The question recurring upon the resolution, it was adopted.

On motion by Mr. Bullock, the House adjourned to to-morrow morning 10 o'clock.

SATURDAY, NOVEMBER 25, 1854.

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

Resolved, That there shall be a standing committee of this House to be called "the committee on corporations," consisting of nine members.

Mr. Roland submitted the following resolution, which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to form a joint committee of five on the part of the House, and three on the part of the Senate, to take into consideration that part of the Governor's message upon the subject of the Cherokee lands and the Western Turnpike Road.

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

Resolved, That the committee on propositions and grievances, enquire into the expediency of so altering or amending the existing road laws of the State, as to distribute the burthen of making and keeping up the public roads in the several counties more equitably among the inhabitants thereof, either by taxation or such other mode as the committee may suggest; and that they report by bill or otherwise.

Mr. Horton introduced a bill to provide for the improvement of the road leading from the Wilkes county line, by the way of Meat Camp Creek, to the Tennessee line at or near Welch's store, which was read the first time, passed, and referred to the committee on internal improvements.

On motion by Mr. George Green,

Ordered, That a message be sent to the Senate, proposing to raise a joint select committee of three on the part of the Senate, and five on the part of the House, to be called a committee on the subject of banking.

Mr. Roland introduced a resolution in favor of Jacob T. Aber-
nathy and Jacob Siler of Cherokee county, which was read the first time, passed, and referred to the committee on claims.

Mr. T. H. Williams introduced a bill to increase the pay of jurors in the county of New Hanover, which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Dargan submitted a resolution in favor of Jeptha Woodard, which was read the first time, passed, and referred to the committee on propositions and grievances.

Mr. Steele asked to be excused from serving on the committee on printing, he being on two standing committees.

He was excused by the Speaker, and Mr. Lancaster appointed in his stead.

Mr. Lancaster introduced a bill to pay talis jurors in the county of Alamance; the same was read the first time, passed, and referred to the committee on private bills.

Mr. Houston, a bill to divide the State into nine judicial circuits, and for other purposes, which was read the first time, passed, referred to the committee on the judiciary, and ordered to be printed.

Received from the Senate a message informing that Messrs. Bower and Gilmer form the Senate branch of the committee to superintend the election of United States Senator this day at 11 o'clock, A. M.

The Speaker announced that the hour had now arrived to go into the election of a Senator of the United States for six years from and after the 4th of March, 1855.

The name of Hon. Asa Biggs being in nomination, Mr. J. M. Leach nominated the Hon. Geo. E. Badger, and Mr. Patton the Hon. Thomas L. Clingman for that appointment.

Thereupon the Speaker appointed Messrs. Yancey and Stubbs on the part of the House to superintend the election, and the Senate was informed thereof by message.

The House now proceeded to vote as follows:

For Mr. Asa Biggs—Messrs. Speaker, J. Barnes, A. Barnes, Badham, Black, Blow, Bryant, Bullock, J. B. Bynum, Cansler, Cofield, Cotten, Daughtry, Dortch, Dunn, Flynt, Garland, Gentry, M. Green, A. D. Headen, J. F. Hill, Holland, Houston, Humphrey, Jarvis, Jenkins, Jordan, Lancaster, Long, Love, Lyon, Martin, McMillan, McDuffie, Meares, Myers, J. W. Neal,


Mr. Singeltary submitted the following resolution, and the same was read and adopted:

Resolved, That the rules of parliamentary practice contained in Jefferson's Manual, shall govern this House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Commons.

Mr. Stubbs, from the committee to superintend the election of United States Senator, reported that the Hon. Asa Biggs had received a majority of the whole number of votes given, and was duly elected, which report was concurred in.

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

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing jury trials in the county courts, and that they report to the House by bill or otherwise.

Received from the Senate a message, accompanied by an engrossed resolution, appointing H. S. Smith engrossing clerk, which was read and adopted by the House, and the Senate was informed thereof by message.

Received from the Senate a message informing that the Senate has adopted the joint rules of order transmitted for their concurrence, with the following amendment, to wit:

"That the committee on the Revised Statutes consist of six members from each House, instead of eight members on the part
of the House and five members on the part of the Senate," which amendment was concurred in.

On motion by Mr. Patterson, the resolution heretofore submitted by Mr. Dortch, proposing to print the rules of the House, the joint rules, constitution, &c., was taken from the table; the same was adopted, and the Senate informed thereof.

On motion by Mr. Steele,

Orderd, That a message be sent to the Senate proposing to go into an election for a solicitor in the fourth judicial circuit on Wednesday next, at 11 o'clock, A. M.

Received from the Senate a message proposing to raise a joint select committee, consisting of five on the part of the House and three on the part of the Senate, on military affairs, which was concurred in.

Also a message concurring in the several propositions of the House to raise a joint select committee on that portion of the Governor's message relating to the deaf, dumb and blind, and informing that Messrs. Sanders, Tayloe and Speight form the Senate branch of said committee; and on that portion of said message relating to the erection of monuments in the capitol square, Messrs. Coleman and Ashe form the Senate branch of that committee.

Also a message informing that Messrs. Brogden, McClees and Fennell form the Senate branch of the joint committee on the library; that Messrs. Clark, Haughton and Cunningham form the Senate branch of the joint committee on public printing; that Messrs. Cherry, Biggs and Jones form the Senate branch of the committee on swamp lands.

The Speaker announced the following committees:


On printing:—Messrs. Mann, Lancaster and McMillan.

On the lunatic asylum:—Messrs. Dortch, Barringer, Blow, Amis and Shepherd.

And the Senate was informed thereof by message.

Received from the Senate a message concurring in the proposition of the House to appoint the Speakers of the two Houses a joint committee to wait upon his Excellency, David S. Reid, and inform him of his election to the Senate of the United States.
On motion by Mr. Dortch, the House adjourned to Monday morning, 10 o'clock.

MONDAY, NOVEMBER 27, 1854.

On motion by Mr. Dargan, Mr. A. H. Caldwell, member elect from the county of Rowan, was duly qualified and took his seat.

Mr. Phillips presented a memorial in favor of John Y. Adams and others, and on his motion the same was referred to the committee on claims.

Mr. Bogle presented a memorial from citizens of the county of Alexander praying the passage of a law prohibiting the liquor traffic; the same was referred to the committee on propositions and grievances.

Mr. Humphrey presented the report and resolution of the Salisbury internal improvement convention, the same was referred to the committee on internal improvements and ordered to be printed.

Mr. Steele moved to reconsider the resolution passed on Saturday, adopting Jefferson's Manual as a parliamentary rule.

Mr. Singeltary moved to lay the motion upon the table, and demanded the yeas and nays, which were taken, and the motion to lay on the table was lost; yeas 31, nays 79.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltary asked leave to withdraw the original resolution, which was granted.

Mr. S. A. Williams moved to reconsider the resolution adopted on Saturday last, raising a joint select committee on the subject of banking, which motion was laid upon the table.

The Chair announced the following committees:


On military affairs:—Messrs. Dargan, Humphrey, Holland, Bryson and Wright.

On monuments:—Messrs. J. F. Hill, Johnson, and Regan.


Mr. Steele introduced a bill to amend the constitution of North Carolina; the same was read the first time and passed by the constitutional majority of three-fifths, referred to the committee on constitutional reform and ordered to be printed.

Mr. Mann introduced a bill to repeal the 18th section and part of the 116th section of the act, entitled an act for the improvement of Elizabeth City, which was read the first time and passed; and,

On motion by Mr. Mann, the rules were suspended, and the bill was read the second and third time, passed, and ordered to be engrossed.

Mr. McMillan, a bill to incorporate the Bank of Wilmington; the same was read the first time, passed, laid upon the table, and ordered to be printed.

Mr J. M. Leach, a bill to ascertain the will of the freemen of North Carolina on calling a convention, which was read the first time, passed, referred to the committee on constitutional reform, and ordered to be printed.
Mr. Shepherd, a bill to give a right of action in certain cases to personal representatives, where life is lost by carelessness or negligence in the management of railroads in this State, which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Rose, a bill to provide for paying talis jurors in the county of Rowan, which was read the first time, passed, and laid upon the table.

Mr. George Green introduced a bill to amend an act, entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company, which was read the first time, passed, referred to the committee on internal improvements, and ordered to be printed.

Received from the Senate a message informing that the joint select committee on the part of the Senate, on the revision of the Statutes, are, Messrs. Biggs, Graham, Eaton, Ashe, Fisher and Haughton; that Mr. Biggs of the joint committee on finance has been excused, and Mr. Boyd appointed in his place.

Also a message proposing to raise a joint select committee, consisting of two on the part of each House, to make the necessary arrangements for counting the votes for Governor polled at the election in August last, which was concurred in, and the Chair appointed Messrs. T. H. Williams and Gorrell said committee on the part of the House, and the Senate was informed thereof by message.

Also a message concurring in the proposition to go into an election of solicitor for the 4th judicial circuit, on Wednesday next at 11 o'clock, A. M.; and informing that Messrs. Wilder and Freeman form the Senate branch of the committee to superintend said election; that Messrs. Hoke, Mitchell and Brogden form the Senate branch of the joint select committee on military affairs.

And that the Senate concurs in the proposition to print one copy of the pamphlet rules of order, constitutions, &c., for every member of the General Assembly, and for each of the clerks.

The Chair appointed Messrs. Norment and Holland a committee on the part of the House to superintend the election of solicitor for the 4th judicial circuit on Wednesday next, and the Senate was informed thereof by message.
On motion by Mr. Amis, the House adjourned to to-morrow morning 10 o'clock.

TUESDAY, November 28, 1854.

Mr. Settle, from the committee on claims, to whom was referred the engrossed resolution in favor of Oliver H. Perry, reported the same back to the House, and recommended its passage; the same was read the second time and passed; and

On motion by Mr. Phillips, the rules were suspended, and the resolution read the third time, passed, and ordered to be enrolled.

Mr. Settle introduced the following resolutions:

1. Resolved, That the act passed at the last session of Congress, providing territorial governments for Nebraska and Kansas, embraces the true principle in relation to the power of the federal government on the subject of slavery in the Territories.

2. Resolved, That the principle asserted in said act on the question of slavery, is a subject of vital importance, upon which all southern men ought to unite.

3. Resolved, That the attempt on the part of some of the States of the north to interfere with slavery in the south, is a flagrant violation of the constitution of the United States, and fraught with incalculable mischief to the people of this State.

4. Resolved, That the preservation of the rights of this State, in the peaceful enjoyment of the domestic institution of slavery, is a paramount duty.

5. Resolved, That much praise is due to the patriotic men who have boldly maintained the compromises of the constitution in the midst of the infuriated fanaticism of the north.

6. Resolved, That this State is determined to resist any further encroachments upon her constitutional rights.

7. Resolved, That in the event the federal government repeal or impair the efficiency of the provisions of the fugitive slave law, or refuse to enforce its execution in good faith, that it will amount to a virtual dissolution of the Union, and that it will become the duty of this State to take such measures as may be required for her safety and security.

8. Resolved, That if either of the contingencies contemplated in the foregoing resolution should arise during the recess of the General Assembly, that the Governor be requested to convene
that body, to the end that the rights of the State may be maintained.

9. **Resolved,** That a copy of these resolutions be transmitted by the executive to each of the Senators and Representatives in Congress from this State, to be laid before their respective Houses, and also a copy to the Governors of the respective States of the Union.

Which resolutions were read, and on motion of Mr. Settle, ordered to lie upon the table and be printed.

Mr. J. M. Leach moved that a message be sent to the Senate proposing to raise a joint select committee of seven on the part of the House and five on the part of the Senate, to be called the committee on federal relations, which

Mr. Settle moved to lay upon the table.

The latter motion was rejected, and Mr. Leach withdrew the original motion.

Mr. J. Barnes presented the following resolution:

**Resolved,** That the committee on the judiciary be instructed to inquire into the expediency of passing a law respecting the counterfeiting of American silver coin, and that they report by bill or otherwise.

Which was read and adopted.

Mr. Black introduced a bill to give to the county and superior courts of Mecklenburg jurisdiction over the sale of real estate for division amongst joint tenants and tenants in common, which was read the first time, passed, and referred to the committee on the judiciary.

Also a bill to provide for paying talis jurors in the county of Mecklenburg, which was read the first time, passed and referred to the committee on the judiciary.

Mr. McKesson introduced a bill to incorporate the Western Railroad Company, which was read the first time and passed, and on his motion, referred to the committee on internal improvements and ordered to be printed.

Mr. Carmichael, a bill to distribute the common school fund among the several counties of the State in the ratio of their white population, which was read the first time and passed, and on his motion, referred to the committee on education.

Received from the Senate a message proposing to go into the
election of comptroller forthwith, and Mr. S. A. Williams moved to lay the same upon the table, which motion was rejected, and the House then concurred in the proposition of the Senate; and thereupon the Chair appointed Messrs. J. F. Hill and Cotten a committee on the part of the House to superintend the election, and the Senate was informed thereof by message.

Mr. Waugh nominated George W. Brooks for said office, and the House then voted as follows:


Messrs. Patton and Roland, voted for Mr. Axley—2.

Mr. B. F. Williams voted for Mr. C. H. Brogden.

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

Mr. J. H. Headen, a bill to incorporate the Chatham Railroad Company; which was read the first time and passed, and referred to the committee on internal improvements, and ordered to be printed.

Mr. Watts, a bill to regulate the floating of timber on the Roanoke river; which was read the first time and passed.

On motion by Mr. Gilliam, the rules were suspended, and the
same was read the second and third times, passed, and ordered to be engrossed.

Mr. Bryson, a bill to protect live stock from malicious destruction; which was read the first time and passed, and referred to the committee on the judiciary.

Mr. Myers, a bill to emancipate Jerry, a slave; which was read the first time and passed, and on motion by Mr. Steele, referred to the committee on private bills.

Mr. Hill, from the committee to superintend the election of comptroller, reported that Mr. Geo. W. Brooks had received a majority of the votes given, and was duly elected; which report was concurred in.

Received from the Senate a message, transmitting the report of Messrs. Moore and Biggs, commissioners, to revise the statutes, with documents, &c., proposing to refer the same to the joint committee on the Revised Statutes, and to place under their direction the distribution of the printed copies; which was concurred in.

Also a message, concurring in the proposition to raise a joint select committee of five on the part of the House, and three on the part of the Senate, to take into consideration the subjects of Cherokee Lands and the Western Turnpike Road, and that Messrs. Thomas, of Jackson, Rayner and Bower, form the Senate branch of said committee.

That Messrs. Clark, Wiggins and Martin are the Senate branch of the committee on enrolled bills.

The Speaker appointed Messrs. Roland, Patton, Love, Patterson and Yancey, the committee on the subject of Cherokee Lands, and the Western Turnpike Road, on the part of the House.

Also a message, proposing to raise a joint select committee of five on the part of each House, to be called the committee on the subject of banking; which was concurred in.

Mr. Whillock introduced a bill to aid in opening and improving the road across the Blue Ridge, at Fisher's Gap; which was read the first time and passed, and referred to the committee on propositions and grievances.

The Speaker laid before the House a communication from his Excellency the Governor, transmitting the report of the president
and directors of the Cape Fear and Deep River Navigation Company.

Also the resignations of justices of the peace, received at the executive office since the last session of the General Assembly.

On motion by Mr. Barringer, the same were transmitted to the Senate, with a proposition to print the report and accompanying documents of the Cape Fear and Deep River Navigation Company.

On motion by Mr. Williams, of Warren, the House adjourned to-morrow morning 10 o'clock.

WEDNESDAY, NOVEMBER 29, 1854.

Mr. Houston presented a petition accompanied by a memorial to emancipate Abram a slave, which was read, and referred to the committee on private bills.

Mr. B. F. Williams presented a memorial from sundry citizens of Green county, praying the passage of a law to prohibit the traffic in intoxicating liquors.

On motion by Mr. S. A. Williams, the same was read.

Mr. Singeltary moved that it be received and laid upon the table.

Upon which Mr. B. F. Williams demanded the yeas and nays; they were ordered and taken, and the motion disagreed to; yeas 36, nays 75.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House refused to lay upon the table, and

On motion by Mr. B. F. Williams, the memorial was referred to the committee on propositions and grievances.

Mr. Waugh, from the committee on propositions and grievances, to whom was referred the resolution in favor of Jeptha Woodard, reported favorably thereon.

The resolution was read the second time and passed.

On motion by Mr. Dargan, the rules were suspended, and the same was read the third time, passed, and ordered to be engrossed.

Mr. Waugh, from the same committee, to whom was referred a memorial from sundry citizens of Alexander county, praying the passage of a law prohibiting the traffic in intoxicating liquors, reported the same back to the House, and asked to be discharged from its further consideration.

Mr. Martin moved that the report and memorial be laid upon the table for the present, which was carried; yeas 72, nays 41.

The yeas and nays demanded by Mr. B. F. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Black, J. B. Bynum, Chadwick, Cofield, Cotten, Cook, Daughtry, Dortch, Dunn, Eure, Flynt, G. Green, M. Green, Harrison, A. D. Headen, Jenkins, Johnson, Jones, Jordan, March, McMillan, Mann, McDuffie, Meares, S. J. Neal,
Received from the Senate a message proposing to go into the election of judge for the fifth judicial circuit this day at 12 o'clock, M., which was concurred in.

Also a message informing that Messrs. Wilder and Freeman form the Senate branch of the committee to superintend the election of solicitor for the fourth judicial circuit.

The Speaker announced that the hour had now arrived to go into an election for a solicitor for the fourth judicial circuit, and named Messrs. Norment and Holland a committee on the part of the House to superintend the election.

Mr. Dortch nominated Mr. J. W. Lancaster; Mr. Settle, Mr. Thomas Ruffin; and Mr. Roland, Mr. A. J. Stedman, and the Senate was informed thereof by message.

The House then voted as follows:


Received from the Senate a message concurring in the proposition to print the communication from his Excellency, the Gov-
error, and the accompanying report of the Cape Fear and Deep River Navigation Company; and informing that Messrs. Wilder, Cherry, Gilmer and McDowell form the Senate branch of the committee on banking; that Messrs. Bower, Boyd, Wilder, Walker, Gilmer, Clark, Rayner and Cherry form the Senate branch of the committee on finance; that Messrs. Bower and McClees form the Senate branch of the committee to make arrangements to compare the votes for Governor polled at the last election.

Mr. Norment, from the committee to superintend the election of solicitor, reported that neither of the gentlemen in nomination had received a majority of the votes given, and consequently there was no election, which report was concurred in.

Received from the Senate a message proposing to vote forthwith for a solicitor of the fourth judicial circuit, which was concurred in.

The Speaker named Messrs. Simmons and March a committee on the part of the House to superintend the election, and the Senate was informed thereof by message.

The House then voted as follows:

For Mr. Lancaster:—Messrs. Amis, J. Barnes, A. Barnes, Bogle, Bryson, Bryant, D. F. Caldwell, Carmichael, Chadwick, Cofield, Daughtry, Dortch, Dunn, Jenkins, Jordan, Martin, Mebane, Norment, Oglesby, Regan, Shaw, Sharpe, Simmons, Sutton, Tomlinson, N. B. Whitfield, L. Whitfield, Whitaker, B. F. Williams and D. Williams—30.


Received from the Senate a message informing that the hour had now arrived at which, under the joint order of the two Houses, to go into the election of judge for the fifth judicial circuit, and that Messrs. McDowell and Thomas of Davidson form the Senate branch of the committee to superintend the election.

The Speaker named Messrs. J. M. Leach and Dunn a committee on the part of the House, and the Senate was informed thereof by message, and that the name of Samuel J. Person was in nomination.

The House then voted as follows:


For Mr. W. A. Wright:—Messrs. D. F. Caldwell, A. H. Caldwell, Chadwick, George Green and Outlaw—5.

For Mr. Thomas D. Meares:—Messrs. Daniel, Gilliam and Stubbs—3.

For Mr. Outlaw:—Mr. Davenport—1.
For Mr. George Davis:—Mr. Jones—1.
For Mr. Haywood Guion:—Mr. Sharpe—1.

On motion by Mr. Barringer,
Ordered, That when this House adjourn it will adjourn to Friday morning, 10 o'clock.

Mr. March, from the committee to superintend the election of solicitor for the fourth judicial circuit, reported that neither of the gentlemen in nomination had received a majority of the votes given, and consequently there was no election, which report was concurred in.

The House now adjourned to Friday morning, 10 o'clock.

FRIDAY, December 1, 1854.

Mr. Cansler asked to be excused from serving on the committee on banking, being on two other standing committees; he was excused, and Mr. Singeltary substituted.

Mr. Shepherd presented memorials praying for the emancipation of slave Jane Thomas; also slaves Dolly and Caroline, Isham, Peter and Louis. On his motion, the reading of the memorials was dispensed with, and severally referred to the committee on private bills.

Mr. Yancey presented a memorial from sundry citizens of Madison county, praying for the passage of a law prohibiting the traffic in intoxicating liquors.

Mr. T. H. Williams, a like memorial from citizens of New-Hanover county; which were severally referred to the committee on propositions and grievances.

Mr. D. F. Caldwell presented a memorial from the Summerfield Guards, a volunteer company in Guilford county, praying to be exempt from militia muster; which was referred to the committee on Military affairs.

Mr. Badham presented the petition of Sarah Avera, (widow,) praying for a pension allowance; which was referred to the committee on claims.

On motion by Mr. Settle,

Ordered, That a message be sent to the Senate, proposing to go forthwith into an election for a solicitor for the fourth judicial circuit.

Received from the Senate a message, concurring in the proposition to go forthwith into an election for a solicitor in the fourth judicial circuit, and informing that Messrs. Freeman and Wilder
form the Senate branch of the committee to superintend the election.

The Speaker named Messrs. Eure and J. W. Neal a committee on the part of the House, and the Senate was informed thereof by message.

The House then voted as follows:


Mr. Dortch, from the committee on the judiciary, to whom was referred a bill to protect live stock from malicious destruction, reported the same back to the House, and recommended its passage.

The bill was read the second time, and Mr. Roland moved to amend by inserting Cherokee county, and Mr. Mann, by inserting Pasquotank county; which amendments were adopted, and the bill, as amended, passed its second reading.

Received from the Senate a message, informing that Mr. Cunningham is appointed on the part of the Senate to superintend the counting of the votes for Governor, and the Speaker named Messrs. T. H. Williams and Steele a committee on the part of
the House to act with him, and the Senate was informed by message.

Mr. Whitaker introduced a resolution in favor of W. H. High, sheriff of Wake county; which was read the first time and passed, and referred to the committee on claims.

Mr. Roland presented a resolution in favor of Jno. Paine, of the county of Cherokee; which was read the first time and passed, and, on his motion, laid upon the table.

Mr. J. H. Headen presented the following resolution; which was read and adopted:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of abolishing imprisonment for debt in North Carolina, or of so amending the laws on this subject as more effectually to prevent the imprisonment of honest debtors, and report by bill or otherwise.

Mr. Jarvis introduced a bill to protect wild fowl in the waters of Currituck county, which was read the first time and passed.

On motion by Mr. Jordan, the rules were suspended, and the same was read the second and third time, passed, and ordered to be engrossed.

Mr. J. W. Neal, from the committee to superintend the election of solicitor for the fourth judicial circuit, reported that neither one of the candidates had received a majority of the votes given, and consequently there was no election; which reported was concurred in.

Mr. Meares introduced a bill to incorporate the Cape Fear and Wacamaw Canal and Lumber Company, which was read the first time, passed, and referred to the committee on internal improvement.

Received from the Senate a message proposing to go forthwith into an election of solicitor for the fourth judicial circuit, which was concurred in, and the Speaker named Messrs. Waugh and Meares a committee on the part of the House to superintend the election, and the Senate was informed thereof by message.

Received from the Senate a message informing that Messrs. Person and Davis form the Senate branch of the committee to superintend said election; and that the Senate would proceed to vote upon the return of the messenger.

The House then voted as follows:
For Mr. Lancaster:—Messrs. J. Barnes, A. Barnes, Bryson, Bryant, D. F. Caldwell, Cansler, Carmichael, Chadwick, Cofield, Daughtry, Dortch, Dunn, Houston, Jarvis, Jenkins, Jordan, Lyon, Martin, Mebane, Norment, Oglesby, Regan, Shipp, Shaw, Sharpe, Sherrill, Sutton, Tomlinson, G. M. White, J. H. White, N. B. Whitfield, L. Whitfield, B. F. Williams and T. H. Williams—34.


Mr. T. H. Williams introduced a bill to alter the time of holding the superior courts in the counties of Sampson and Cumberland, which was read the first time, passed, and referred to the committee on private bills.

On motion by Mr. T. H. Williams, the bill heretofore introduced to incorporate the Bank of Wilmington, was taken up, and referred to the committee on banking.

Mr. L. Whitfield introduced a bill to amend the Statute in relation to attorneys at law, which was read the first time, passed, and referred to the committee on propositions and grievances.

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

*Be it resolved by the General Assembly of the State of North Carolina, That the committee on the judiciary be instructed to report a bill providing for the distribution of the assets of insolvent estates pro-rata amongst all the creditors of said estates.*

Mr. Humphrey introduced a bill to regulate the pay of jurors and witnesses in the county of Onslow, which was read the first
time, passed, and referred to the committee on private bills.

Mr. Oglesby, a bill to pay talis jurors in the county of Carteret, which was read the first time, passed, and referred to the committee on private bills.

Mr. George Green, a bill to incorporate Union Bank in the town of Newbern, which was read the first time and passed; and on his motion, referred to the committee on banking, and ordered to be printed.

Mr. A. H. Caldwell, a bill to incorporate the Bank of Salisbury, which was read the first time and passed; and on his motion, referred to the committee on banking, and ordered to be printed.

Mr. Patterson, a bill to extend the time for perfecting titles to lands heretofore entered, which was read the first time and passed.

Mr. Meares, from the committee to superintend the election of solicitor for the fourth judicial circuit, reported that neither of the gentlemen in nomination had received a majority of the votes given, and consequently there was no election.

Which report was concurred in.

Received from the Senate a message proposing to vote forthwith for a solicitor for the fourth judicial circuit.

Mr. Singeltary moved to lay the message upon the table, which was disagreed to.

The message was then concurred in, and the Speaker named Messrs. Whitaker and Perkins a committee on the part of the House to superintend the election, and the Senate was informed thereof by message.

Received from the Senate a message informing that Messrs. Person and Davis form the Senate branch of the committee to superintend said election, and that the Senate would proceed to vote upon the return of the messenger.

The House then voted as follows:


For Mr. Ruffin:—Messrs. Speaker, Barringer, Badham, Blow, Bullock, J. B. Bynum, A. H. Caldwell, Cotten, Dargan, Daughtry, Dunn, Gentry, Gorrell, G. Green, M. Green, Hum-
phrey, Long, Meares, Myers, J. W. Neal, Outlaw, Patterson, Perkins, Rand, Regan, Settle, Shepherd, Smith, Steele, Turner, Watts, Whitaker, Whitlock, Winston and Wilkins—35.


For Mr. Ralph Gorrell:—Messrs. J. G. Bynum, David F. Caldwell, Horton and Sharpe—4.

For Mr. Josiah Turner, Jr.:—Messrs. Carmichael and Shipp—2.

Mr. McKesson voted for Mr. J. G. Bynum.

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

SATURDAY, DECEMBER 2; 1854:

Mr. Shipp presented a memorial from sundry citizens of Rutherford county, praying a repeal of the act of 1852, chapter 18, concerning the superintendent of common schools, which was referred to the committee on education.

Mr. J. G. Bynum presented a memorial from sundry citizens of Rutherford county, praying the passage of a law prohibiting the sale of intoxicating liquors.

Mr. Love, a like memorial from citizens of Haywood county, which were severally referred to the committee on propositions and grievances.

Mr. Horton presented the proceedings of an internal improvement meeting of the citizens of Watauga county, held at Boone, which was referred to the committee on internal improvements.

Mr. T. H. Williams presented a report from the president of the Bank of Cape Fear, which on his motion was ordered to lie upon the table and be printed.

Mr. J. M. Leach from the committee to superintend the election of judge for the fifth judicial circuit, reported that Samuel J. Person had received a majority of the whole number of votes given and was duly elected, which report was conurred in.

Mr. Steele, from the select committee to whom was referred
the bill to provide adequate compensation to certain officers of this State, reported the same back to the House and recommended its passage.

Mr. Smith moved that the bill and report be recommitted, with instructions to ascertain what amount the several officers of State have received, in addition to their State salaries, during the present year.

Mr. Barringer moved to lay the whole matter upon the table, which was carried.

Received from the Senate a message transmitting an engrossed resolution in favor of John Green.

Also a resolution to furnish the office of the clerk of the Senate, which were severally read the first time and passed.

Mr. T. H. Williams presented a resolution in favor of Henry Nutt, of Wilmington, which was read the first time, passed, and referred to the committee on claims.

Mr. J. G. Bynum submitted a resolution concerning the supreme and superior courts, which was read, adopted, and referred to the committee on the judiciary.

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

Resolved, That the committee on the Revised Statutes be instructed to inquire into the expediency of so amending the said Statutes that any sheriff in said State, committing a defendant in a civil action for want of bail to the jail of his county, shall for the escape of such defendant be responsible only for actual negligence.

On motion by Mr. J. G. Bynum, the vote by which the resolution introduced by him concerning the supreme and superior courts was adopted, was reconsidered, and on his motion laid upon the table and ordered to be printed.

Mr. Gentry introduced a bill, accompanied by a memorial, to establish a new county by the name of Alleghany, which was read the first time, passed, and the same was referred to the committee on propositions and grievances.

Mr. Shepherd introduced a bill to amend an act of the session of 1850, entitled an act to incorporate the Fayetteville and Northern Plankroad Company, which was read the first time and passed; and on his motion the rules were suspended, and the same
was read the second time and passed.

On motion by Mr. Dortch,

Ordered, That a message be sent to the Senate proposing to go forthwith into an election for a solicitor for the fourth judicial circuit.

Received from the Senate a message concurring in the proposition to go into an election for a solicitor for the fourth judicial circuit, and informing that Messrs. Speight and Mitchell form the Senate branch of the committee to superintend the election; and the Speaker named Messrs. Sherrill and Thornburg, a committee on the part of the House, and the Senate was informed thereof by message.

The House then voted as follows:


For Mr. Gorrell:—Messrs. D. F. Caldwell and Johnson—2.

Mr. T. H. Williams asked to be excused from serving as one of the tellers to compare the Governor's vote; in consequence of indisposition he was excused, and Mr. Martin substituted in his stead.

Mr. Roland introduced a bill to repeal a portion of the second section of the 16th chapter of the Revised Statutes, entitled an
act concerning the burning of woods; which was read the first time and passed, and, on his motion, laid upon the table.

Mr. McDuffie a bill, accompanied by a memorial, to emancipate Betty, a slave; which was read the first time and passed, and the same was referred to the committee on private bills.

Mr. Sherrill, from the committee to superintend the election of solicitor for the fourth judicial circuit, reported that neither of the gentlemen in nomination had received a majority of the votes given, and consequently there was no election; which report was concurred in.

Received from the Senate a message, transmitting the report of the joint committee appointed to make arrangements to compare the vote for Governor; which was read and concurred in.

The Speaker announced that the hour had now arrived, according to the joint order of the two Houses, to compare and examine the returns of the votes for Governor, at the last August election; and accordingly a message was sent to the Senate, informing of the readiness of this House to receive that body for this purpose, and thatMessrs. Steele and Martin were appointed tellers on the part of this House.

The two Houses thereupon assembled in general convention, in the hall of the House of Commons, Mr. Speaker Winslow of the Senate in the Chair, who made the following announcement:

Gentlemen of the Senate and of the House of Commons:

The two Houses of the General Assembly being here assembled, I will proceed, according to the requirements of the constitution, to open and publish, in their presence, the returns of the election for Governor, held on the first Thursday of August. I will commence with the counties in alphabetical order.

Thereupon, the clerks of the two Houses, in the presence of the tellers, 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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<td>Sampson</td>
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<td>-1541</td>
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<td>Warren</td>
<td>-754</td>
<td>163</td>
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<td>Watauga</td>
<td>157</td>
<td>428</td>
</tr>
<tr>
<td>Wayne</td>
<td>-1145</td>
<td>304</td>
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Counties.  For Thomas Bragg  For Alfred Dockery.

Wilkes,  325  /1261
Yadkin,  650  /758
Yancey,  639  349

Total vote,  48,705  46,644

Whereupon, Mr. Speaker Winslow, as president of the convention made a declaration of the result as follows:

Gentlemen of the Senate and of the House of Commons:
The tellers appointed by the two Houses of the General Assembly to compare the returns and make a list of the votes given at the late election for Governor in this State, report that Thomas Bragg received 48,705 votes, being the highest number of votes given, and that Alfred Dockery received 46,644.

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

The Senators having withdrawn, the Speaker of the Commons resumed his chair.

Whereupon he announced that the annual report of the treasurer of the State was upon his desk ready for the action of the House.

On motion by Mr. Shepherd, the same was transmitted to the Senate with a proposition to print and refer to the committee on finance.

Mr. Black introduced a bill to increase the capital stock of the Bank of Charlotte, which was read the first time, passed, referred to the committee on banking and ordered to be printed.

On motion by Mr. Black, the House adjourned to Monday morning, 10 o'clock.

MONDAY, December 4, 1854.

Mr. A. H. Caldwell presented a memorial to establish a bank at Salisbury.

Mr. George Green presented a memorial to establish Union bank, in the town of Newbern; the same were severally referred to the committee on banking.
Mr. Amis presented a memorial in favor of John B. Debnam, of the county of Granville, which was referred to the committee on claims.

On motion by Mr. Singeltary,

Ordered, That a message be sent to the Senate proposing to print a list of the standing committees of each House, and the joint committees of the two Houses.

The Speaker announced the following committee on enrolled bills: Messrs White of Bladen, Leach of Davidson, Wilkins, J. F. Hill, and Flynt, and the Senate was informed thereof by message.

Mr. Perkins, from the committee to superintend the election for solicitor for the fourth judicial circuit, reported that neither of the gentlemen in nomination had received a majority of the votes given, and consequently there was no election, which report was concurred in.

Mr. S. A. Williams moved that a message be sent to the Senate proposing to go forthwith into an election for a solicitor in the fourth judicial circuit.

Mr. Singeltary objected to the motion, and the same was withdrawn.

Mr. Love renewed the motion, and

Mr. J. W. Neal moved to lay the motion upon the table, which was carried.

Mr. Waugh presented a report from the Bank of Fayetteville, and on his motion the same was laid upon the table and ordered to be printed.

Mr. Johnson introduced a bill to incorporate the Greensborough, Madison and Virginia Plankroad Company, which was read the first time, passed, and referred to the committee on corporations.

Mr. Barnes of Edgecombe, introduced a bill to establish a new county by the name of Wilson.

Mr. A. H. Caldwell, a bill to establish a public road in the county of Rowan; and

Mr. Garland, a bill to prevent the ranging of stock from any other State or county in Yancey county, which were severally read the first time, passed, and referred to the committee on propositions and grievances.

Mr. Dortch introduced a bill to amend the constitution of the
State by providing for the election of judges for a term of years, which was read the first time, passed by the constitutional majority of three-fifths, and referred to the committee on constitutional reform.

Mr. Singeltary introduced a bill in relation to county courts; and

Mr. Jordan, a bill to prohibit the sale of spirituous liquors to free persons of color, which were severally read the first time, passed, referred to the committee on the judiciary, and ordered to be printed.

Mr. Jenkins introduced a bill to pay talis jurors in the county of Warren;

Mr. Gentry, a bill in favor of B. C. Bartlett, late sheriff of Ashe county;

Mr. Cofield, a bill to increase the pay of jurors in the county of Cumberland; and

Mr. Houston, a bill to emancipate Abram, a slave, which were severally read the first time, passed, and referred to the committee on private bills.

Mr. Dortch introduced a bill to incorporate the Bank of Goldsborough, which was read the first time, passed, and referred to the committee on banking.

Mr. Shepherd introduced a bill to amend an act of the session of 1852, entitled an act concerning the place of trial for civil process before justices of the peace, which was read the first time and passed.

Mr. Jones introduced a bill to regulate civil process; which was read the first time and passed, and referred to the committee on the judiciary.

Mr. Wright moved that a message be sent to the Senate, proposing to go into an election forthwith for a solicitor for the fourth judicial circuit.

Mr. Singeltary moved to lay the motion upon the table; which was disagreed to.

Mr. Jenkins moved to amend, by substituting to-morrow, at 12 o'clock, M.; which amendment was lost.

The question now recurring on the original motion, it was carried.

Mr. Wright introduced a bill to amend the common school law;
which was read the first time and passed, and referred to the committee on education.

Mr. Dortch, a bill concerning the Wilmington and Raleigh Railroad Company; which was read the first time and passed, and referred to the committee on internal improvement.

Mr. Steele presented a resolution of instruction to the committee on education; which was read and adopted.

On motion by Mr. Singeltary, the engrossed resolution from the Senate, authorizing the purchase of clocks for the use of the General Assembly was taken up, and Mr. S. A. Williams moved that the same be indefinitely postponed; which was disagreed to, and the resolution was read the second time and passed.

On motion by Mr. Steele the rules were suspended, and the same was read the third time, passed, and ordered to be enrolled.

Received from the Senate a message, informing that they have passed the engrossed bill from this House to protect wild fowl in the waters of the county of Currituck, with the following amendment:—Strike out the word "ratification" and insert "ten days after the passage of this bill," in which they ask the agreement of the House; the House agreed to the amendment, and ordered the bill to be enrolled.

Also a message agreeing to the several propositions of the House to print one copy of the treasurer's report for each member of the General Assembly, and to print a list of the standing and joint committees of the two Houses.

A bill to protect live stock from malicious destruction was taken up and read the third time, and

On motion by Mr. Mann, amended by striking out the county of Pasquotank.

The bill as amended then passed its third reading, and was ordered to be engrossed.

A bill to amend an act of the session of 1850, entitled an act to incorporate the Fayetteville and Northern Plankroad Company, was taken up, read the third time, passed, and ordered to be engrossed.

A bill to extend the time for perfecting titles to lands heretofore entered, was taken up, and

On motion by Mr. Patterson, laid upon the table.

On motion by Mr. Roland, a bill to repeal a portion of the se-
cond section 16th chapter of the Revised Statutes, entitled an act concerning the burning of woods, was taken up and read the second time.

Mr. Love moved to amend the bill by striking out Haywood county; and

Mr. Singeltary moved to amend by striking out the preamble. Which amendments were adopted.

On motion by Mr. D. F. Caldwell, the bill was laid upon the table.

On motion by Mr. George Green, the House adjourned to tomorrow morning 10 o'clock.

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TUESDAY, December 5, 1854.

Mr. Cansier presented a memorial from citizens of Lincoln county, praying the passage of a prohibitory liquor law, and

Mr. Mebane a like memorial from citizens of Alamance county, which were referred to the committee on propositions and grievances.

Mr. Lancaster, from the committee on private bills, to whom was referred the bill to pay talis jurors in the county of Alamance, reported favorably thereon, and the bill was read the second time, when

Mr. Craven moved to amend by inserting Randolph county;
Mr. Norment by inserting Robeson county;
Mr. Sharpe by inserting Iredell county; and
Mr. Bogle Alexander county.

Which amendments were severally adopted.

Mr. Phillips offered the following as a substitute, to come in after the enacting clause:

That hereafter all talis jurors who shall be summoned in either the county or superior courts of this State, and who shall actually serve on the jury, without being discharged before the adjournment of the court on the day on which they are summoned, shall be entitled to the same per diem compensation as jurors summoned on the original pannell.

2. Be it further enacted, That all talis jurors who shall be summoned to either of the courts aforesaid, and who shall be compelled to attend court on any other day than the day on which they were summoned, and shall actually serve on the jury, shall
be entitled to the same *per diem* compensation and mileage as jurors summoned on the original pannell; and the clerks of the respective courts aforesaid, are hereby requested to give to each talis juror a certificate of attendance in conformity to the provisions of this act, which the sheriff or county trustee shall pay in the same manner as jurors of the regular pannell are now paid.

Mr. Smith submitted the following amendment to the substitute offered by Mr. Phillips:

*Provided,* That the county court—a majority of the justices being present—may dispense with the provisions of this act, so far as that county may be concerned, which was read and adopted.

The question recurring upon the substitute as amended, it was adopted, and

On motion by D. F. Caldwell, the bill was referred to the committee on the judiciary.

The Speaker laid before the House a communication from Jno. M. Morehead, President of the North Carolina Railroad Company, and

On motion by J. M. Leach, the same was transmitted to the Senate, with a proposition to print the same together with the accompanying documents.

Received from the Senate a message proposing to go forthwith into an election for a solicitor for the fourth judicial circuit, which was concurred in, and the Speaker named Messrs. Bryant and Shipp a committee on the part of the House to superintend the election.

Mr. Dortch withdrew the name of Mr. Lancaster from the nomination, and the Senate was informed by message.

Received from the Senate a message informing that Messrs. Fennell and Morrisey form the Senate branch of the committee to superintend said election, and that they would proceed to vote upon the return of the messenger.

The House then voted as follows:

For Mr. Ruffin:—Messrs. Speaker, Amis, Badham, Blow, Bryson, J. G. Bynum, J. B. Bynum, A. H. Caldwell, Cansler, Cotten, Dargan, Daughtry, Dortch, Dunn, Gentry, Gorrell, M. Green, Houston, Humphrey, Jenkins, Jordan, Long, Lyon, Martin, McKesson, McDuffie, Mebane, Myers, J. W. Neal, Patterson, Perkins, Phillips, Rand, Settle, Shepherd, Shipp, Shaw,


Mr. D. F. Caldwell voted for Mr. Gorrell.
Mr. Carmichael voted for Mr. Turner.
Mr. Johnson voted for Mr. Long.
M. Selby voted for Mr. J. F. Hill.

Mr. Lyon moved to reconsider the vote by which the communication from John M. Morehead, President of the North Carolina Railroad Company, and accompanying documents, was ordered to be transmitted to the Senate with a proposition to print.

On motion by Mr. J. M. Leach, the motion to reconsider was laid upon the table.

Mr. Lancaster, from the committee on private bills, to whom was referred a bill to emancipate Jerry a slave, reported the same back to the House and recommended its passage, which was read the second time and passed; yeas 91, nays 17.

The yeas and nays demanded by Mr. George Green.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Mr. Shipp, from the committee to superintend the election of solicitor for the fourth judicial circuit, reported that Mr. Thomas Ruffin had received a majority of the whole number of votes given, and was duly elected, which report was concurred in.

The Speaker laid before the House a communication from his Excellency, the Governor, addressed to the Speakers of the two Houses, stating that he would accept the office of United States Senator on to-morrow, which was read and laid upon the table.

On motion by Mr. Steele, the House adjourned to to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 6, 1854.

The Speaker laid before the House a communication, with accompanying documents, from John M. Morehead, chairman of the board of commissioners of the lunatic asylum, which,

On motion by Mr. Barringer, was transmitted to the Senate with a proposition to print.

The Speaker also laid before the House a communication from his Excellency, the Governor, transmitting the report of Walter Gwynn, chief engineer of the North Carolina and Western railroad route, which,

On motion by Mr. Patterson, was laid upon the table.

Mr. Singeltary asked to be excused from serving on the committee on the judiciary, being on two other standing committees. He was excused, and Mr. Sharpe appointed in his stead.

Mr. Shepherd asked to be excused from serving on the committee on the Revised Statutes, being on two other standing committees. He was excused.

Mr. Barnes, of Edgecombe, presented a memorial to establish
a new county by the name of Wilson, out of portions of the counties of Edgecombe, Wayne, Nash and Johnson.

Mr. J. B. Bynum presented a memorial from citizens of Northampton county, praying the passage of a law prohibiting the traffic in intoxicating liquors;

Mr. J. H. Headen, a like memorial from citizens of Chatham county;

Mr. Craven, a like memorial from citizens of Randolph county;

Mr. Mebane, a like memorial from citizens of Alamance county, which were severally referred to the committee on propositions and grievances.

Mr. Smith presented a memorial from the president of the State Agricultural Society on the subject of breeding sheep, and praying for a remedy against the ravages of dogs, which was referred to the committee on agriculture.

Mr. Lancaster, from the committee on private bills, to whom was referred
A bill to pay talis jurors in the county of Warren; and
A bill to pay talis jurors in the county of Carteret, reported the same back to the House and recommended their passage.

Mr. Lancaster, from the same committee, reported unfavorably on a bill to increase the pay of jurors in the county of Cumberland, which was laid upon the table.

Mr. Dortch, from the committee on the judiciary, to whom was referred the bill to divide the State into nine judicial circuits, and for other purposes, reported a substitute therefor and recommended its passage.

Mr. Dortch, from the same committee, reported a bill concerning a penitentiary, which was read the first time and passed, and on his motion, ordered to be printed.

Mr. Dortch, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of abolishing jury trials in the county courts, reported unfavorably and asked to be discharged from the further consideration of the subject, which was concurred in.

Mr. Dortch from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of abolishing imprisonment for debt, &c., reported that no further legis-
lation on the subject is necessary, and asked to be discharged from the further consideration thereof, which report was received and laid upon the table.

Mr. Waugh, from the committee on propositions and grievances, reported favorably upon
A bill to aid in the opening and improving the road across the Blue Ridge, at Fisher's Gap; and
A bill to establish a new county by the name of Alleghany, and recommended their passage.

Mr. T. H. Williams, from the committee on education, to whom was referred a bill to amend the common school law, reported unfavorably thereon and recommended that it do not pass.

Mr. Phillips rose to a point of order.

The chair decided that the bill reported would go upon the table without being read.

Mr. Phillips appealed from the decision of the Chair.

The House decided that the decision of the Speaker should stand as the decision of the House.

Received from the Senate a message concurring in the proposition of the House to print the report of the president of the North Carolina Railroad Company and accompanying documents, and also the report and accompanying documents of the chairman of the board of commissioners of the lunatic asylum.

Mr. J. B. Bynum, from the select committee on constitutional reform, to whom was referred a bill to amend the constitution of North Carolina, reported the same back to the House with an amendment and recommended its passage, and on motion, the report was laid upon the table.

Mr. Steele presented a resolution authorizing the literary board to loan Laurinburg High School, in the county of Richmond, the sum of two thousand dollars, which was read the first time, passed, and referred to the committee on education.

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

Resolved, That the committee on finance be instructed to inquire into the expediency of a law whereby the duty of taking the lists of taxable property shall devolve upon some one suitable person, to be appointed by the county court of each county in the State, and that said committee report by bill or otherwise.
Mr. Mebane introduced a bill to incorporate Alexander Lodge, in the town of Graham, pending the reading of which,

On motion by Mr. Singeltary, the House adjourned to to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 7, 1854.

On motion by Mr. Patterson, the message from his Excellency, the Governor, transmitting the report of Walter Gwynn, chief engineer of the survey of the North Carolina and Western railroad route, was taken from the table and transmitted to the Senate, with a proposition to print the same, together with the accompanying documents.

The Speaker laid before the House a communication from his Excellency, the Governor, transmitting the annual report of the president and directors of the literary fund.

On motion by Mr. J. G. Bynum, the same was transmitted to the Senate with a proposition to print.

Mr. Sharpe presented a memorial praying the erection of a new county by the name of Graham, out of portions of Rowan, Iredell, and Cabarrus.

Mr. Norment presented a memorial from citizens of Robeson county, praying the passage of a law prohibiting the traffic in intoxicating liquors;

Mr. Thornburg a like memorial from citizens of Randolph county, and

Mr. Shaw a memorial to prevent the sale of intoxicating liquors within a certain distance of Clinton Female Institute.

Which memorials were severally referred to the committee on propositions and grievances.

Mr. Mebane called up the bill introduced by him on yesterday, to incorporate Alexander Lodge in Alamance county, and asked leave to withdraw the same, which was granted.

Mr. Dortch, from the committee on the judiciary, reported unfavorably upon a bill to give the county and superior courts of Mecklenburg county jurisdiction over the sale of real estate in certain cases.

Also unfavorably upon a bill to pay talis jurors in said county, which,

On motion by Mr. Black, were laid upon the table.
Mr. Lancaster, from the committee on private bills, reported unfavorably upon a bill to increase the pay of jurors and witnesses in the county of Onslow.

Mr. Steele moved to suspend the rules, and take up the bill to provide adequate compensation to certain officers of this State; which motion was lost.

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

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so altering or modifying the law of landlord and tenant, as to give the landlord some more efficient and expeditious remedy against the tenant.

Mr. J. F. Hill submitted the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary enquire into the expediency of amending or repealing an act passed at the session of 1850-51, authorizing the Governor to appoint some suitable person to make a geological, mineralogical, botanical and agricultural survey of the State, and report by bill or otherwise.

Mr. Turner introduced a resolution in favor of Jasper Tinnin, which was read the first time, passed, and referred to the committee on claims.

Mr. Lyon introduced a bill to increase the pay of jurors, which was read the first time and passed, and on his motion, laid upon the table.

Mr. D. F. Caldwell introduced a bill to charter the Peoples' Bank of the State of North Carolina, which was read the first time, passed, referred to the committee on banking, and ordered to be printed.

Mr. D. F. Caldwell asked to be excused from serving on the committee, which was refused.

Mr. Phillips introduced a bill to amend an act to define the duties and powers of turnpike and plankroad companies, which was read the first time, passed, and referred to the committee on the judiciary.

Received from the Senate a message transmitting an engrossed bill making compensation to justices of the peace for taking lists of taxable property, and an engrossed resolution directing the public treasurer to pay over to the treasurer of the North Carolina
Railroad Company (he balance of the State's subscription to said company, in which they ask the concurrence of the House.

Received from the Senate a message to ballot forthwith for two trustees of the university, which was concurred in.

The Chair named Messrs. J. M. Leach and Black a committee on the part of the House to superintend the balloting.

The names of Messrs. Nathaniel Roane, John W. Cunningham, David T. Tayloe, Samuel F. Phillips, John G. Bynum, W. T. Dortch, Henry B. Elliott and W. J. Clarke were put in nomination, and the Senate was informed by message.

Received from the Senate a message informing that Messrs. Davis and Tayloe form the Senate branch of the committee to superintend the balloting for trustees; that the names of Thomas J. Morrissey and Jos. B. Cherry are added to the nominations; and that the Senate would proceed to ballot upon the return of the messenger.

The roll was then called, and the House balloted accordingly.

Mr. J. G. Bynum presented the following resolution, which was read and adopted:

Resolved, That a select committee of five be appointed to enquire into the manner in which the geological survey of the State has been conducted, the progress that has been made, and the expediency of continuing the same, and that said committee report by bill or otherwise.

Mr. Shepherd introduced a bill to re-charter the Bank of the State of North Carolina, which was read the first time, passed, referred to the committee on banking, and ordered to be printed.

Mr. Patterson introduced a bill to limit the time within which persons hereafter appointed justices of the peace shall take the oaths of office, and for other purposes; which was read the first time and passed.

On motion by Mr. Steele,

Ordered, That a message be sent to the Senate, proposing to increase the number of the joint select committee on banking to eight on the part of each House.

Mr. Cook introduced a bill to incorporate the Mocksville and Wilkesboro' Plankroad Company; which was read the first time, passed, and referred to the committee on internal improvement.

Mr. Martin, a bill to provide for the better government of the
town of Louisburg, in Franklin county; which was read the first time, passed, and referred to the committee on private bills.

Mr. J. H. White, a bill to amend the statute concerning widows; which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Tomlinson, a bill to amend the common school law as far as relates to the county of Johnston; which was read the first time, passed, and referred to the committee on education.

Mr. Outlaw moved that this House do now adjourn; which motion was lost: yeas 26, nays 77.

The yeas and nays demanded by Mr. Smith.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Black, from the committee to superintend the balloting for trustees of the University, reported that John W. Cunningham, of Person, had received a majority of the whole number of votes given, and was therefore duly elected, and that neither of the other gentlemen in nomination had received such majority; which report was concurred in.

Mr. Holland introduced a bill to incorporate the Shelby Railroad Company.
Mr. Singeltary moved to lay the bill upon the table, which motion was lost.

Mr. S. A. Williams moved that the House do now adjourn, which was disagreed to.

The bill was then read the first time, passed, and referred to the committee on internal improvements.

The Speaker laid before the House the annual report of the comptroller, and also a report from the Merchant's Bank of Newbern, and

On motion by Mr. Amis, the same were transmitted to the Senate with a proposition to print.

Mr. Sharpe introduced a bill to lay off and establish a new county by the name of Graham, which was read the first time and passed.

Mr. Jenkins moved that this House do now adjourn, which motion was lost; yeas 20, nays 75.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. S. A. Williams introduced a bill to amend the act passed at the session of 1840-'41, entitled an act to prevent free persons of color from carrying fire-arms, pending the reading of which,
On motion by Mr. Cook, the House adjourned to to-morrow morning, 10 o’clock.

FRIDAY, DECEMBER 8, 1854.

The Speaker announced the following committee on the geological survey: Messrs. J. G. Bynum, Selby, Chadwick, Smith, and Jones.

The Speaker also substituted Mr. Phillips, in place of Mr. Shepherd, heretofore excused from the committee on the Revised Statutes.

Mr. Barringer presented a memorial from citizens of Cabarru county, praying the passage of a law prohibiting the traffic in intoxicating liquors;

Mr. Cofield, a like memorial from citizens of the county of Cumberland;

Mr. J. H. Headen, a like memorial from citizens of Chatham county;

Mr. Sherrill, a like memorial from citizens of Catawba county;

Mr. Settle, a like memorial from citizens of Rockingham county;

Mr. Regan, a like memorial from citizens of Robeson county; and

Mr. G. M. White, a like memorial from citizens of Bladen county, which were severally referred to the committee on propositions and grievances.

Mr. Shepherd, a memorial from the Grand Division of Sons of Temperance, praying the passage of a law giving to a majority of the voters of each common school district the privilege of saying whether intoxicating liquors shall be sold in said district in any quantities, which was read, and on motion laid upon the table.

On motion by Mr. Bogle, the temperance memorial and report heretofore presented by him was taken from the table and recommitted to the committee on propositions and grievances.

On motion by Mr. Roland, a resolution in favor of John Pane was taken up, and he then moved that the same be referred to the committee on monuments.

Mr. Johnson moved to amend the motion by referring to the committee on claims, which latter motion was carried.
Mr. J. H. White presented a memorial praying an amendment to the statute concerning widows, which was referred to the committee on the judiciary.

Mr. Dortch, from the committee on the judiciary, to whom was referred a bill to increase the pay of jurors in the county of New Hanover, reported a substitute therefor, which was read the first time and passed.

Mr. Cansler, from the committee on internal improvements, reported favorably the bill to incorporate the Cape Fear and Wacanaw Lumber Company; also,

A bill to incorporate the Chatham Railroad Company; and

A bill to provide for the improvement of the road leading from the county line of Wilkes county, by way of Meat Camp Creek, to the Tennessee line at or near Welch’s store.

Mr. Settle, from the committee on claims, to whom was referred a resolution in favor of W. H. High, sheriff of Wake county, reported the same back to the House, and recommended its passage.

Mr. Singeltary presented a resolution in relation to adjourning, which was read, and on his motion, laid upon the table.

Mr. Houston submitted a resolution in relation to administrators, which was read, and on his motion, laid upon the table.

Mr. Dortch presented a resolution instructing the committee on the revision of the Statutes, to enquire into the propriety of allowing guardians and trustees to invest funds in State bonds, which was read and adopted.

Mr. Dortch submitted a resolution instructing the committee on the revision of the Statutes, to enquire into the propriety of providing for divorce from the bonds of matrimony in certain cases, which was read and adopted.

Mr. Roland introduced a bill to incorporate the Farmers and Miners' Bank, to be located in the town of Murphey, in the county of Cherokee, which was read the first time, passed, referred to the committee on banking, and ordered to be printed.

Mr. Barringer introduced a bill to incorporate the Concord and Cheraw Railroad Company, which was read the first time, passed, and laid upon the table.

Mr. Gilliam, a bill to incorporate a bank in the town of Plymouth, in the county of Washington, which was read the first
time, passed, referred to the committee on banking, and ordered to be printed.

On motion by Mr. Jenkins, a bill introduced by Mr. S. A. Williams on yesterday, to amend an act passed at the session of 1840-'41, entitled an act to prevent free persons of color from carrying fire-arms, was taken up, read the first time, passed, and referred to the committee on the judiciary.

On motion by Mr. Sharpe, a bill to lay off and establish a new county by the name of Graham, was taken from the table, and referred to the committee on propositions and grievances.

Mr. Jenkins introduced a bill to make the killing of stock by railroads prima facie evidence of negligence, which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Blow introduced a bill to amend an act, entitled an act for the better regulation of the town of Greenville, passed at the session of 1838-'39, chap. 44, which was read the first time, passed, and referred to the committee on private bills.

Mr. Daniel, a bill to incorporate the Central Gold and Copper Mining Company of North Carolina, which was read the first time, passed, and referred to the committee on corporations.

Mr. Humphrey, a bill to incorporate a company to construct a railroad from some point on the waters of Beaufort Harbor (to be hereafter determined,) to the town of Fayetteville; through the counties of Carteret, Onslow, Duplin, Sampson and Cumberland, which was read the first time, passed, and ordered to be printed.

Mr. Bryson, a bill to encourage the killing of wolves in the county of Jackson, which was read the first time, passed, and referred to the committee on propositions and grievances.

Mr. McDuffie, a bill for laborers and mechanics lien, which was read the first time, passed, referred to the committee on the judiciary, and ordered to be printed.

Mr. Meares introduced a bill to create a scientific and military school and a State arsenal in this State, which was read the first time, passed, referred to the committee on military affairs, and ordered to be printed.

Mr. Myers introduced a bill to amend the charter of the town of Charlotte, which was read the first time, passed, and referred to the committee on corporations.

Mr. Craven, a bill to regulate the number of justices of the
peace for the county of Randolph, which was read the first time, passed, and referred to the committee on private bills.

Mr. Walser, a bill authorizing administrators and guardians to sell real and personal estate for distribution amongst legatees and minor heirs, which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Phillips introduced a bill to render the writ of trespass on the case applicable to all cases, where trespass _vi et armis_ may now be used, which was read the first time, passed, referred to the committee on the revisal of the Statutes, and ordered to be printed.

Mr. Singeltary, a bill to protect creditors of non-resident debtors, which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Phillips, a bill to incorporate the Hillsboro' and Chapel Hill Plankroad company, which was read the first time, passed, and referred to the committee on corporations.

Mr. Simmons, a bill to incorporate the Jacksonville and Trent River Plankroad Company, which was read the first time, passed, and referred to the committee on internal improvements.

Mr. Phillips, a bill to incorporate the Hillsboro' and Milton Plankroad Company, which was read the first time, passed, and referred to the committee on corporations.

Mr. C. W. Williams, a bill empowering the county court of Yadkin to appoint superintendents of common schools, and concerning the distribution of the common school fund, which was read the first time, passed, and referred to the committee on private bills.

Mr. J. F. Hill moved that this House do now adjourn, which motion was lost.

Mr. Jenkins moved that a message be sent to the Senate, proposing to go into a ballot forthwith for one trustee of the university, and

On motion by Mr. Shepherd, the motion was laid upon the table.

On motion by Mr. McKesson, the House adjourned to to-morrow morning 10 o'clock.
SATURDAY, DECEMBER 9, 1854.

Mr. Shepherd, from the committee on the judiciary, to whom was referred a bill giving a right of action in certain cases to personal representatives where death has been caused by neglect or default of railroad companies, reported a substitute and recommended its passage, which was read the first time and passed.

Mr. Dortch from the same committee to whom was referred a resolution in relation to the geological, mineralogical, botanical and agricultural survey of the State, reported the same back to the House and recommended that it be referred to the select committee on that subject, which report was concurred in.

Mr. Dortch, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of so altering or modifying the law of landlord and tenant as to give the landlord some more efficient and expeditious remedy against the tenant, reported that no further legislation is necessary, and asked to be discharged from its further consideration, which was concurred in.

Mr. Dortch, from the same committee, to whom was referred a bill to regulate civil process, reported the same back to the House and recommended that it do not pass, and the bill was laid upon the table.

Mr. Dortch, from the same committee, to whom was referred a bill to amend the statute concerning widows, reported the same back to the House and recommended its passage.

Mr. Dortch, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law respecting the counterfeiting of American silver coin, reported that no further legislation is necessary, and asked to be discharged from its further consideration, which was concurred in.

Mr. Cansler from the committee on internal improvement, to whom was referred a bill to incorporate the Shelby Railroad Company; also,

A bill concerning the Wilmington and Raleigh Railroad Company; also,

A bill to incorporate the Jacksonville and Trent River Plank-road Company; and also,

A bill to incorporate the Wilmington and Charlotte Railroad
Company, reported the same back to the House and recommended their passage.

On motion by Mr. Steele, the bill to incorporate the Wilmington and Charlotte Railroad Company, was made the special order of the day for Wednesday next at 11 o'clock, A. M.

Mr. Phillips, from the committee on the judiciary, to whom was referred a bill to amend an act to define the duties and powers of turnpike and plankroad companies, reported the same back to the House with an amendment, and recommended its passage.

The amendment was read and adopted.

The rules being suspended, the bill as amended was read the second time and passed.

Mr. Phillips, from the same committee, to whom was referred a bill to pay talis jurors, reported a substitute therefor and recommended its passage.

Mr. Dortch moved that the rules be suspended, and that an engrossed resolution from the Senate concerning the North Carolina Railroad be taken up, which was

On motion by Mr. Martin, laid upon the table.

Mr. Settle, from the committee on claims, to whom was referred a memorial in favor of John Y. Adams and others, reported the same back to the House and recommended that the prayer be not granted.

On motion by Mr. Phillips, the report and memorial were laid upon the table.

Mr. Settle, from the same committee, reported favorably upon a resolution in favor of Jasper Tinnin.

Mr. Lancaster, from the committee on private bills, to whom was referred the bill empowering the county court of Yadkin to appoint superintendents of common schools, and for other purposes; and also,

A bill to emancipate Louis, a slave, reported the same back to the House and recommended their passage.

Mr. Bynum, of Northampton, from the committee on constitutional reform, to whom was referred that portion of the Governor's message recommending the abolition of the free-hold qualification of voters for members of the Senate, reported a bill to amend the constitution of the State of North Carolina, which was read, and
On motion by Mr. Smith, laid upon the table.

Received from the Senate a message transmitting the following engrossed bills, in which they ask the concurrence of the House, to wit:

A resolution concerning the Cape Fear and Deep River Navigation Company;
A resolution in favor of David A. Ray & Co.;
A bill authorizing the Nantahala and Tuckasege Turnpike Company to build a toll bridge;
A bill concerning the trustees of Louisburg Female Academy;
A bill to establish the county of Polk;
A bill concerning abatement of suits;
A bill concerning appeals, &c.
A bill concerning agriculture, geology, &c.; and
A bill concerning amendment of process, &c.

Mr. Singeltary submitted the following resolution:

Resolved, That a message be sent to the Senate proposing to ballot on Monday next, at 12 o'clock, on the following resolution:

Resolved, That this General Assembly will adjourn from and after the 23rd instant, to meet again on the first Monday in November next.

Mr. Vance offered the following as a substitute:

Resolved, That when this Legislature do adjourn, that it adjourn upon the 15th day of January next, to meet in the town of Asheville, on the first Monday of July next.

And on motion by Mr. Shipp, the same was laid upon the table; yeas 85, nays 20.

The yeas and nays demanded by Mr. B. F. Williams.

Those who voted in the affirmative, were,

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Those who voted in the negative; were,

Mr. Mann presented the following resolution:
Resolved, That this Legislature take a recess from the 22nd December, 1854, to the 15th January, 1855; which, on motion by Mr. Barringer, was laid upon the table: yeas 94, nays 7.

The yeas and nays demanded by Mr. Mann.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Whitlock submitted the following resolution; which, under the rules, lies over one day:
Resolved, That this House meet and hold evening sessions from and after Tuesday next.
Mr. Smith presented the following resolution; which, under the rules, lies over one day:

Resolved, That the rules of order be so amended, that no motion to adjourn before half-past one o’clock, P. M., shall be in order, unless by the consent of two-thirds of the House.

Mr. Barringer submitted the following resolution:

Resolved, That 100 copies of the report of the public treasurer be printed for the use of his office.

Which was read the first time and passed; the rules being suspended, the same was read the second and third time, passed, and ordered to be engrossed.

On motion by Mr. Jenkins, the rules were suspended, and the engrossed resolution in favor of W. W. Holden and John H. Decarteret, was taken up, and read the first time and passed; and, on motion by Mr. J. G. Bynum, referred to the committee on claims.

Mr. J. G. Bynum moved that this House do now adjourn—which motion was lost: yeas 12, nays 84.

The yeas and nays demanded by Mr. Smith.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. McMillan presented a statement from the Commercial
Mr. Shipp moved that this House do now adjourn; which motion was not carried.

Mr. Shepherd introduced a bill to amend an act ratified on the 29th day of January, 1849, entitled an act to establish the Bank of Fayetteville; which was read the first time and passed.

Mr. McMillan, a bill to increase the capital stock of the Commercial Bank of Wilmington; which was read the first time and passed, and referred to the committee on banking.

Mr. Garland, a bill to establish a public road in Yancey county; which was read the first time and passed, and referred to the committee on propositions and grievances.

Mr. Meares, a bill to extend the time for the registration of grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; which was read the first time and passed.

Mr. Flynt, a bill establishing a homestead freehold; which was read the first time and passed, and referred to the committee on the judiciary, and ordered to be printed.

Mr. Singeltary presented the resignation of Henry S. Clark, one of the trustees of the university; and, on his motion, the same was received and transmitted to the Senate.

Mr. Myers introduced a bill to amend the 8th section, chap. 10, Revised Statutes; which was read the first time and passed, and referred to the committee on the Revised Statutes.

Mr. Houston moved that this House do now adjourn; which motion was lost.

On motion by Mr. Myers, a bill to emancipate Jerry, a slave, was taken up and read the third time, and Mr. A. J. Jones offered the following amendment to the second section in the 9th line:

"And shall not be allowed to reside in any one county in the State exceeding ten days in succession, except in the county of Mecklenburg; shall not be allowed to traffic or peddle in any county in the State;" which was rejected: yeas 14, nays 76.

The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,

Messrs. A. Barnes, Bryant, Daughtry, Gilliam, Jones, Martin, Sherrill, Simmons, Smith, Watts, J. H. White, L. Whitfield, Whitlock and D. Williams—14.
Those who voted in the negative, were,


The question now recurring upon the passage of the bill its third reading, it passed; yeas 75, nays 15.

The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The said bill was ordered to be engrossed.

The Speaker laid before the House a statement from the president of the Bank of the State of North Carolina, in compliance with a resolution of this House.
On motion by Mr. Patterson, the same was transmitted to the Senate with a proposition to print.

The Speaker also laid before the House a communication from the president of the Raleigh and Gaston Railroad, which was laid upon the table.

The Speaker also laid before the House a communication from the public treasurer, transmitting such bank exhibits as have been received at his office since the adjournment of the last Legislature, which was laid upon the table.

On motion by Mr. McKesson, the House adjourned to to-morrow morning 10 o'clock.

MONDAY, DECEMBER 11, 1854.

On motion by Mr. J. G. Bynum, Mr. John Baxter, member elect from the county of Henderson, produced his credentials, was duly qualified, and took his seat.

On motion by Mr. J. B. Bynum, Mr. M. W. Smallwood, member elect from the county of Northampton, produced his credentials, was duly qualified, and took his seat.

The Chair announced the following committee on enrolled bills: Messrs. Patterson, Lyon, Daniel, Turner and C. W. Williams.

On motion by Mr. Patterson, a communication from the public treasurer with the accompanying exhibits of banks, was taken from the table, and transmitted to the Senate with a proposition to print.

Mr. G. M. White presented a memorial from citizens of Bladen county, praying the passage of a law prohibiting the traffic in intoxicating liquors;

Mr. J. B. Bynum, a like memorial from citizens of Northampton county;

Mr. Roland, a like memorial from citizens of Cherokee county;

Which were severally referred to the committee on propositions and grievances.

Mr. Lancaster, from the committee on private bills, to whom was referred a bill to emancipate Betty, a slave, and a bill to emancipate Abram, a slave, reported the same back to the House, and recommended that they do not pass.
The resolution submitted by Mr. Smith on yesterday, to amend the rules of order, was taken up, and
Mr. S. A. Williams moved that it be laid upon the table, which motion was lost.

The question recurring upon the passage of the resolution, it was rejected.

The resolution submitted by Mr. Whitlock on Saturday, proposing to hold evening sessions, was taken up, and
On motion by Mr. Amis, laid upon the table.

Mr. J. H. Headen moved to take up the resolution heretofore submitted by him and reported upon, instructing the committee on the judiciary to inquire into the expediency of abolishing imprisonment for debt, and that the same be recommitted.

On motion by Mr. Singeltary, the motion was laid upon the table.

Mr. S. A. Williams presented the following resolution, which was read and adopted:

Resolved, That the principal of the deaf and dumb asylum in this city, (Raleigh) be requested to furnish to both Houses of this General Assembly a statement of all the funds which have been appropriated and received by him for the use of said asylum, and also in what manner said funds have been disbursed.

Mr. Gilliam presented a joint resolution requesting presidents and directors of canals, railroads, plankroads and turnpikes to keep an account of all the products of this State intended for sale abroad transported by them, and to report the same to the Governor of the State upon every assembling of the Legislature, which was read, adopted and ordered to be engrossed and transmitted to the Senate.

Mr. L. Whitfield submitted the following resolution, which was read and adopted:

Resolved, That the committee on the revisal of the Statutes be directed to take under consideration the propriety of amending the patrol law of this State, so as to compel the county courts to appoint patrol committees, and to strike out that clause of the 83d chapter of the Revised Statutes which reads, "if the court deem it necessary," and report by bill or otherwise.

On motion by Mr. Whitaker, a resolution in favor of Wm. H. High was taken up, read the second time and passed.
Received from the Senate a message concurring in the proposition of the House to print the statements of the Commercial Bank of Wilmington, of the Bank of the State of North Carolina, and the communication from the public treasurer with the accompanying bank exhibits.

Also a message informing that Messrs. Ashe, Coleman and Davis compose the Senate branch of the committee on enrolled bills.

Mr. A. H. Caldwell introduced a bill to amend an act entitled an act to provide for holding a session of the supreme court once a year in the western part of the State, which was read the first time and passed, and on his motion, referred to the committee on the Revised Statutes.

Mr. Stubbs, a bill to amend an act entitled an act to prevent the obstruction of the passage of fish in the waters of Blount's creek and its tributary streams, which was read the first time and passed.

Mr. Myers, a bill to amend the charter of the Charlotte and South Carolina Railroad Company, which was read the first time, passed, and referred to the committee on internal improvements.

Mr. Baxter, a bill to incorporate the East Fork Turnpike Company; and

A bill to incorporate the Little River Turnpike Company, which were severally read the first time, passed, and referred to the committee on corporations.

On motion by Mr. Phillips, a bill to amend an act defining the duties and powers of turnpike and plank road companies was taken up, read the third time, passed and ordered to be engrossed.

On motion by Mr. Lyon, a bill to increase the pay of jurors was taken from the table and referred to the committee on the judiciary.

On motion by Mr. Shepherd, a bill to repeal the 117th chapter of the Revised Statutes, entitled an act to restrain the taking of excessive usury was taken up and referred to the committee on the judiciary.

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

Resolved, That the committee on the Revised Statutes be instructed to inquire into the expediency of so amending the registry
laws as to allow certified copies of deeds proved and registered in
this State before the year 1820, to be admitted to registration in
any county in this State in which lands described in said deeds lie.

Mr. Walser submitted the following resolution, which was read
and adopted:

Resolved, That the committee on the deaf and dumb asylum
be instructed to call on Wm. D. Cooke, the present instructor of
that institution, for the information hereafter named, to wit: how
long he has been in charge of said institution, and how many
pupils have been taught in the same each year? their names, and
what counties they are from? how long each pupil has been
 taught in said institution, and at what time he, she or they com-
 menced study, and at what time they left the same? also, how
many were county charges and how many were paying pupils?
also, what amount of money has been retained out of the com-
mon school fund for said purpose? the counties and dates of such
sums so retained? also, the salaries allowed said Cooke and his
assistants for each separate year? also, what has been charged for
boarding each student per year? All of which is requested up to
the present date.

Further resolved, That said committee have full power to call
for persons and papers and report to the House at the earliest day
possible.

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

Resolved, That the committee on the revisal, be instructed to
enquire into the expediency of amending sections 2d and 3d, chap-
ter 24th, Revised Statutes, so to provide that hereafter all elections
of constables in this State, shall be biennial instead of annual,
and that they report by bill or otherwise.

Mr. McDuffie introduced a bill to exempt persons from milita-
ry duty who served in the late war with Mexico, which was read
the first time, passed, and referred to the committee on military
affairs.

Mr. Phillips, a bill to establish the competency of certain evi-
dence, which was read the first time, passed, referred to the com-
mittee on the judiciary, and ordered to be printed.

Mr. J. M. Leach, a bill to amend and continue in force an act
to incorporate the Yadkin Navigation Company, chapter 65,
Statute 1850-'51, and to authorize a subscription of stock on the part of the State, which was read the first time, passed, and referred to the committee on internal improvements.

Mr. Phillips, a bill to give courts of law jurisdiction over sales of real and personal property belonging to wards, and

A bill to facilitate the decision of controversies arsing at law upon sealed and other contracts, which were severally read the first time, passed, and referred to the committee on the judiciary.

On motion by Mr. Humphrey, a bill to incorporate a company to construct a railroad from some point on the waters of Beaufort Harbor to Fayetteville, was taken up, and referred to the committee on internal improvements.

On motion by Mr. Roland, a bill to repeal a portion of the 2d section of the 16th chapter of the Revised Statutes, entitled an act concerning the burning of woods, was taken up, and referred to the committee on private bills.

On motion by Mr. Singeltary, the House adjourned to to-morrow morning 10 o'clock.

TUESDAY, DECEMBER 12, 1854.

Mr. Shipp presented a memorial from the grand jury of Rutherford county, praying a change in the sixth and seventh judicial circuits.

Also a memorial from the same body, praying legislative enactment limiting prosecutions for small and trivial offences, and for protection of the counties against the payment of costs for the conviction of insolvent offenders; which were severally read, and referred to the committee on the judiciary.

Mr. Baxter presented a memorial from citizens of Henderson county, praying the abolition of the traffic in intoxicating liquors;

Mr. Dargan, a like memorial from citizens of Anson county;

Mr. Selby, a like memorial from citizens of Hyde county; which were severally referred to the committee on propositions and grievances.

Mr. J. H. Headen presented a petition, asking the appointment of certain persons justices of the peace for the county of Chatham; which, on motion by Mr. Outlaw, was laid upon the table.

Mr. J. Barnes, from the committee on propositions and griev-
ances, to whom was referred a bill (accompanied by a memorial) to establish a new county by the name of Wilson, reported a substitute therefor; which was read the first time and passed.

Mr. Waugh, from the same committee, reported favorably upon a bill to encourage the killing of Wolves in Jackson county; and unfavorably on

A bill to establish a new county by the name of Graham; and

A bill to amend the statute in relation to attorneys at law.

Mr. L. Whitfield moved that the latter bill be referred to the committee on the judiciary; and

On motion by Mr. Jenkins, the motion to refer was laid upon the table.

Mr. Waugh, from the same committee, reported adversely upon the memorial from sundry citizens of Sampson county, praying the passage of a law prohibiting the sale of intoxicating liquors within two miles of the Clinton Female Institute; which report was concurred in.

Mr. Settle, from the committee on claims, to whom was referred the engrossed resolution in favor of W. W. Holden and Jno. H. DeCarteret, reported the same back to the House, and recommended its passage.

Mr. Shepherd presented the following resolution; which was read and adopted:

Resolved, That a message be sent to the Senate, proposing to refer so much of the Governor's message as relates to the University to a joint select committee, to consist of five members of the House of Commons and three of the Senate, with instructions to inquire into the condition of the institution, and to report what measures can be adopted, to increase its usefulness and promote its prosperity.

Mr. Jenkins presented a resolution in favor of Thomas I. Judkins, late sheriff of Warren county; which was read the first time and passed, and referred to the committee on claims.

Mr. Bogle presented a resolution in favor of Reuben Watts, sheriff of Alexander county; which was read the first time and passed, and referred to the committee on claims.

Mr. Baxter introduced a bill to incorporate the French Broad Railroad Company; which was read the first time and passed, and referred to the committee on internal improvement.
Mr. Sherrill, a bill to incorporate the town of Newton, in the county of Catawba; which was read the first time and passed, and referred to the committee on corporations.

Mr. Oglesby, a bill to confirm a grant in favor of William J. Potter and Joseph P. Robertson.

Also a bill to confirm a grant in favor of William F. Bell and Belcher Fuller; which were read the first time and passed, and referred to the committee on private bills.

Mr. Vance, a bill to incorporate the Holsten Conference Female College, in the town of Asheville; which was read the first time and passed, and referred to the committee on corporations.

Mr. Smith, a bill concerning free negroes; which was read the first time and passed, and referred to the committee on the judiciary.

Mr. Shepherd, a bill to alter and amend an act passed by the General Assembly, at the session of 1848-'49, entitled an act to incorporate the Fayetteville and Western Plankroad Company; which was read the first time and passed, and referred to the committee on internal improvements.

Mr. N. B. Whitfield introduced a bill to prevent the felling of timber in the North East river, in Duplin county; which was read the first time and passed, and referred to the committee on private bills.

Mr. Myers, a bill to incorporate a Mutual Fire Insurance Company, in the town of Charlotte; which was read the first time and passed, and referred to the committee on corporations.

Received from the Senate a message, transmitting the following engrossed bills, in which they ask the concurrence of the House:

A bill concerning burning woods and hunting; and
A bill to compensate the wardens of the poor of Mecklenburg county.

The Speaker laid before the House a communication from Warren Winslow, Speaker of the Senate, and acting Governor, informing the General Assembly that there are now four vacancies in the board of trustees of the University.

On motion by Mr. Singeltary, the same was transmitted to the Senate.
The House now proceeded to the consideration of bills on their second reading; and

A bill to authorize the formation of limited partnership was taken up, and on motion by Mr. Steele, referred to the committee on the judiciary.

A bill to incorporate the Chatham Railroad Company was read the second time and passed.

A bill to provide for the improvement of the road leading from Wilkes county line, by way of Meat Camp Creek to the Tennessee line, at or near Wilkes' Store, was read the second time, and Mr. Horton submitted the following amendment; which was adopted:

Strike out the words, "top of the Laurel Spur of the Blue Ridge," and insert "Wilkes county line."

The bill, as amended, passed its second reading.

A bill to establish a new county, by the name of Alleghany was read the second time, and pending the consideration thereof, Mr. Dortch moved that this House do now adjourn; which motion was lost: yeas 29, nays 83.

The yeas and nays were demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

F. Williams, S. A. Williams, C. W. Williams, D. Williams, Wright, and Yancey—S3.

So the House refused to adjourn, and Mr. Jones, submitted the following amendment to the bill:

*Be it further enacted,* That provision shall hereafter be made for ascertaining the federal population within the proposed boundaries of said county, Alleghany, and if it shall be ascertained that said county does not contain the one hundred and twentieth part of the federal population of the State, that this act shall be null and void; which was rejected.

Mr. Amis, moved that this House do now adjourn; which motion was lost, and Mr. Singeltary submitted the following amendment:

*Be it further enacted,* That this act shall continue in force until the next taking of the census, and no longer, unless it shall then appear that the one hundred and twentieth part of the federal population of the State is contained within the limits of the said county of Allegany.

Mr. Myers moved to lay the amendment upon the table; which motion was lost: yeas 34, nays 77.

The yeas and nays demanded by Mr. Phillips.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

WEDNESDAY, DECEMBER 13, 1854.

The House resumed the consideration of the unfinished business of yesterday, being the bill to establish a new county by the name of Alleghany, and the pending amendment.

Mr. Martin moved to lay the bill and amendment on the table, and the House refused to lay on the table.

Mr. Outlaw raised a point of order.

The Chair decided, under the rules, the unfinished business of the previous day has preference over all other business, from which Mr. Outlaw appealed to the House, and the House decided, that the decision of the Chair should stand as the decision of the House.

The pending amendment was then read, and

Mr. Gorrell offered an amendment to the amendment: add—"And also in the county of Ashe;" which was disagreed to.

Mr. Waugh then offered an amendment to the amendment, to, strike out "next taking of the census," and insert, "next apportionment of members of the General Assembly;" which was rejected.

The question then recurring upon the adoption of the pending amendment,

Mr. Steele demanded the yeas and nays; which were ordered, and the amendment was rejected; yeas 34, nays 80.

Those who voted in the affirmative, were,

Messrs. Amis, J. Barnes, Blow, Bryant, J. B. Bynum, Candler, Cofield, Daniel, Daughtry, Eure, Gilliam, Houston, Humphrey, Jarvis, Jenkins, Mann, McDuffie, Meares, Myers, J. W. Neal, Oglesby, Outlaw, Shepherd, Singeltary, Smith, Smallwood, Stubbs, Steele, Sutton, J. H. White, Winston, T. H. Williams, S. A. Williams, and D. Williams—34.

Those who voted in the negative, were,

Messrs. A Barnes, Barringer, Baxter, Badham, Bogle, Bryson, Bullock, J. G. Bynum, D. F. Caldwell, A. H. Caldwell, Carmichael, Chadwick, Cotten, Cooke, Craven, Dargan, Davenport,
Mr. J. B. Bynum, offered the following amendment:

The bill shall be of no effect, unless at the next apportionment for members of the House of Commons, the counties of Ashe and Alleghany shall together have a population sufficient to entitle them to two members of the House of Commons.

Mr. Amis then moved to recommit the bill, and

Mr. Martin moved to lay the motion on the table.

The House refused to lay on the table.

The question then recurring on the motion to recommit, it was disagreed to.

Mr. Bynum then, by leave, withdrew his amendment; and

Mr. Dargan moved to lay the bill on the table, and

Mr. S. A. Williams demanded the yeas and nays; which were ordered, and the motion decided in the negative; yeas 39, nays 74.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House refused to lay on the table.

Mr. J. M. Leach offered the following amendment:

And be it further enacted, That this act shall be in force from and after its ratification, and remain in force until the next session of the Legislature, after the taking of the census of the year 1870, to become void and of no effect, nevertheless, if at the next apportionment of representation after the census of 1870, there shall not be a federal population in said county, equal to the one hundred and twentieth part of the federal population of the State; to which

Mr. Jenkins offered the following:

And also the county of Ashe shall have the one hundred and twentieth part of the federal population of the State; which was rejected; and

Mr. J. M. Leach, by leave, withdrew his amendment.

The question then recurred on the passage of the bill on its second reading.

Mr. Steele demanded the yeas and nays, which were ordered, and the bill was rejected; yeas 52, nays 61.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Amis, Badham Bryant, J. B. Bynum, D. F. Caldwell, A. H. Caldwell, Craven, Dargan, Daniel, Davenport, Dortch, Eure, Gilliam, Gorrell, M. Green, Harrison, J. H. Headen, A. D. Headen, Houston, Humphrey, Jarvis, Jenkins, Johnson, Jones,
Received from the Senate a message concurring in the proposition of the House to raise a joint select committee of three on the part of the Senate and five on the part of the House, to take into consideration that portion of the Governor's message relating to the university, and informing that Messrs. Graham, Person and Ashe form the Senate branch of the committee.

Whereupon the Chair appointed Messrs. Shepherd, Barringer, J. G. Bynum, Outlaw and Lyon on the part of the House, and the Senate was informed thereof by message.

The Chair announced that the hour had arrived to consider the special order of the day, it being the bill to incorporate the Wilmington and Charlotte Railroad Company, which was read the second time, and

On motion of Mr. Steele, laid on the table.

Mr. Stubbs presented a memorial praying the passage of a law abolishing jury trials at the first and third terms of the county court of Beaufort county, which on his motion was referred to the committee on propositions and grievances.

Mr. Selby presented a memorial praying the passage of an act allowing the county courts of Hyde county to be held on the fourth Mondays of March, June, September and December, which was referred to the committee on the judiciary.

Mr. Dortch, from the committee on the judiciary, to whom was referred the bill to increase the pay of jurors, reported the same back to the House and recommended that it do not pass, as the committee have heretofore reported a bill embracing in effect the same provisions, which was received, and

On motion of Mr. Smith, laid on the table.

Mr. Dortch, from the same committee, reported unfavorably upon

The bill in relation to county courts;

The bill to give courts of law jurisdiction over sales of real and personal property belonging to wards; and
The bill to establish the competency of certain evidence.

Mr. Cansler, from the committee on internal improvements, to whom was referred the bill to amend the charter of the Charlotte and South Carolina Railroad Company, reported favorably and recommended its passage.

Mr. Amis introduced a resolution in favor of William Gilliam of Granville county, which was read the first time, passed and referred to the committee on claims.

Mr. Martin, a resolution in favor of W. W. Green and L. A. Jeffreys, which was read the first time, passed and referred to the committee on claims.

Mr. Dortch offered the following resolution:

Resolved, That this General Assembly will adjourn on the 15th day of January, proximo, to meet in the town of Asheville, Buncombe county, on the first Monday in June next.

Which on his motion was laid on the table.

Mr. J. G. Bynum introduced the following resolution:

Resolved, That the 13th rule of order be amended so as to read thus: "The unfinished business in which the House was engaged at the last preceding adjournment shall have precedence of the orders of the day, and all other business except the regular morning business as set forth in the preceding rule. 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 occasions the roll shall be called a second time for absentees before the result is announced."

Which under the rule lies over one day.

Mr. Stubbs introduced a bill to tax non-residents selling goods, wares and merchandise by sample in this State, which was read the first time, passed, and referred to the committee on finance.

Mr. Selby, a bill to alter the time of holding the courts of pleas and quarter sessions in the county of Hyde, which was read the first time, passed, and referred to the committee on the judiciary.

Mr. T. H. Williams, a bill to incorporate the Wilmington Steam Tug Company, which was read the first time, passed, and referred to the committee on corporations.

Mr. J. G. Bynum, a bill to authorize the business of banking, which was read the first time and passed; and on his motion, referred to the committee on banking, and ordered to be printed.
Mr. Thornburg, a bill for the better regulation of the town of Franklinville, in the county of Randolph, which was read the first time, passed, and referred to the committee on corporations.

On motion by Mr. Dortch, the bill to divide the State into nine judicial circuits, was taken up, and made the special order of the day for Friday next at 11 o'clock.

Mr. Horton introduced a bill concerning public roads in the county of Watauga, which was read the first time, passed, and referred to the committee on propositions and grievances.

Mr. Dargan moved that this House do now adjourn, upon which Mr. Shepherd demanded the yeas and nays, which were ordered, and determined in the negative: yeas 36, nays 53.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House refused to adjourn.

Mr. Phillips asked to be excused from the committee on corporations and the committee on the deaf and dumb, being on two other standing committees, and he was excused.

Mr. J. G. Bynum introduced a bill concerning trial in capital cases, which was read the first time, passed, and referred to the committee on the judiciary.
On motion of Mr. Houston, the bill and report to establish a new county by the name of Wilson, was taken up, and re-committed to the committee on propositions and grievances.

On motion of Mr. Dortch, the House adjourned till to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 14, 1854.

Mr. Patterson presented a memorial from the stockholders of the Caldwell and Watauga Turnpike Company, praying an amendment to their charter, which was read and referred to the committee on internal improvements.

Mr. McKesson presented a memorial, praying the passage of a law prohibiting the traffic in intoxicating liquors;

Mr. Norment, a like memorial from citizens of Robeson county;

Mr. J. G. Bynum, a like memorial from citizens of Rutherford county;

Mr. Whitlock, a like memorial from citizens of Surry county; and

Mr. H. Leach, a like memorial from citizens of Moore county;

Which were severally referred to the committee on propositions and grievances.

Mr. T. II. Williams, a memorial from citizens of New Hanover county, praying for the passage of a general mechanic's lien law, which was read and referred to the committee on the judiciary.

Mr. C. W. Williams, a memorial from the grand jury of Yadkin county, praying an alteration in the 6th and 7th judicial circuits, which was referred to the committee on the judiciary.

Resignations from the following justices of the peace, were read and accepted, viz:

William Gaddy of Anson county; G. Sloan and John Maxwell of Duplin county; Whittington Davis of Carteret county.

The same were transmitted to the Senate.

Mr. Dortch, from the committee on the judiciary, to whom the bill to prohibit the sale of spirituous liquors &c., to free persons of color, was referred, reported a substitute therefor, and recommended its passage; which was read the first time and passed.

Mr. Dortch from the same committee, reported favorably;
The bill to facilitate the decision of controversies, arising at law upon sealed and other contracts; and recommended its passage.

The resolution introduced by Mr. J. G. Bynum, on yesterday, to alter the 13th rule of order, was taken up and adopted.

Mr. Love offered the following resolution, which was rejected:  
Resolved, That the committee on propositions and grievances be instructed to enquire into the expediency of erecting a new county out of portions of Haywood and Buncombe, to be called Mount Pisgah; report by bill or otherwise.

Mr. Roland introduced a resolution in favor of the Mount Pleasant Academy, in the town of Murphy, Cherokee county; which was read the first time, passed, and referred to the committee on education.

Mr. Patterson introduced the following resolution, which was read and adopted.  
Resolved, That the acting Governor of the State, be requested to communicate to this House, a copy of any contract that may have been entered into by Governor Reid with Professor Emmons, under an act of the General Assembly, passed at the session of 1850, authorising a geological and mineralogical survey of the State, if such a contract is to be found on file in the Executive office.

Mr. Carmichael introduced a bill to amend the 6th section of an act passed at the session of the General Assembly of 1852, entitled an act to encourage agriculture, domestic manufactures, and the mechanic arts; which was read the first time, passed, and referred to the committee on agriculture.

Mr. J. H. Headen, a bill to amend an act, entitled an act to increase the revenue of the State; which was read the first time, passed and referred to the committee on finance.

Mr. Shipp, a bill to incorporate the Broad River Railroad Company; which was read the first time, passed, and referred to the committee on internal improvement.

Mr. Baxter, a bill accompanied by a memorial, to lay off and establish a new county by the name of Ruffin; which was read the first time, passed, and referred to the committee on propositions and grievances.

Mr. Love, a bill exempting certain persons in Haywood county,
from doing military duty; which was read the first time, passed, and referred to the committee on military affairs.

Mr. Gorrell, a bill to incorporate the Guilford Gold and Copper Mining Company; which was read the first time, passed, and referred to the committee on corporations.

Mr. T. H. Williams, a bill to secure architects and mechanics compensation for labor and materials, in the county of New Hanover; and also, a bill for the relief of ship carpenters and other mechanics; which were severally read the first time, passed, and referred to the committee on the judiciary.

Mr. Lancaster, a bill to prevent the felling and putting timber in Haw River and the Great Alamance River, in the county of Alamance; which was read the first time, passed, and referred to the committee on propositions and grievances.

Mr. Mebane, a bill concerning Haw River, in Alamance county; which was read the first time, passed, and referred to the committee on propositions and grievances.

The Chair announced the following committees on corporations: in place of Mr. Phillips, Mr. Lyon is substituted; on Deaf and Dumb Asylum, in place of Mr. Phillips, Mr. Chadwick is substituted.

On motion by Mr. Shipp,

Ordered, That a message be sent to the Senate proposing to ballot for four trustees of the University, this day at half past 11 o'clock.

Mr. Houston moved to reconsider the vote by which the bill to establish a new county by the name of Allegany, was rejected; and

Mr. J. M. Leach moved to lay the motion on the table: Thereupon,

Mr. Amis demanded the yeas and nays; which were ordered and taken: yeas 58, nays 56.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Received from the Senate a message concurring in the proposition to ballot for four trustees of the university this day at 11 o’clock, and informing that Messrs. Graves and McClees form the Senate branch of the committee to superintend the balloting.

Thereupon the Chair appointed Messrs. Chadwick and Bryant on the part of the House, and the Senate was informed thereof by message; and that the names of Messrs. Ralph Gorrell, Jesse B. Shepherd, James H. Dixon, Wm. T. Dortch, James L. Gaines, Joseph B. Cherry, Warren Winslow, Richard H. Smith, H. B. Elliott, Jno. P. Jordan, David T. Tayloe, Nath’l. Roane, Samuel F. Phillips, J. G. Bynum and Geo. D. Baskerville were in nomination.

The hour having arrived to go into said ballot, the House proceeded to ballot accordingly.

Mr. Craven introduced a bill to prevent the felling of timber in Big Brush creek, in Randolph county, which was read the first time, passed and referred to the committee on private bills.

Mr. Vance introduced a resolution in favor of Holston Conference Female College, which was read the first time, passed and referred to the committee on education.

On motion of Mr. Shepherd, the House proceeded to the consideration of bills on their second reading; and

A bill to incorporate the Wacamaw Canal and Lumber Company was read the second time and passed.

A bill to amend an act entitled an act to prevent the obstruction
of the passage of fish in the waters of Blount's creek and its tributary streams, was read the second time and passed.

A bill to aid in the opening and improving of the road across the Blue Ridge, at Fisher's Gap, was read the second time, upon the passage of which

Mr. Martin demanded the yeas and nays, which were accordingly ordered and taken, and the bill was rejected; yeas 33, nays 70.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill to give to the county and superior courts of Mecklenburg jurisdiction over the sale of real estate for division amongst joint tenants and tenants in common, was read the second time; when

Mr. Phillips offered an amendment to strike out all after the enacting clause and insert the following:

"That all cases mentioned in the seventh, eighth, ninth, tenth, and eleventh sections of the eighty-fifth chapter of the Revised Statutes of North Carolina, shall be subject to the jurisdiction of the courts of law also, in the same manner and to the same extent that they now are to that of courts of equity."
"Sec. 2. The sales ordered in pursuance of such petitions, shall be made by the sheriff of the county in which the petition is filed, and he shall, for such service, be allowed a sum not exceeding one per cent. upon the sum realized thereby.

"Sec. 3. The better to effect the purposes of this act, the courts to which jurisdiction is hereby given, are hereby authorized and directed to take notice of and administer the various equities affecting the parties to such petitions; the purchasers of the land and the sureties to the bonds for the purchase money; together with all others that may be incidental to the proceedings, that are now recognized and enforced in the courts of equity.

"Sec. 4. This act shall be in force from and after its ratification."

To which amendment Mr. Stubbs offered the following:
Strike out the words "courts of pleas and quarter sessions" wherever they occur.
Which amendment was accepted.
Thereupon Mr. Baxter moved to recommit the bill and amendment to the committee on the revival of the Statutes, which was agreed to.

On motion of Mr. Dortch, the House adjourned to to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 15, 1854.

Received from the Senate a message proposing to raise a joint select committee of two on the part of the Senate and three on the part of the House, to consider the subject of establishing a marine hospital at the town of Wilmington.

Also to raise a joint select committee of three on the part of the Senate and five on the part of the House, to consider that portion of the Governor's message relating to the erection of a monument in Independence square, Philadelphia, to the signers of the declaration of independence, which was concurred in.

Thereupon the Chair announced the following committees on the part of the House:

On the marine hospital:—Messrs. T. H. Williams, Baxter and Chadwick.

On monuments in Independence square:—Messrs. Lyon, Wilkins, A. D. Headen, H. Leach and Coifield.
And the Senate was informed thereof by message.

Mr. McMillan presented a memorial from citizens of New Hanover county, praying the passage of a law abolishing the traffic in intoxicating liquors;

Mr. Smith, a like memorial from citizens of Halifax county;

Mr. Sutton, a like memorial from citizens of Lenoir county; and

Mr. Vance, a like memorial from citizens of Buncombe county, which were severally referred to the committee on propositions and grievances.

Mr. Horton presented a memorial to change the county lines of Caldwell and Watauga counties, which was referred to the committee on propositions and grievances.

Mr. Lancaster presented memorials from citizens of Alamance county, praying the passage of a law to prevent the felling of timber in Haw River and the Great Alamance river, in the county of Alamance, which were referred to the committee on propositions and grievances.

Mr. Bryant, from the committee to superintend the balloting for trustees of the university, reported that no one of the gentlemen in nomination had received a majority of votes given, except John G. Bynum, and he was duly elected; which was concurred in.

Mr. T. H. Williams, from the committee on education, to whom was referred the bill to distribute the common school fund among the several counties in the State in the ratio of their white population, reported the same back to the House, and recommended that it do not pass.

Mr. T. H. Williams, from the same committee, to whom was referred the resolution authorizing the literary board to loan Laurinburg High School, in Richmond county, two thousand dollars, reported the same back to the House, with an amendment, and recommended its passage.

Mr. T. H. Williams, from the same committee, to whom was referred the resolution in favor of Mount Pleasant Academy, in the town of Murphy, in the county of Cherokee, reported the same back to the House, with an amendment, and recommended its passage.

Mr. T. H. Williams, from the same committee, to whom was
referred the resolution in favor of Holston Conference Female College, reported the same back to the House, with an amendment, and recommended its passage.

Mr. Dortch, from the committee on the revision of the Statutes, to whom was referred the bill to amend an act, entitled an act to provide for holding a session of the supreme court once a year in the western part of the State, reported the same back to the House, stating that said committee have in substance made the amendments proposed in the revised code; which was received and laid on the table.

Mr. Dortch, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of amending sections 2d and 3d, chapter 24, Revised Statutes, so as to provide that hereafter all elections of constables in this State shall be biennial instead of annual, reported that it is inexpedient to make said amendments, and asked to be discharged from further consideration of the same, which was concurred in.

Mr. Dortch, from the same committee, who were instructed to enquire into the propriety of allowing or requiring guardians and trustees to invest the funds of their wards in the bonds of the State of North Carolina, reported that further legislation is not necessary, and asked to be discharged; which was concurred in.

Mr. Lancaster, from the committee on private bills, to whom was referred the bill to regulate the number of justices of the peace for the county of Randolph, reported the same back to the House, with an amendment to the title thereof, and recommended its passage.

Mr. Lancaster, from the same committee, to whom was referred the bill to amend an act, entitled an act for the better regulation of the town of Greenville, passed at the session of 1838—'39, chapter 44, reported the same back to the House, and recommended its passage.

Mr. Lancaster, from the same committee, to whom was referred the memorial of H. L. Myrover and others, for the emancipation of Thomas, a slave;

Also the memorial of Thos. S. Lutterloh and others, for the emancipation of Isham, a slave, reported the same back to the House, and recommended their prayer be not granted; which was concurred in.
Mr. Steele, from the committee on corporations, to whom was referred the bill to incorporate the Holsten Conference Female College, in the town of Asheville, reported the same back to the House, and recommended its passage.

Mr. Steele, from the same committee, to whom was referred the bill to amend the charter of the town of Charlotte, reported the same back to the House, and recommended its passage.

Mr. Waugh, from the committee on propositions and grievances, to whom was referred the bill to establish a public road in the county of Rowan, reported the same back to the House, and recommended its passage.

On motion of Mr. Jenkins,

Ordered, That the report of the President of the Raleigh and Gaston Railroad Company, be taken from the table and printed.

On motion by Mr. Winston,

Ordered, That a message be sent to the Senate, proposing to go into a ballot for three trustees of the University, this day at 11 o'clock, A. M.

Mr. Humphrey presented the following resolution:

Resolved, That from and after Monday next, the House will take a recess from half past one to 3 o'clock, P. M.

Mr. J. B. Bynum offered the following amendment:

That from and after Monday next, the House shall adjourn at 2 o'clock, to meet at 7 o'clock, P. M.

On motion by Mr. Amis, the amendment was laid on the table.

On motion by Mr. Dortch, the special order for this day, being the bill to lay off the State into nine judicial circuits, was postponed, and made the special order for Tuesday next, at 11 o'clock, A. M.

Received from the Senate a message concurring in the proposition to ballot for three trustees of the University, this day at 11 o'clock, and informing that Messrs. Speight and Christian form the Senate branch of the committee to superintend the balloting; and the Chair appointed Messrs. Green of Person, and Simmons, the committee on the part of the House.

The names of Warren Winslow and Henry B. Elliott were withdrawn from the nomination, and the Senate was informed thereof by message.

The hour having now arrived to ballot for said trustees, the House proceeded to ballot accordingly.
Mr. Singeltary presented the following resolution, which, under the rule lies over one day:

Resolved, That from and after Monday next, the House will take a recess from 1½ to 3½ o’clock, P.M., and that only bills on first reading, and reports from committees, shall be received during the evening session.

Mr. J. H. Headen introduced a bill to establish the Bank of Pittsboro’, which was read the first time, passed, referred to the committee on banking, and ordered to be printed.

Mr. Waugh moved to reconsider the vote of yesterday, by which the bill to improve the road across the Blue Ridge at Fisher’s Gap, was rejected; which,

On motion by Mr. Dargan, was laid on the table; yeas 70, nays 43.

Yeas and nays demanded by Mr. Amis.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Vance introduced a bill to release certain persons from
working the Asheville and Greenville Plankroad, in the county of Buncombe, which was read the first time and passed.

Mr. Lancaster introduced a bill to exempt females from attending as witnesses in certain cases, which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Lyon moved to reconsider the vote of yesterday, by which the resolution introduced by Mr. Love instructing the committee on propositions and grievances to inquire into the expediency of establishing a new county out of portions of Haywood and Buncombe, by the name of Mount Pisgah, was rejected; which,

On motion of Mr. Bryson, was laid on the table.

The bill to amend the common school law, was read the second time and rejected.

The bill to provide for paying taliis jurors in the county of Rowan, was read the second time, and

On motion by Mr. S. A. Williams, laid on the table.

Mr. Gilliam offered the following resolution:

Resolved, That no bill for laying off any new county in this State shall be considered in this House until on or after the 4th day of January next; which, under the rule lies over one day.

Mr. Dortch introduced the following, which was rejected:

Resolved, That the committee on education be instructed to inquire into the propriety of amending the statute concerning the incorporation of literary institutions, so as to provide that no literary institution shall confer degrees, without consent of the Legislature.

Mr. Outlaw presented the following resolution:

Resolved, That the following be added to the standing rules of the House:

When a motion to reconsider any vote of the House has been laid upon the table, it shall not be again considered, except by a vote of two-thirds.

Which, under the rule, lies over one day.

An engrossed resolution to furnish the clerk's office of the Senate, was read the second time; and,

On motion by Mr. Singletary, laid on the table.

An engrossed resolution in favor of John Green, was read the second time and passed.

A bill to limit the time, within which, persons hereafter ap-
pointed justices of peace, shall take the oaths of office, and for other purposes, was read the second time; and, 

On motion by Mr. Baxter, laid on the table. 

Mr. McDuffie introduced a bill to regulate the fees of registers, in the county of Cumberland; which was read the first time, passed, and referred to the committee on private bills. 

Mr. T. H. Williams presented the following resolution, which was read and adopted: 

Resolved, That the public treasurer furnish the two Houses of the General Assembly, with the particular items of expense incurred by the literary board, in the discharge of its duties. 

The bill to incorporate the Concord and Cheraw Railroad Company, was read the second time; and, pending the consideration thereof, 

On motion by J. G. Bynum, the House adjourned to to-morrow morning, 10 o'clock. 

SATURDAY, DECEMBER 16, 1854. 

Mr. D. F. Caldwell presented a memorial from citizens of Guilford county, praying the passage of a law abolishing the liquor traffic, which was referred to the committee on propositions and grievances. 

Mr. Cook, a petition from citizens of Wilkes county, asking the appointment of certain persons justices of the peace in said county, which was laid on the table. 

Mr. Vance, from the committee on education, to whom was referred the bill to distribute the common school fund among the several counties of the State according to the ratio of white population, made a minority report in favor of said bill, which was received, and 

Mr. Roland moved that the same be printed. 

On motion by Mr. Outlaw, the motion to print was laid on the table. 

Mr. Cansler, from the committee on internal improvements, to whom was referred 

A bill to incorporate the Broad River Railroad Company; and 

A bill to incorporate the French Broad Railroad Company, reported the same back to the House and recommended their passage.
Mr. J. B. Bynum, from the committee on constitutional reform, to whom was referred a bill to amend the constitution of the State by providing for the election of judges for a term of years, reported the same back to the House with sundry amendments and recommended its passage.

Mr. M. Green, from the committee to superintend the balloting for trustees of the University, reported that neither of the gentlemen in nomination had received a majority of the votes given, and consequently there was no election, which report was concurred in.

On motion by Mr. Davenport,

Ordered, That a message be sent to the Senate proposing to ballot again for three trustees of the University, this day at half past 11 o'clock, A. M.

Mr. Phillips, from the committee on the Revised Statutes, to whom was referred the resolution concerning the registry of certified copies of deeds proved and registered before the year 1820, reported that the commissioners have made ample provision therefor in the 29th section of the chapter on deeds and conveyances, in the Revised Code, and recommended that the resolution lie on the table, which report was concurred in.

Mr. Shepherd, from the committee to whom was referred so much of the Governor's message as relates to the University of the State, with instructions to inquire into the condition of the institution, reported that they had under consideration a memorial from the trustees, addressed to the General Assembly, through a committee of the board, of the Hon. Thomas Ruffin, Hon. David L. Swain, Hon. John H. Bryan, and B. F. Moore, Esq.

The committee, reserving for a future occasion a full report in relation to the duty with which they were charged, recommend the adoption of a resolution; which is herewith submitted:

Resolved, That the use of the hall of the House of Commons be tendered to the Hon. David L. Swain, on Monday evening, the 18th instant, for the purpose of delivering an address to the members of the General Assembly and the public, on the past history and present condition of the University of the State.

Which report was received, and the resolution adopted.

The Speaker laid before the House a statement from the president of the Bank of Cape Fear; and
On motion by Mr. McMillan, the same was sent to the Senate, with a proposition to print.

Received from the Senate a message, concurring in the proposition to print the said statement.

The Speaker laid before the House a communication from the magistrate of police of the town of Wilmington, extending the hospitalities of that town to the members and officers of the General Assembly.

Whereupon, on motion by Mr. T. H. Williams, the same was sent to the Senate, with a proposition to raise a joint select committee of three on the part of the House, and two on the part of the Senate, to consider the same, and answer the invitation of the magistrate of police.

Mr. Singeltary called up the engrossed resolution from the Senate, to furnish the clerk's office of the Senate; and the same was read the second time and passed.

The resolution introduced by Mr. Gilliam, on yesterday, relating to the order of business in this House was taken up;

Thereupon, Mr. Winston offered the following as a substitute:

Resolved, That the House of Commons, on and after the 23d instant, and until the 4th of January next, will not consider any bills or resolutions on their second or third reading, except private bills, and bills reported by the committee on the Revised Statutes.

Which was adopted.

The resolution introduced by Mr. Outlaw on yesterday, to amend the rules of the House, was taken up and modified, so as "not to extend to any motions to reconsider heretofore."

And, on motion by Mr. Settle, the resolution was laid on the table.

The resolution introduced by Mr. Singeltary on yesterday, relating to evening sessions, was taken up, amended and rejected.

Received from the Senate a message informing that Messrs. Rayner, Graves and Oldfield, constitute the Senate branch of the committee on that portion of the governor's message relating to the erection of a monument in Independence Square, in the city of Philadelphia.

Also concurring in the proposition of the House to ballot for three trustees of the University, this day at 11½ o'clock; and that
Messrs. Sanders and Freeman form the Senate branch of the committee to superintend the balloting.

The Chair appointed Messrs. Oglesby and Davenport, a committee on the part of the House, to superintend the balloting.

The hour having arrived, the name of B. M. Edney was put in nomination by Mr. Love, and the names of George D. Baskerville, Jno. P. Jordan and Dr. Roane, were withdrawn; and the Senate informed thereof by message.

The House now proceeded to ballot accordingly.

Mr. Singeltary presented the following resolution:

Resolved, That from and after Monday next, this House will take a recess from half past one to 3 o'clock, P. M.

Upon the passage of which, he demanded the yeas and nays.

The resolution was adopted; yeas 60, nays 47.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Blow introduced the following resolution, which was adopted:

Resolved, That the acting Governor of the State, be requested to communicate to this House, what measures if any, are in his opinion necessary to repair and preserve the public buildings.
Mr. Dortch presented the following resolution, which was adopted:

Resolved, That the committee on the judiciary be instructed to inquire if the General Assembly has not power to elect judges of the superior courts for a term of years, without any amendment of the constitution; and if they be of opinion that the General Assembly has such right, that they further inquire into the propriety of reporting a bill fixing the term for which such judges shall hold their office.

Mr. Jenkins offered the following resolution, which was read and adopted:

Resolved, That the Engrossing Clerk be allowed to use his office as a bed room, during the sitting of the present legislature.

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

Resolved, That the committee on the judiciary, be instructed to prepare and report a bill, which shall so alter the rules of descent, that any person guilty of murder, shall not inherit any portion of the property of the person murdered.

Mr. Thornburg asked leave to withdraw a bill heretofore introduced by himself, for the better regulation of the town of Franklinsville, which was granted.

Mr. Baxter introduced a bill to amend the several acts chartering the Ashville and Greenville Plank Road Company; which was read the first time, and passed.

Mr. Selby introduced a bill in favor of William N. Brooks, of the county of Hyde; which was read the first time, passed, and referred to the committee on private bills.

Mr. McMillan introduced a bill to incorporate the Grand Royal Arch Chapter of North Carolina, of Free and accepted Masons; which was read the first time, passed, and referred to the committee on corporations.

Mr. Love presented a resolution calling on the acting Governor, for information concerning the finances of the State, &c., and withdrew it.

Mr. Singeltary presented the following resolution, which was rejected:

Resolved, That the committee on the judiciary, be instructed to inquire whether the election of judges of the superior courts,
is, under the constitution vested in the legislature, or belongs to the people.

Mr. Vance introduced a bill to incorporate the Asheville Mutual Insurance Company; which was read the first time, passed, and referred to the committee on corporations.

Mr. Jordan introduced the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire whether there are any judges duly elected and qualified in pursuance of law, to hold superior courts of law and equity for the State of North Carolina.

Mr. Phillips moved to amend the resolution by adding "also members of this legislature."

On motion by Mr. Outlaw, the amendment and resolution were laid on the table.

On motion by Mr. Vance, the bill introduced by himself on yesterday, to exempt certain persons from working on the Asheville and Greenville plankroad, was taken up and referred to the committee on private bills.

The House now resumed the consideration of the unfinished business of yesterday, being the bill to incorporate the Concord and Cheraw Railroad Company.

On motion of Mr. Dargan, the further consideration thereof was postponed, and the bill made the special order of the day for Thursday next, at 1 o'clock.

A bill to extend the time for the registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift was read the second time, and

On motion by Mr. Phillips, laid on the table.

A bill to regulate civil process was read the second time, and

On motion by Mr. Dargan indefinitely postponed; yeas 52, nays 43.

Yeast and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,

House Journal.


Those who voted in the negative, were,


On motion by Mr. S. A. Williams, the House adjourned to Monday morning, 10 o'clock.

Monday, December 18, 1854.

The Chair announced the following committee on enrolled bills: Messrs. Cansler, Amis, Oglesby, Settle and Caldwell of Rowan.

The Speaker laid before the House a communication from the public treasurer, accompanied by statements showing the condition of the Bank of Washington, the Bank of Yanceyville, and the Farmers' Bank of North Carolina; and

On motion by Mr. Steele, the same were transmitted to the Senate with a proposition to print.

Mr. Yancey presented a memorial from sundry citizens of Madison county, praying the passage of a law to keep open Big Ivy up to James McNear's mills.

Mr. Whitlock presented a memorial from citizens of the town of Rockford, praying an act of incorporation of the stockholders of the Rockford Female Seminary, and to prohibit the sale of spirituous liquors within one mile of the institute;

Mr. Black, a memorial from citizens of the county of Mecklenburg, praying the passage of a law prohibiting the traffic in intoxicating liquors, which were severally referred to the committee on propositions and grievances.

Mr. Oglesby, from the committee to superintend the balloting for three trustees of the University, reported that neither of the gentlemen in nomination had received a majority of the votes.
given, and that there was no election; which report was concur-
red in.

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

Resolved, That the committee on the Revised Statutes be instruct-
ed to prepare a plan for the action of this House in reference to the
re-enactment of the Revised Statutes, and embracing the best
mode of procedure to avoid a conflict between the provisions con-
tained in the Revisal, and the acts which may be passed by the pre-
sent General Assembly, and that they report the same at as early a
day as practicable.

Mr. Baxter introduced a bill to authorize the county court of
Henderson to sell and convey lands owned by the county;

Also a bill to authorize gates across the public road in Green
River Cove, in Henderson county, which were severally read the
first time and passed.

Mr. Patterson introduced a bill to incorporate the Atlantic, Ten-
nessee, and Ohio Railroad Company; which was read the first
time and passed.

Mr. Jordan, a bill to incorporate the Camden and Pasquotank
New Cut Canal Company; which was read the first time, pass-
ed, and referred to the committee on internal improvement.

Mr. Barringer presented the following resolution; which was
read and adopted:

Resolved, That the committee on finance be instructed to in-
quire into the expediency of providing by law, that hereafter, all
public monies for the current expenses, and all other liabilities for
the State, shall be appropriated for biennially, by regular acts of
appropriation for that purpose, to be passed at each session of the
Legislature, designating specifically the amounts and object of
each appropriation; and also, that said committee be instructed to
inquire into the expediency of providing by law that a regular
statement and account of the receipts and expenditures of all
public monies, shall be published with the promulgation of the
law.

Mr. Thornburg introduced a bill for the better regulation of
the town of Franklinsville; which was read the first time and
passed, and referred to the committee on corporations.

The Speaker laid before the House a communication from
Warren Winslow, acting Governor, transmitting a copy of the annual report of the treasurer of the University, submitted to the board of trustees, at their annual meeting, on the 11th instant; and,

On motion by Mr. Barringer, the same was sent to the Senate, with a proposition to print.

The Speaker laid before the House the following communication from Warren Winslow, acting Governor:

EXECUTIVE DEPARTMENT, Dec. 18, 1854.
To the honorable the House of Common:

In reply to the resolution of the Commons, requesting me to furnish a copy of any contract that may have been entered into between the late Governor and Professor Emmons, touching a geological and minerological survey of the State, I have the honor to communicate copies of the correspondence between these gentlemen, serving as the basis of the terms upon which Professor Emmons engaged to do the work. There was no specific contract entered into, and these papers contain every thing on the subject, to be found on the files of this department.

I have the honor to be, &c., &c.,

WARREN WINSLOW.

Which, together with the accompanying documents, on motion by Mr. J. G. Bynum, were referred to the committee on the geological survey.

An engrossed resolution from the Senate, authorizing the treasurer of the State to pay over to the treasurer of the North Carolina Railroad Company, the balance yet due on the State's subscription to the capital stock of said company, was read the first time and passed; and

Mr. J. G. Bynum moved to refer the resolution to the committee on finance; upon which motion a division was called for, 47 voting in the affirmative and 46 in the negative—the Speaker voting in the negative, the motion was rejected. The rules were suspended, and the resolution read the second time and passed.

A bill to amend the statute concerning widows, was read the second time, and

Mr. Amis offered the following amendment:
Be it further enacted, That if any married woman shall die leaving no issue, her husband shall be entitled in fee simple, to one half of the real estate of which his deceased wife was seized.

Mr. Winston, moved to recommit the bill and amendment to the committee on the Revised Statutes; which was disagreed to.

Mr. S. A. Williams offered the following amendment, to the amendment, insert between the word "entitled" and the word "in" unless the wife shall have disposed of it previous to her death by deed of gift;" which was rejected.

The question recurring upon Mr. Amis amendment, the same was rejected; yeas 36, nays 72.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltary offered the following amendment; strike out the words, "if she shall so elect," which was rejected.

Mr. Daniel moved to reconsider the vote by which the amendment offered by Mr. Amis, was rejected.

The House refused to reconsider, and the question recurring upon the passage of the bill on its second reading;

It was determined in the affirmative; yeas 92, nays 26.
Yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Received from the Senate a message accompanied by the following engrossed bills, in which they ask the concurrence of the House, to wit:

A bill to provide for the issue of additional stock by the Seaboard and Roanoke Railroad Company; and

A bill to authorize the county court of Macon county to lay a tax on land in that county to defray the expense of obtaining the right of way for the railroad located through that county.

Received from the Senate a message concurring in the proposition of the House to print the communication from the treasurer, with accompanying bank statements.

Also concurring in the proposition to raise a joint select committee of two on the part of the Senate and three on the part of the House, to take into consideration the invitation of the magistrate of police of Wilmington, and that Messrs. Faison and Morisey form the Senate branch of said committee.
The Chair appointed Messrs. T. H. Williams, Vance and Settle on the part of the House.

Also a message proposing to raise a joint select committee of five on the part of each House, to inquire into the expediency of establishing an eighth judicial circuit which was concurred in, and the Chair appointed Messrs. Shepherd, Baxter, Jordan, J. M. Leach and Waugh a committee on the part of the House, and the Senate was informed thereof by message.

Mr. Shepherd introduced the following resolution:

Resolved, That the public treasurer be authorized to raise by sale of State bonds, or by borrowing, any sum not exceeding one hundred thousand dollars, to meet any lawful demands against the State.

Mr. J. G. Bynum offered the following amendment:

Strike out all after the word "resolved," and insert, that the public treasurer be required to communicate to this House the amount of claims existing on the public treasurer at this time, and what amount will be due from the public treasury on the first day of January next, and the means in the treasury to meet these demands; which amendment was adopted.

On motion by Mr. J. M. Leach, the House adjourned to meet to-morrow 10 o'clock.

TUESDAY, DECEMBER 19, 1854.

The Speaker laid before the House a communication and report from the board of directors of the N. C. Institute for the education of the deaf and dumb and blind.

On motion by Mr. Mebane, referred to the committee on the deaf and dumb asylum.

Mr. Mebane presented a memorial from citizens of Alamance county, praying the passage of a law prohibiting the traffic in intoxicating liquors;

Mr. J. H. Headen, a like memorial from citizens of the county of Chatham;

Mr. Shaw, a like memorial from citizens of the county of Sampson;

Mr. Sutton, a like memorial from citizens of the county of Lenoir;
Which were severally referred to the committee on propositions and grievances.

Mr. Norment, from the committee on agriculture, to whom was referred the bill to amend the sixth section of an act passed at the session of the General Assembly of 1852, entitled an act to encourage agriculture, domestic manufactures, and the mechanic arts, reported the same back to the House, and recommended its passage.

Mr. Cansler, from the committee on internal improvement, to whom was referred

The bill to incorporate the Camden and Pasquotank New Cut Canal Company; also,

A bill to amend an act entitled an act to incorporate the Atlantic and North Carolina Railroad Company; and also,

The bill to incorporate the North Carolina and Western Railroad Company, reported the same back to the House, and recommended their passage.

Mr. Steele, from the committee on corporations, to whom was referred,

A bill to incorporate the town of Newton, in the county of Catawba;

A bill to incorporate the Hillsboro' and Milton Plankroad Company; and

A bill to incorporate the Greensborough, Madison and Virginia Plankroad Company, reported the same back to the House, and recommended their passage.

Mr. Waugh, from the committee on propositions and grievances, to whom was referred,

A bill to establish a public road in Yancy county, reported the same back to the House, and recommended that it do not pass; and,

On motion by Mr. Cook, the bill and report were laid on the table.

Mr. Waugh, from the same committee, to whom was referred

A bill to prevent the ranging of stock, from any other State or county in Yancey county, reported a substitute therefor, and recommended its passage.

Mr. Waugh, from the same committee, to whom was referred
A bill to prevent the felling and putting of timber in Haw and Alamance rivers, in the county of Alamance;
A bill concerning Haw river, in Alamance county; and
A bill concerning public roads, in the county of Watauga, reported the same back to the House, and recommended their passage.

Mr. Phillips, from the committee on the Revised Statutes, to whom was referred the resolution instructing them to enquire into the propriety of providing for divorce from the bonds of matrimony in certain cases, reported the same back to the House, stating that in the opinion of the committee, it is inexpedient to legislate upon the subject as is proposed, and recommended that the resolution lie upon the table.

Which report was concurred in.

Mr. Vance, from the joint select committee, to whom was referred the invitation of the magistrate of police of the town of Wilmington, tendering the hospitalities of the place to the members of the legislature, reported in favor of accepting the same; and recommended that the legislature take a recess from Friday next until Wednesday the 27th inst.

Which report was concurred in by the House, and the Senate informed by message.

Mr. A H. Caldwell presented a communication from the committee of arrangements of Salisbury, inviting the members of the legislature to be present at a railroad celebration at that place, on the 4th January next; which, on motion by Mr. Outlaw, was sent to the Senate.

Mr. Houston presented the following resolution:
Resolved, That this House will adjourn on Saturday next, the 23d inst., to meet again on Wednesday the 27th inst; which, on motion by Mr. Roland, was laid upon the table.

Mr. T. H. Williams introduced the following resolution, which was read and adopted:
Resolved, That the committee on the judiciary inquire into the propriety of enacting a law, which shall exempt from execution, in favor of the creditors of the husband, all property which they may have acquired by marriage; and report by bill or otherwise.

Mr. Gilliam introduced a bill to amend the act incorporating the town of Plymouth; which was read the first time, and passed, and referred to the committee on corporations.
Mr. Roland introduced a bill to incorporate the Tusquetta and Aquanal Turnpike Company, in the counties of Cherokee and Macon; which was read the first time, and passed.

Mr. Love presented a resolution in favor of Ephraim and Thomas Osburn; which was read the first time, and passed, and referred to the committee on claims.

Mr. Shepherd introduced a bill relative to the action of ejectment in the courts of this State, also,

A bill to amend the act of 1808, entitled an act to regulate descendants; which were severally read the first time and passed, and referred to the committee on the judiciary.

Mr. T. H. Williams presented the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary, enquire into the expediency of so amending the charter of our University, as to provide for the election of trustees, by requiring the board of trustees to appoint or elect their successors, and that they report by bill or otherwise.

Received from the Senate a message accompanied by a resolution passed by that body, directing the Speakers of the two Houses, to respectfully decline the invitation of the Magistrate of Police of the town of Wilmington, and asking the concurrence of this House,

Whereupon, Mr. Singeltary offered the following amendment to the resolution:

That the thanks of the General Assembly be returned to the people of Wilmington, for their tender of hospitality to this body, and as many of the members as may find it convenient, will accept the invitation; which amendment was adopted, and the Senate informed thereof by message, and their concurrence asked.

Received from the Senate a message informing that they have directed its Speaker, to respectfully decline the invitation of the committee of arrangements of the town of Salisbury, to be present at that place on the 4th of January next, which was concurred in.

The Chair announced that the hour had arrived for the consideration of the special order of the day, being the bill to lay off the State into nine judicial circuits.
On motion by Mr. Houston, the same was postponed, and made the special order of the day for the second Monday in January next at 11 o’clock.

Mr. Johnson introduced a bill to authorize the board of trustees of the university to fill vacancies arising in their body, which was read the first time, passed, and referred to the joint committee on the University.

Mr. T. H. Williams introduced a bill to amend an act passed by the General Assembly at the session of 1852, entitled an act to amend the 15th section of the 31st chapter of the Revised Statutes, so as to authorize the superior court to be held for two weeks in the county of New Hanover, which was read the first time, passed, and referred to the committee on the judiciary.

Received from the public treasurer a statement of debts now due, and which will be due on the first day of January, and the means on hand to meet the same.

Mr. Shepherd offered the following resolution:

Resolved, That the public treasurer be authorized to raise by loan a sum not exceeding one hundred thousand dollars, to meet any lawful demands upon the treasury, which was read the first time and passed; and,

On motion by Mr. Barringer, the rule was suspended, and the resolution was read the second and third time, passed, and ordered to be engrossed.

On motion by Mr. Singeltary, the rule was suspended, and the resolution ordered to be sent forthwith to the Senate.

Mr. Singeltary moved that the communication and statement from the public treasurer be transmitted to the Senate; and

Mr. Amis moved to amend, by adding “with a proposition to print.”

Which amendment was rejected; yeas 49, nays 60.

Yeas and nays demanded by Mr. Roland.

Those who voted in the affirmative, were,

Sharpe, Shipp, Smith, Steele, Stubbs, Thornburg, Turner, Vance, Wilkins, T. H. Williams and Winston—49.

Those who voted in the negative, were,


The question then recurring on Mr. Singeltary's motion, the same was adopted.

Received from the Senate a message informing that the Senate refuses to concur in the amendment proposed by the House to the resolution relating to the invitation to Wilmington.

On motion by Mr. Carmichael, the House adheres, and the Senate was informed thereof.

The bill to incorporate the Shelby Railroad Company was read the second time, and

On motion by Mr. J. G. Bynum, the further consideration thereof was postponed until the second Monday of January next.

Mr. Turner introduced a resolution in favor of H. S. Smith, which was read the first time, passed, and referred to the committee on the Revised Statutes.

Mr. J. G. Bynum introduced a bill, accompanied by memorials, to lay off and establish a new county by the name of Golden Valley, which was read the first time and passed.

The House now took a recess until 3 o'clock, P. M.

Three o'clock, P. M.

On motion by Mr. Phillips, the committee on the Revised Statutes were excused from attending evening sessions.

Mr. D. F. Caldwell moved that the committee on banking be excused from attending evening sessions, which was refused.

Mr. Lancaster moved that the committee on private bills be excused from attending evening sessions, which was refused.
The bill to provide for the improvement of the road leading from Wilkes county line, by way of Meat Camp Creek, to the Tennessee line at or near Wilkes's store, was read the third time, passed and ordered to be engrossed.

An engrossed resolution authorizing the treasurer of the State to pay over to the treasurer of the North Carolina Railroad Company the balance of the State's subscription to said road, was read the third time, and

Mr. J. G. Bynum offered the following amendment:

And that the public treasurer pay the said amount in bonds on the State of North Carolina, issued agreeable to the provisions of the charter of said company, which said bonds shall be received in discharge of the State's subscription by the said company at par: Provided, That the said North Carolina Railroad Company shall not be at liberty to sell or dispose of said bonds for less than their par value.

Pending the consideration of which,

On motion by Mr. S. A. Williams, the House adjourned to to-morrow, 10 o'clock, A. M.

WEDNESDAY, DECEMBER 20, 1854.

The Speaker laid before the House a communication from Warren Winslow, acting Governor, accompanied by the annual report of the superintendent of common schools.

On motion by Mr. T. H. Williams,

Ordered, That the same be sent to the Senate, with a proposition to print.

Mr. Bryant presented a memorial from sundry citizens of the county of Nash, protesting against the proposition before the Legislature to take a portion of said county, to create a new county by the name of Wilson; which was referred to the committee on propositions and grievances.

Mr. D. F. Caldwell, from the committee on banking, to whom was referred the bill to charter the Peoples' Bank of the State of North Carolina, reported the same back to the House, and recommended its passage.

On motion by Mr. Settle,

Ordered, That the report be printed.
Mr. Steele, from the committee on corporations, to whom was referred a bill to incorporate the Little River Turnpike Company;
Also a bill for the better regulation of the town of Franklinsville, in the county of Randolph, reported the same back to the House, and recommended their passage.

Mr. Dargan, from the joint select committee on the Revised Statutes, to whom was referred a bill and amendment to give the county and superior courts of Mecklenburg jurisdiction over the sale of real estate, for division amongst joint tenants and tenants in common, reported the same back to the House, and recommended that it do not pass.

Mr. Phillips, from the same committee, to whom was referred the resolution in favor of H. S. Smith, reported the same back to the House with a substitute therefor, and recommended its passage; which was read the first time and passed.

Mr. Settle, from the committee on claims, to whom was referred the memorial of Sarah Avery, reported the same back to the House, and asked to be discharged from its further consideration; which was received and laid upon the table.

Mr. Settle, from the same committee, to whom was referred the resolution in favor of William Gilliam, reported the same back to the House, and recommended that it do not pass.

Mr. Settle, from the same committee, to whom was referred the resolution in favor of Thomas I. Judkins, and
The resolution in favor of Henry Nutt, reported the same back to the House, and recommended their passage.

Mr. Settle, from the same committee, to whom was referred the resolution in favor of W. W. Green and L. A. Jeffreys, reported the same back to the House, and recommended that it do not pass; and
On motion by Mr. Settle, was indefinitely postponed; yeas 76, nays 18.
Yea and nays demanded by Mr. Martin.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

On motion by Mr. Singeltary,
Ordered, That a message be sent to the Senate, proposing to vote for seven councillors of State forthwith.

Received from the Senate a message, concurring in the proposition to vote forthwith for councillors of State, and informing that Messrs. Faison and Christian form the Senate branch of the committee to superintend the election, and that Messrs. Wm. Badham, O. R. Kenan, M. T. Hawkins, Benjamin Trollinger, Owen D. Holmes, Larkin Stowe and Sam’l. L. Love, are in nomination in the Senate.

On motion, the following names were added to the nomination:—Messrs. William Foy, Chas. L. Partee, Jas. A. Long, Thos. J. Speller, Wm. M. Shipp, Oliver H. Cowan; and the Chair appointed Messrs. Meares and Oglesby a committee on the part of the House to superintend the election, and the Senate was informed thereof by message.

The House now proceeded to vote accordingly, as follows:
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D. Williams, S. A. Williams, Winston, Wright, Yancey, Gilliam, J. F. Hill and Black—69.


For Mr. Foy:—Messrs. Amis, Barringer, Baxter, Bogle, D. F. Caldwell, A. H. Caldwell, Daniel, Davenport, Gorrell, Geo. Green, J. H. Headen, Johnson, Mann, March, Mebane, Outlaw,


For Mr. Steele:—Messrs. Bogle, Dargan, Gorrell, Horton, Jones, Hugh Leach, Mordecai, Patterson, Patton and Wilkins—10.


For Mr. Outlaw:—Messrs. Craven, Gorrell, Jones, Perkins, Thornburg and Vance—6.
For Mr. Bynum:—Messrs. Craven, Horton, Hugh Leach and Thornburg—4.
For Mr. Turner:—Messrs. McKesson, Roland and Vance—3.
For Mr. Montgomery:—Messrs. Russell, Thornburg and J. M. Leach—3.
For Mr. Green:—Messrs. Craven and Thornburg—2.
For Mr. Settle:—Mr. Bryson—1.
For Mr. McDuffie:—Mr. McKesson—1.
For Mr. Joyner:—Mr. Craven—1.
For Mr. Hoke:—Mr. Horton—1.
For Mr. Hill:—Mr. Horton—1.
For Mr. Sanders:—Messrs. Jones and J. M. Leach—2.
For Mr. Venable:—Messrs. B. F. Williams and Jones—2.
For Mr. Baxter:—Mr. J. M. Leach—1.
For Mr. H. W. Miller:—Mr. Jones—1.
For Mr. Shepherd:—Mr. Hugh Leach—1.
For Mr. Cansler:—Mr. Patterson—1.
For Mr. Norment:—Mr. Roland—1.
For Mr. Singeltary:—Mr. Roland—1.
For Mr. Norfleet:—Mr. B. F. Williams—1.
For Mr. Jones:—Mr. Turner—1.
For Mr. Rodman:—Mr. B. F. Williams—1.
For Mr. Meares:—Mr. Winston—1.
For Mr. Shoker:—Mr. J. M. Leach—1.
For Mr. Ruffin:—Mr. B. F. Williams—1.
For Mr. Gaines:—Mr. Mebane—1.
For Mr. Dargan:—Mr. Jones—1.

Received from the Senate a message accompanied by the following engrossed bills, asking the concurrence of the House therein.

A bill to incorporate Union Academy in the county of New Hanover, and for other purposes.

A bill to emancipate John Good a slave.

A bill to authorise the court of pleas and quarter sessions of the counties of Craven, Nash, Sampson, Stokes and Forsyth, to pay the wardens of the poor.

Mr. Turner, presented a resolution in favor of Archibald Bor-
land; which was read the first time and passed, and referred to the committee on claims.

Mr. Bryant introduced a bill to annex a part of the county of Edgecombe, to the county of Nash; which was read the first time and passed, and referred to the committee on propositions and grievances.

Mr. Patterson, a bill to extend the time for perfecting titles to lands heretofore entered; which was read the first time and passed, and the bill read the second time and passed; the rule being suspended, it was read the third time, and the further consideration thereof postponed until to-morrow.

Mr. Norment, from the committee on agriculture, to whom was referred the memorial of the Hon. Thomas Ruffin, President of the North Carolina State Agricultural Society, reported the same back to the House, accompanied by a bill, and recommended its passage; the bill was read the first time and passed.

Mr. Mann introduced a bill concerning hogs running at large in the streets of Elizabeth City; which was read the first time and passed, and referred to the committee on private bills.

Mr. Dargan, introduced a bill to repeal an act passed in 1848-'9, exempting certain persons from military duties; which was read the first time and passed, and referred to the committee on military affairs.

Mr. Patton, a bill to incorporate the town of Franklin; which was read the first time and passed, and referred to the committee on corporations.

Mr. Mebane, a bill to incorporate the Alamance and Caswell Plank Road Company; which was read the first time and passed.

Mr. McDuffie, a bill to re-model the county courts of the county of Cumberland; the same was read the first time and passed, and ordered to be printed.

Mr. Jones, a bill to incorporate the Iron Hill and Whitesville Plankroad Company; the same was read the first time and passed, and referred to the committee on corporations.

Mr. Jenkins presented a resolution in favor of W. H. Winder; the same was read the first time and passed, and referred to the committee on claims.

Mr. Lancaster introduced a bill to pay the wardens of the poor
of the county of Alamance; which was read the first time and passed.

Mr. A. D. Headen presented a resolution in favor of C. C. Stone; the same was read the first time and passed, and referred to the committee on claims.

Mr. Myers introduced a bill to incorporate the Alexandriana Plankroad Company; which was read the first time and passed, and referred to the committee on internal improvement.

Mr. Houston presented the following resolution:

Resolved, That this House will take a recess from Friday next, the 22nd instant, until Wednesday, the 27th instant.

Pending the consideration of which, the House took a recess.

Three o'clock, P. M.

The House now resumed the consideration of the above pending resolution.

Mr. Gilliam moved to amend the resolution by adding: "The Senate concurring."

On motion by Mr. Waugh, the amendment and resolution were laid upon the table.

Mr. Patterson presented the following resolution, which, under the rule lies over one day:

Resolved, That at the afternoon session of this House, until otherwise ordered, engrossed bills from the Senate shall first be taken up and read a first time, and after they are disposed of, then private bills of this House on their second reading.

Mr. Jones introduced a bill to incorporate the Fair Bluff Conwayborough Plankroad Company; the same was read the first time, passed, and referred to the committee on corporations.

Mr. George Green presented a resolution in favor of S. W. Chadwick, which was read the first time, passed, and referred to the committee on claims.

Mr. J. F. Hill introduced a bill to repeal an act passed at the session of the Legislature of 1850-'51, entitled an act authorizing a geological survey of the State, and for other purposes; the same was read the first time and passed, and referred to the committee on the geological survey.

On motion by Mr. Amis, leave of absence was granted to Mr. Outlaw, from Friday the 22d inst. to the 4th of January next.
On motion by Mr. S. A. Williams, leave of absence was granted to Mr. Gilliam, from the 23d instant to the 2nd of January next.

On motion by Mr. Patterson, leave of absence was granted to Mr. Steele, from Friday next to Friday week.

Mr. Meares, from the committee appointed to superintend the election of seven councillors of State, reported that William Badham, O. R. Kenan, Saml. L. Love, Larkin Stowe, Benjamin Trollinger, Owen D. Holmes and M. T. Hawkins had received a majority of the whole number of votes given, and were duly elected councillors of State; in which report the House concurred.

Mr. Outlaw moved that this House do now adjourn, upon which motion,

Mr. S. A. Williams demanded the yeas and nays; they were accordingly ordered and taken; yeas 24, nays 71.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

So the House refused to adjourn.

Mr. Sutton presented the nomination of sundry persons for justices of the peace in Lenoir county, which was laid on the table.

The House now proceeded to the consideration of the unfinished business of yesterday, to wit:

34
The resolution and pending amendments, authorizing the public treasurer to pay over to the treasurer of the North Carolina railroad company, the balance of the State's subscription.

Mr. Mebane offered the following amendment to the amendment: "That the public treasurer pay over as soon as practicable to the treasurer of the North Carolina Railroad Company, the whole amount of the State's subscription remaining unpaid, except the sum of fifty thousand dollars."

Mr. J. G. Bynum withdrew his amendment, and offered the following: "Whereas, by the provisions of the charter of the North Carolina Railroad Company, the State of North Carolina hath obliged herself to pay to said company two millions of dollars as soon as one million of dollars shall actually be paid in by individuals, and expended in the construction of said road, the terms, conditions, and manner of said payment being prescribed in said charter; and whereas, it is represented to this General Assembly by the president and directors of said North Carolina Railroad Company, that individual stockholders in said company have expended in labor on said road a larger amount, though they have not paid the same to said company in money; Be it therefore

Resolved, That the amounts so expended in labor, shall be deemed and held a compliance on the part of individual stockholders with the provisions of the charter, requiring them to pay money into said company.

Resolved, That whenever the president of said company shall produce to the public treasurer satisfactory evidence, which evidence shall be filed in the records of the treasury department, that individual stockholders shall have expended in labor in the construction of said road any amount not less than $25,000, it shall be the duty of the public treasurer to pay to the order of the president of said company double the amount so expended by individual stockholders.

Resolved, That the public treasurer is hereby authorized to raise the sum so to be paid either according to the provisions of the charter, or by issuing bonds payable in thirty years from date, with interest at six per cent. payable semi-annually, and delivering them to the president of said company, which bonds shall be received by said company at par, the said company entering into
a covenant that the same shall not be disposed of by said company at less than par.

Which amendment was rejected.

Mr. Outlaw moved that the House do now adjourn, and

Mr. Bullock demanded the yeas and nays, which were ordered and taken; yeas 13, nays 85.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House refused to adjourn.

The House again resumed the consideration of the resolution, and

Mr. J. G. Bynum offered the amendment heretofore withdrawn by him, upon which he demanded the yeas and nays, which were ordered and taken; yeas 40, nays 58.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Gilliam moved the House do now adjourn; the House refused.

Mr. Patterson offered the following amendment, which was adopted:

*Provided,* That the President and Directors of said company, may receive the payment herein authorised in the bonds of this State at their par value, and if they shall elect to do so, the public treasurer is hereby authorised to pay the same without the necessity of advertising the sale thereof, as required by the charter of said company, and

*Provided further,* That the public treasurer be authorised to deduct from the amount claimed to be due, the sum of fifty thousand dollars, or whatever amount may be found to be due the said company from the State, after deducting the amount of insolvent subscriptions made by insolvent subscribers.

The question then recurring upon the resolution as amended, the same was passed.

On motion by Mr. Steele, the House adjourned to to-morrow morning 10 o’clock.

TUESDAY, DECEMBER 21, 1854.

Received from the Senate a message informing the House that they have passed the engrossed resolution authorizing the treasurer to borrow $100,000; and that they have ordered the communication from the treasurer to be printed, and asked the concurrence of the House.

Mr. Singeltary moved the proposition to print the communication from the treasurer, be laid upon the table, and
Mr. Barringer demanded the yeas and nays, which were ordered and taken; yeas 51, nays 36.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the proposition was laid upon the table, and the Senate informed thereof by message.

Received from the Senate a message, informing that they have receded from their refusal to the amendment of the House to the resolution concerning the invitation to Wilmington, and have passed the same as amended.

Also, a message proposing to adjourn from and after to-morrow until Tuesday next, which was concurred in, and the Senate informed thereof by message.

Leave of absence was asked and granted to the following members:

Mr. Smith, from 23d instant to the 10th of January.
Mr. Lyon from Friday to Wednesday next.
Mr. A. D. Headen, from Saturday to 1st January.
Mr. Selby, from Saturday to the 1st January.
Mr. Simmons, from Saturday next to the 1st January.
Mr. Long, from Saturday next to the 1st January.
Mr. Mebane, from Saturday next to the 1st January.
Mr. M. Greene, from Saturday next to the 1st January.
Mr. Phillips, from Saturday next to the 1st January.
Mr. Perkins, from Saturday next to the 1st January.
Mr. Davenport, from Friday next to the 1st January.
Mr. Winston, from Friday next to the 1st January.
Mr. J. W. Neal, from Saturday next to the 1st January.
Mr. Bulloek, from Saturday next to the 1st January.
Mr. Shipp, from Friday next to the 27th instant.
Mr. Carmichael presented a memorial from citizens of Wilkes and Ashe counties, praying the laying out a public road; which was referred to the committee on propositions and grievances.
Mr. Roland presented a memorial from citizens of Cherokee, praying that the State may refund to certain persons who purchased Cherokee lands. The same was referred to the committee on Cherokee lands.
Mr. Hill presented a memorial from citizens of the county of Stokes, praying an act incorporating a plank road from Winston to the Virginia line; which was referred to the committee on propositions on grievances.
Mr. G. M. White, a memorial from citizens of Bladen county, praying the passage of a law prohibiting the traffic in intoxicating liquors.
Mr. S. A. Williams moved to lay the same upon the table; which was disagreed to, and the memorial was referred to the committee on propositions and grievances.
Mr. Outlaw, from the committee on corporations, to whom was referred a bill to incorporate a mutual fire insurance company in the town of Charlotte, reported the same back to the House, with an amendment, and recommended its passage.
Mr. Outlaw, from the same committee, to whom was referred a bill to incorporate the Wilmington Steam Tug Company, reported the same back to the House, and recommended its passage.
Mr. Singeltary, from the same committee, to whom was referred a bill to incorporate the East Fork Turnpike Company, reported the same back to the House, and recommended its passage.
Mr. Whitaker, from the same committee, to whom was referred a bill to amend the act incorporating the town of Plymouth, reported the same back to the House, and recommended its passage.
Mr. Dortch, from the committee on the judiciary, to whom was referred a bill to amend an act passed by the General Assembly
at the session of 1852, entitled an act to amend the 15th section, 31st chapter of the Revised Statutes, reported the same back to the House, with an amendment, and recommended its passage.

Mr. Dortch, from the same committee, to whom was referred a bill to exempt females from attending as witnesses in certain cases;

Also, the bill to amend an act passed at the session of 1840-'41, chapter 30th, entitled an act to prevent free persons of color from carrying fire-arms, reported the same back to the House, and recommended that they do not pass.

Mr. Dortch, from the same committee, to whom was referred the memorial of the grand jury of Rutherford county, praying the passage of a law limiting prosecutions for small offences, &c., reported the same back to the House, stating that it is inexpedient to alter the law, and asked to be discharged from its further consideration; which report was concurred in.

Mr. Dortch, from the same committee, to whom was referred the memorial of the grand jurors of Alexander, Rutherford and Yadkin counties in relation to the superior courts of the 6th and 7th judicial circuits, reported the same back to the House, and asked to be discharged from the further consideration thereof, and that they be laid upon the table; which report was concurred in.

Mr. Phillips, from the same committee, to whom was referred a bill to make killing of stock by railroad prima facie evidence of negligence, reported the same back to the House and recommended that it do not pass.

Mr. Shepherd, from the same committee, to whom was referred a bill to amend the act of 1808, entitled an act to regulate descents, reported the same back to the House with a statement that the matter of said bill has been considered by the committee on the Revised Statutes, and a bill would be reported by them, and the bill was laid on the table.

Mr. Shepherd, from the committee on finance, to whom was referred, a bill to amend an act entitled an act to increase the revenue of the State, reported the same back to the House and recommended that it do not pass.

Mr. Shepherd, from the same committee, presented a report upon accounts of the public treasurer, which report was concurred
Mr. Lancaster, from the committee on private bills, to whom was referred a bill to provide for the better government of the town of Louisburg, reported the same back to the House with an amendment, and recommended its passage.

Mr. Lancaster, from the same committee, to whom was referred the memorial to emancipate Dolly and Caroline, slaves; and the memorial to emancipate Peter, a slave, reported the same back to the House and recommended that the prayer of the memorialists be not granted, which reports were received, and the memorials laid upon the table.

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

Resolved, That a message be sent to the Senate proposing to increase the joint select committee on monuments to five members on the part of the House and three on the part of the Senate, which committee shall be styled the monumental committee; and it shall be the duty of said committee not only to take into consideration that part of the Governor's message which relates to monuments, but also what monuments ought to be erected in memory of the North Carolina heroes and patriots of the revolution, the places at which they should be erected, and the probable cost of said monuments.

On motion by Mr. Love,

Ordered, That a message be sent to the Senate proposing to go into an election for public treasurer to-day at one o'clock.

Mr. Horton introduced a bill to alter the county line between Caldwell and Watauga counties; which was read the first time and passed, and referred to the committee on propositions and grievances.

Mr. Smith introduced a bill to establish the Bank of Halifax; which was read the first time and passed, and referred to the committee on banking.

Mr. Jones introduced a bill, giving to grand jurors in the county of Columbus, discretionary power in certain cases; which was read the first time and passed, and referred to the committee on the judiciary.

Mr. Myers introduced a bill to amend the charter of the Wes-
term Plankroad Company; which was read the first time and passed, and referred to the committee on internal improvements.

Mr. Bogb introduced a bill to incorporate the United Baptist Institute, in the town of Taylorsville; which was read the first time and passed, and referred to the committee on corporations.

Mr. Perkins a bill accompanied by a memorial to emancipate Albert, a slave; which was read the first time and passed, and referred to the committee on propositions and grievances.

The House now proceeded to consider the resolution introduced on yesterday, relating to the order of business at the evening session. The same was modified so as to read:

That at the afternoon sessions of this House, until otherwise ordered, engrossed bills from the Senate shall first be taken up and read a first time; and after they are disposed of; then bills of this House on their first reading; then memorials, petitions, reports from committees, &c., &c.

The resolution was then adopted.

Mr. S. A. Williams offered the following resolution, which was rejected:

Whereas, By the authority of this legislature, the doorkeeper has purchased a clock for the use of this House; and whereas, said clock, as to time, has never been right:

Resolved, That the doorkeeper of this House be required to cause said clock to keep correct time or take it from this Hall; dispose of it for what it will bring; pay over proceeds of said sale to the treasurer of this State, and take his receipt for the same.

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

Resolved, That the committee on the judiciary be directed to enquire into the expediency of so amending the statute of the State, as to prohibit free persons of color from hawking and peddling, and report by bill or otherwise.

Received from the Senate a message concurring in the proposition of the House to print the communication from the acting Governor, with the report from the superintendent of common schools.

Also a message proposing to raise a joint select committee of three, one from the Senate and two from the House, to wait upon his Excellency, Thomas Bragg, and inform him of his election as
Governor of the State, and to ascertain when it will suit his convenience to appear before the two Houses, to take the oaths of office.

Also a message proposing to raise a joint select committee of four on the part of each House, who shall make suitable arrangements for the reception and inauguration of the Governor elect, at such time as he may designate as being convenient for him, to take the oaths of office; which were severally concurred in, and the Senate informed thereof by message.

Received from the Senate a message concurring in the proposition to go into an election of treasurer of the State at one o’clock this day, and informing that Messrs. Herring and Willey, form the Senate branch of the committee to superintend the election; the Chair appointed Messrs. Love and J. H. White, on the part of the House.

The hour having arrived under the joint order to go into said election, Mr. Love nominated Daniel W. Courts of Rockingham for said office, and the Senate was informed thereof; the House then voted as follows:


Mr. Amis voted for Mr. Cansler.

Mr. Gilliam and Mr. Simmons voted for Mr. S. A. Williams.

Mr. Winston voted for Mr. Singeltary.

Received from the Senate a message concurring in the proposition to increase the joint select committee on monuments, and in-
forming that Mr. Herring is added to said committee on the part of the Senate.

Also, informing that Mr. Person constitutes the Senate branch of the committee to inform the governor elect of his election; and the chair appointed Messrs. Singeltary and Baxter on the part of the House.

Also, a message informing that Messrs. Person, Morrisey, Sanders and Ashe form the Senate branch of the committee to make suitable arrangements for receiving and inaugurating the governor elect. The chair appointed Messrs. Yancey, Patterson, Martin and Shipp on the part of the House.

Mr. Patterson moved to reconsider the vote of yesterday, by which was passed the resolution authorizing the treasurer to pay over to the treasurer of the North Carolina Railroad Company the balance of the State's subscription; which was carried.

Mr. Patterson then offered the following amendment: Strike out the last proviso, and insert:

"And provided further, That the public treasurer be authorized to deduct from the amount that may be due to said company, on account of the balance of the State's subscription, double the amount of such individual subscriptions as may be found, on a thorough investigation by the public treasurer, to be unsold and insolvent."

Mr. Singeltary moved the indefinite postponement of the resolution; upon which Mr. C. W. Williams demanded the yeas and nays, which were ordered and taken, yeas 25, nays 71.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House refused to indefinitely postpone.

Mr. Shepherd offered the following amendment:

Strike out all after the word resolve, and insert that the treasurer of the State be authorized to pay to the North Carolina Railroad Company the sum of two hundred and eighty thousand dollars, either in cash or bonds of the State at par, in settlement of the balance due on the last installment of the State's subscription.

Pending the consideration of which, the hour arrived, under the rule, and the House took a recess.

Three o'clock, P. M.

Under the rule, the House now proceeded to consider engrossed bills from the Senate on their first reading.

A bill to compensate wardens of the poor of Mecklenburg county;

A bill to cede to the United States of America certain sites for light house purposes;

A bill to authorize the Nantahala and Tuckasege Turnpike Company to establish a toll bridge over the Tennessee River, in Macon county;

A bill to lay off and establish a county by the name of Polk;

A bill to make compensation to the justices of the peace for taking lists of taxable property;

A bill to incorporate the Yadkin Plankroad Company;

A bill to authorize the court of pleas and quarter sessions of the counties of Craven, Nash, Sampson, Stokes and Forsythe to pay the wardens of the poor;

A bill to authorize the county court of Macon to lay a tax on land in that county to defray the expenses of obtaining the right of way for a railroad located through that county;

A bill to provide for the issue of additional stock by the Seaboard and Roanoke Railroad Company; and
A bill to incorporate Union Academy, in the county of New Hanover, were severally read the first time and passed.

On motion by Mr. Sutton, the rules were suspended, and the nominations of Henry F. Bond, Richard L. Wooton, B. F. Pridgen and Samuel N. Croom, for justices of the peace, were taken from the table, and they were appointed justices of the peace for the county of Lenoir, and the same was transmitted to the Senate for their concurrence.

Mr. J. H. White, from the committee to superintend the election of treasurer, reported that Daniel W. Courts had received a majority of the votes given, and was duly elected, which report the House concurred in.

Received from the Senate a message informing that they have passed the engrossed bill to protect live stock from malicious destruction with the following amendment, "strike out the last section of said bill, which enacts that the same shall be in force from and after its ratification," the House concurred in the amendment, and ordered the bill as amended to be enrolled, and the Senate was informed thereof.

Received from the Senate a message informing that they have passed the engrossed bill to amend an act of the session of 1850, entitled an act to incorporate the Fayetteville and Northern Plank road Company, with an amendment. The House concurred in the amendment, and ordered the bill to be enrolled, and the Senate was informed thereof.

An engrossed bill from the Senate to authorize the trustees of the Louisburg Female Academy to convey to the Louisburg Female College Company certain interest in the female academy grounds, was read the first time and passed.

On motion by Mr. Martin the rule was suspended, and the bill read the second and third time, passed, and ordered to be enrolled.

An engrossed bill from the Senate to emancipate John Good was read the first time, and

Mr. S. A. Williams moved that the same be rejected. The House refused to reject the bill, and it passed its first reading and was referred to the committee on private bills.

An engrossed resolution concerning the Cape Fear and Deep River Navigation Company was read the first time and passed.
An engrossed resolution in favor of David A. Ray & Co. was read the first time, passed and referred to the committee on claims.

Engrossed bill concerning abatement of suits;
Engrossed bill concerning agriculture and geology;
Engrossed bill concerning amendment of processes, &c;
Engrossed bill concerning appeals and proceedings, were severally read the first time and passed.

Mr. Outlaw moved that the House now adjourn, and Mr. Bullock called for the yeas and nays, which were accordingly ordered and taken; yeas 43, nays 38.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

The Speaker now announced the House adjourned to to-morrow morning 10 o’clock.

FRIDAY, DECEMBER 22, 1854.

Mr. Dortch, from the committee on the judiciary, to whom was referred a bill to alter the time of holding the courts of pleas and quarter sessions for the county of Hyde, reported the same back to the House with an amendment, and recommended its passage.

Mr. Whitaker, from the committee on corporations, to whom was referred a bill to release certain persons from working the Asheville and Greenville Plank Road in the county of Bun-
combe, reported the same back to the House and recommended its passage.

Mr. A. H. Caldwell, from the same committee, to whom was referred a bill to incorporate the Central Gold and Copper Mining Company of North Carolina, reported the same back to the House, and recommended its passage.

Mr. S. A. Williams submitted the following resolution:

Whereas, The present flag on this capitol is a disgrace to the proud spirit of liberty and republicanism, which we the people of this State profess and glory in:

Resolved, That the State librarian be required to furnish a national flag for the use of this capitol, and be authorized to draw on the public treasurer for payment for the same.

The same was read the first time and passed.

On motion by Mr. Amis,

Ordered, That the doorkeeper of the House have the clock belonging to this Hall, placed on the wall to the left of the Speaker's chair.

Mr. Bryson submitted a resolution in favor of E. D. Davis, sheriff of Jackson county; which was read the first time and passed, and referred to the committee on claims.

Mr. Roland introduced a bill to incorporate the Valley and Cheoih Turnpike Company; which was read the first time and passed, and referred to the committee on corporations.

Mr. Bogle a bill to incorporate the North Carolina and Western Railroad Company; the same was read the first time and passed, and referred to the committee on internal improvements.

Mr. Waugh a bill to incorporate a bank in the town of Salem; the same was read the first time and passed, and referred to the committee on banking, and ordered to be printed.

Mr. Phillips, from the committee on the Revised Statutes, to whom was referred the resolution instructing them to prepare a plan for the action of this House, in reference to the re-enactment of the Revised Statutes, to avoid a conflict between the provisions contained in the revisal and the acts which may be passed by the present General Assembly, reported thereon; which report was read and adopted, and ordered to be printed.

Mr. Whitlock introduced a bill to incorporate a female institute,
in the town of Rockford; and the same was read the first time and passed, and referred to the committee on corporations.

Mr. Bullock a bill to amend the charter of the town of Henderson, in the county of Granville; which was read the first time and passed, and referred to the committee on corporations.

Mr. McMillan a bill to encourage the formation of a military uniform company, in the town of Wilmington; which was read the first time and passed, and referred to the committee on military affairs.

Mr. Myers, a bill concerning constables; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Simmons, a bill to incorporate the Trent River Navigation Company; which was read the first time and passed, and referred to the committee on corporations.

Mr. Bryson, a bill to authorise the collection of arrearages of taxes in Jackson county; which was read the first time and passed, and referred to the committee on claims.

The House now resumed the consideration of the unfinished business of yesterday, being the resolution authorizing the treasurer of the State to pay over to the treasurer of the North Carolina Railroad Company the balance of the State's subscription to said company, and the pending amendments.

Mr. Singeltary asked for a division of the question, and moved that the question be first taken on striking out; which was determined in the affirmative, yeas 53, nays 26.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Badham, A. Barnes, J. Barnes, Blow, Daniel, Gentry, M. Green, Jenkins, Jones, Long, Mann, Martin, Shaw, Sherrill,

The question then recurring upon inserting the amendment submitted by Mr. Shepherd, was determined in the affirmative, yeas 49, nays 31. The yeas and nays demanded by Mr. B. F. Williams.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

So the amendment was adopted, and the resolution as amended, passed its third reading.

Mr. Dortch moved that the rule be suspended, and the resolution transmitted to the Senate for their concurrence in the amendment.

Mr. Singeltary objected and demanded the yeas and nays, which were ordered and taken; yeas 61, nays 15.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Two thirds of the members present voting in the affirmative, the motion was carried.

An engrossed resolution in favor of Wm. W. Holden and John H. Decarteret was read the second time and passed; and,

On motion by Mr. Jenkins, the rule was suspended, and the resolution was read the third time, passed, and ordered to be enrolled.

On motion by Mr. Baxter, the bill to incorporate the Broad River Railroad Company, was taken up and made the special order for Wednesday week at 12 o'clock; Also the bill to incorporate the French Broad Railroad Company, made the special order for Thursday week at 12 o'clock.

A bill to amend the several acts chartering the Asheville and Greenville Plankroad Company, was read the second time and passed; and

On motion by Mr. Baxter, the rules were suspended, and the bill was read the third time and passed, and ordered to be engrossed.

The bill in relation to county courts, was read the second time and passed; and

On motion by Mr. Phillips, the same was referred to the committee on the revival.

The bill to amend act of the session of 1852, entitled an act concerning the place of trial for civil process before justices of the peace, was read the second time, and amended by
Mr. Carmichael inserting Wilkes; and by
Mr. Yancey inserting Madison, so as to read, "counties of;" which amendments were agreed to, and the bill, as amended, passed its second reading.

On motion by Mr. Shepherd, the rules were suspended, and the bill read the third time and passed, and ordered to be engrossed.

A bill to give courts of law jurisdiction over sales of real and
personal property belonging to wards, was read the second time; and

On motion by Mr. Barringer, laid upon the table.

On motion by Mr. Patterson, the bill to extend the time for perfecting titles to lands heretofore entered, was taken up, and Mr. Singeltary moved to amend the same by striking out all that portion of the bill relating to extending the time of payment.

Pending the consideration thereof, the House,

On motion by Mr. S. A. Williams, adjourned under the joint order of both Houses, until Tuesday next, 10 o'clock, A. M.

TUESDAY, December 26, 1854.

The House met pursuant to adjournment, under the joint resolution of Friday last; no quorum appearing,

On motion by Mr. Barringer, the House adjourned to to-morrow morning 10 o'clock.

WEDNESDAY, December 27, 1854.

The House met pursuant to adjournment; no quorum of the members yet appearing,

On motion of Mr. Stubbs, the House adjourned to to-morrow morning 11 o'clock.

THURSDAY, December 28, 1854.

The House met pursuant to adjournment; no quorum of the members yet appearing,

Mr. Jenkins moved that the House take a recess until three o'clock this evening; the motion was disagreed to.

Mr. Roland moved a call of the House, which was disagreed to.

Mr. Bryson moved that the House adjourn to to-morrow morning 10 o'clock; which motion was lost.

Mr. Shepherd moved that the House take a recess until three o'clock this evening; which was agreed to.

FRIDAY, December 29, 1854.

Mr. Shepherd presented a memorial from citizens of Cumberland county, praying the passage of a law prohibiting the traffic in intoxicating liquors;
Mr. Roland, a like memorial from citizens of the county of Cherokee;
Mr. Dunn, a like memorial from citizens of Union county;
Mr. C. W. Williams, a like memorial from citizens of the county of Yadkin;
Mr. J. H. White, a like memorial from citizens of the county of Gaston;
Mr. Hugh Leach, a like memorial from citizens of the county of Moore.
Mr. Patterson, a like memorial from citizens of the county of Caldwell;
Which were severally referred to the committee on propositions and grievances.
Mr. Roland submitted a resolution in favor of Robert Martin of Cherokee county. The same was read the first time, passed and referred to the committee on claims.
Mr. Dunn presented a resolution in favor of Darling Rushing, late sheriff of Union county; which was read the first time, passed, and referred to the committee on claims.
Mr. Patterson submitted the following resolution:
Resolved, That the resolution of this House, adopted on the 16th instant, prescribing the character of the business which should be taken up and acted on between the 23d December instant and the 4th of January next, be and the same is hereby rescinded.
On his motion the same was laid on the table.
Mr. Whitaker submitted the following resolution; which was read and adopted:
Resolved, That the committee on finance be instructed to inquire into the expediency of selling the lots belonging to the State within or near the city of Raleigh, and report by bill or otherwise.
Mr. Barringer introduced a bill to punish placing obstructions on railroad tracks, and for other purposes. Read the first time, passed, and referred to the committee on the judiciary, and ordered to be printed.
Mr. Vance, a bill to abolish the militia system; which was read the first time, passed, and referred to the committee on military affairs.
Mr. Lancaster, a bill to authorize and compel discoveries in
courts of law, in certain cases; which was read the first time, passed, and referred to the committee on the Revised Statutes.

Mr. Whitaker submitted a resolution in favor of Bartlett Upham; which was read the first time, passed, and referred to the committee on claims.

On motion of Mr. D. F. Caldwell, the bill to charter the People's Bank of the State of North Carolina was taken up, and made the special order for the 2d of January next, at 12 o'clock.

The engrossed resolution from the Senate, in favor of John Green; and a resolution in favor of Wm. H. High, sheriff of Wake county, were severally read the third time, passed, and ordered to be engrossed.

The Speaker laid before the House messages from the Senate transmitting the following engrossed bills, in which they ask the concurrence of the House, viz:

A bill concerning asylums;
A bill concerning attachments;
A bill concerning attorney general and solicitors;
A bill concerning attorneys at law;
A bill concerning auctioneers and auctions;
A bill concerning bail;
A bill concerning apprentices;
A bill concerning burning woods and hunting;
A bill concerning cattle, horses and hogs;
A bill concerning charities;
A bill concerning clerks and masters in equity;
A bill concerning commissioners of affidavits and probate of deeds;
A bill concerning common law;
A bill concerning comptroller;
A bill concerning constables;
A bill concerning clerks of the county and superior courts;
A bill concerning bastard children;
A bill concerning bills, bonds and promissory notes;
A bill concerning boats and canoes;
A bill concerning book debts;
A bill concerning coroners;
A bill concerning corporations;
A bill concerning county boundaries;
A bill concerning county revenue and charges;
A bill concerning county trustees;
A bill concerning court-houses, prisons, &c. ;
A bill concerning courts of equity;
A bill concerning the supreme court;
A bill concerning currency; and
A bill concerning descents, which were severally read the first time and passed.

A bill to incorporate a Mutual Fire Insurance Company in the town of Charlotte was read the second time and the amendments reported by the committee were adopted, and the bill as amended passed its second reading.

On motion by Mr. G. M. White, the rules were suspended, and the same was read the third time, passed and ordered to be engrossed.

A bill to encourage the killing of wolves in Jackson county; and

A bill to authorize the county court of Henderson to sell and convey lands owned by the county, were severally read the second time and passed, and on motion, the rules were suspended, and they were severally read the third time, passed and ordered to be engrossed.

The House now took a recess until 3 o'clock, P. M.

Three o'clock, P. M.

The following bills were read the second time and passed, and on motion, the rules were suspended, and they were severally read the third time, passed and ordered to be engrossed, viz:

A bill empowering the county court of Yadkin to appoint superintendents of common schools, and concerning the distribution of the school fund;
A bill to amend the charter of the town of Charlotte;
A bill to lay off and establish a public road in the county of Rowan;
A bill to incorporate the town of Newton in the county of Catawba;
A bill concerning Haw River in Alamance county;
A bill to prevent the felling and putting timbers in Haw and and the Great Alamance Rivers, in the county of Alamance;
A bill concerning public roads in the county of Watauga;
A bill for the better regulation of the town of Franklinsville in the county of Randolph;
A bill to incorporate the Wilmington Steam Tug Company.
A resolution in favor of Thomas I. Judkins, sheriff of Warren county, was read the second time, and passed.
A resolution in favor of Henry Nutt, was read the second time, and passed.
On motion, the rules were suspended, and the same was read the third time, passed, and ordered to be engrossed.
A resolution in favor of Jasper Tinnin, was read the second time, and passed.
On motion, the rules were suspended; the same was read the third time, passed, and ordered to be engrossed.
A bill declaring what number of the justices of the peace of the county of Randolph shall constitute a quorum in certain cases, was read the second time, and amended by inserting "Alamance and Cumberland," so as to make the bill read "counties of" instead of "county of;" the bill then passed as amended its second reading, and on motion, the rules were suspended, and the same was read the third time, passed, and ordered to be engrossed.
A bill to pay the wardens of the poor in the county of Alamance, was read the second time, and amended by Mr. N. B. Whitfield, adding Duplin county and the title of the bill, so as to read, "counties of;" the bill as amended, passed its second reading, and on motion, the rules were suspended, and the same was read the third time, passed, and ordered to be engrossed.
The following bills were read the second time and laid upon the table, viz:
A bill to emancipate Louis a slave;
A bill to emancipate Betty a slave;
A bill to emancipate Abram a slave;
A bill to authorize gates across the public roads in Green River Cove in Henderson county, was read the second time, and passed.
A bill to incorporate the Holston Conference Female College, in the town of Asheville, and
A bill to release certain persons from working the Asheville and
Greenville Plankroad, were taken up, and on motion by Mr. Vance laid on the table.

A bill to provide for the better government of the town of Louisburg in the county of Franklin, was read the second time, and laid upon the table.

A bill to prevent the ranging of stock from any other county, in the county of Yancey, was read the second time, passed, and amended; on motion, the rules were suspended, and the same was read the third time, and on motion of Mr. Patterson, laid upon the table.

On motion by Mr. J. H. Headen, the House adjourned to tomorrow morning, 10 o'clock.

SATURDAY, December 30, 1854.

On motion by Mr. Barringer,

Ordered, That the journal be corrected, so as to omit all the proceedings had on a call of the House on yesterday.

Mr. Cansler presented a memorial praying the passage of a law prohibiting the traffic in intoxicating liquors, from citizens of the county of Lincoln;

Mr. J. G. Bynum, a like memorial from citizens of the county of Rutherford;

Mr. Carmichael, a memorial in favor of Solomon Lyon from citizens of Wilkes county;

Mr. Stubbs, a memorial from citizens of the county of Beaufort in relation to the county court of that county; which were severally referred to the committee on propositions and grievances.

Mr. Stubbs presented a memorial in relation to common schools, which was referred to the committee on education.

Mr. Settle, from the committee on claims, reported favorably upon the resolution in favor of S. W. Chadwick;

Also favorably upon the resolution in favor of E. D. Davis, with an amendment, which were severally read the second time and passed; and, on motion, the rule was suspended, and they were read the third time, passed, and ordered to be engrossed.

Mr. Settle, from the same committee, to whom was referred the bill to authorize the collection of arrears of taxes in Jackson county, reported the same back to the House, and recommended its passage; the same was read the second time and passed.
On motion by Mr. Bryson, the rules were suspended, and the same was read the third time, passed, and ordered to be engrossed.

Mr. Settle, from the same committee, to whom was referred the resolution in favor of Robert Martin, reported the same back to the House, and recommended its passage. The same was read the second time and passed.

Mr. Settle, from the same committee, to whom was referred the resolution in favor of J. F. Abernathy, reported the same back to the House, and recommended that it do not pass.

Mr. Lancaster, from the committee on private bills, to whom was referred a bill to repeal a portion of the 2d section of the 16th chapter of the Revised Statutes, entitled an act concerning the burning of woods, reported the same back to the House, and recommended its passage.

Mr. Lancaster, from the same committee, to whom was referred a bill in favor of Wm. A. Brooks, of Hyde county, reported the same back to the House, and recommended that it do not pass.

Mr. Yancey, from the committee appointed to make arrangements for the inauguration of the Governor elect, submitted the following report, which was read and concurred in:

The committee appointed to make arrangements for the inauguration of the Governor elect, ask leave to make the following report:

That the Speakers of the two Houses will occupy the place at the Speaker’s table in the Commons Hall, and that the Governor elect and the chief justice of the supreme court, will occupy the place at the clerk’s table; the remaining judges of the supreme court will occupy the seats directly in front of the clerk’s table, and the committee of arrangements immediately in front of the judges of the supreme court.

The members of the Senate will sit on the right of the Speaker’s chair in the Commons hall, which will be set apart for that purpose; and after the Governor elect shall have taken and subscribed the oaths of office in the presence of the members of both branches of the General Assembly, the Speaker of the Senate will announce that the Senators will retire to the Senate chamber; and thereupon the Governor, judges and committee of arrange-
Mr. Myers introduced a resolution in favor of Thomas N. Alexander; and

Mr. Holland, a resolution in favor of J. W. Irwin, administrator of C. P. Wilkins, which were severally read the first time, passed, and referred to the committee on claims.

Mr. Blow introduced a bill to amend an act passed at the session of 1850-'51, entitled an act for the better regulation of the town of Wilson, in the county of Edgecombe, which was read the first time and passed; on motion the rules were suspended, and the bill read the second and third time, passed and ordered to be engrossed.

Mr. McKesson, a bill to incorporate the Laurel Turnpike Company; the same was read the first time, passed and referred to the committee on internal improvement.

Mr. Stubbs, a bill to amend the seventh section of an act entitled an act to establish a bank in the town of Washington, in the county of Beaufort; and

A bill to prescribe the place to which notice to an endorser of the dishonor of bills of exchange may be directed and sent in certain cases; the same were severally read the first time, passed and referred to the committee on the judiciary.

On motion of Mr. Myers, the vote by which the bill to amend the charter of the town of Charlotte was passed was reconsidered, and thereupon he offered the following amendment, which was read and adopted:

*Be it enacted*, That the commissioners of the town of Charlotte are hereby empowered, and it shall be their duty, to appoint annually three freeholders, citizens of said town, whose duty it shall be to assess the real value of all the town lots situated within the corporate limits of said town, which said lots shall be taxed according to said valuation; and that said assessors, before proceeding to discharge the duties assigned them, shall take an oath before the intendant of said town, that they will fairly and impartially assess the value of all the lots within said town.
Be it further enacted, That the commissioners of said town shall have power to cause the side walks to be curbed and paved, and to recover from the owner or occupier of the lots in front of which such curbing and paving shall be made, the expense of the work; which expense shall be a lien on the lot: Provided, always, That the owner before whose lot such curbing and paving shall have been ordered, shall have thirty day’s notice in writing of such order of the commissioners: And provided, further, That when the commissioners order the side walks to be paved, no owner of a lot shall be required to pave but half of the walk in front of his lot; the other half to be paved at the expense of the town.

The bill was amended, passed its second reading and ordered to be engrossed.

On motion by Mr. Vance, the bill to prevent the ranging of stock from any other county in Yancy county, was taken from the table, and amended as follows: by striking out “twenty-five acres,” in the fourth section, and inserting “one hundred” and by striking out entirely the clause exempting persons who own, in Yancy county two hundred dollars worth of personal property. Strike out section 3, and insert the following:

"Be it further enacted, That, whenever any warrant or writ is issued against any person for the said penalty, and the sheriff, or other officer, shall make a return upon the same, of non est inventus, then it shall be lawful for the officer to seize upon and take into his keeping, all such cattle, horses or mules, so found at large; and, upon giving notice, by advertising at two or more public places in said county, for ten days preceding, he shall proceed to sell such stock at public auction to the highest bidder, the proceeds of which sale shall be applied to the payment of the said penalty and all necessary costs, and the remainder, if any, paid to the owner of said stock: Provided, That the owner shall have power to replevy said stock, at any time between the seizure thereof and the sale, upon payment of the penalty and costs, or upon giving the usual bond in cases of replevin.

The bill, as then amended, was read the third time, passed and ordered to be engrossed.

Mr. Stubbs introduced a bill concerning fishing in Tar and
Pamlico rivers. The same was read the first time, passed and referred to the committee on propositions and grievances.

Mr. G. M. White, a bill to regulate the sale of grain, meal and salt; which was read the first time, passed, and referred to the committee on agriculture.

Mr. Black, a bill to increase the capital stock of the bank of Charlotte; which was read the first time, passed and referred to the committee on banking.

Mr. Dortch submitted the following resolution; which was read and adopted:

Resolved, That the committee on finance be instructed to inquire into the propriety of taxing all forwarding express companies, especially such as are engaged in forwarding gold, silver or bank bills.

Mr. Geo. Green submitted the following resolution, which was read and adopted:

Resolved, That the committee on finance be instructed to enquire into the expediency of authorising the several county courts of this State, to tax for county purposes, all things now taxable for State purposes.

Mr. Baxter submitted the following resolution:

Whereas, In the opinion of this General Assembly, no bank unconnected with railroads or other internal improvement projects, ought to be created; have its charter renewed or extended; its capital increased, or powers and privileges enlarged, without an equivalent to the State:

Be it therefore resolved, That the joint committee on banks be, and they are hereby instructed to prepare and report amendments to each of the bills now pending before this General Assembly, proposing to create, renew or extend the charter, increase the capital stock or enlarge the powers and privileges of any such bank, so as to secure to the State as a bonus, a portion of the capital stock in the same.

The same was read, and on his motion, laid upon the table and ordered to be printed.

An engrossed resolution from the Senate in favor of David A. Ray & Co., was read the third time, passed and ordered to be enrolled.

A bill to authorize gates across the public road in Green River Cove in Henderson county, was read the third time; upon the
passage of which Mr. Baxter demanded the yeas and nays, which were accordingly ordered and taken, and the bill passed its third reading; yeas 48, nays 16.

Those who voted in the affirmative, were,

Those who voted in the negative, were,
Messrs. Badham, A. Barnes, Black, Cotten, Daughtry, Dortch, Dunn, Humphrey, Jarvis, Jenkins, Myers, Shaw, Shepherd, Smallwood, Waugh and G. M. White—16.

Ordered, That said bill be engrossed.

A resolution in favor of Thomas I. Judkins was read the third time, passed and ordered to be engrossed.

An engrossed bill from the Senate to incorporate Union Academy in the county of New Hanover and for other purposes, was read the second time and passed; on motion, the rules were suspended and the same was read the third time, passed and ordered to be enrolled.

An engrossed bill from the Senate, to authorize the county court of Macon, to lay a tax on land in that county, to defray the expenses of obtaining the right of way for the railroad located through that county, was read the second time, passed, and, on motion, the rules were suspended, and the same was read the third time, and,

On motion by Mr. Shepherd, laid on the table.

The following engrossed bills from the Senate, were taken up, read the second time and passed:
A bill concerning appeals, and proceedings in the nature of appeals;
A bill concerning amendment of process, &c.;
A bill concerning agriculture and geology;
A bill concerning abatement of suits;
A bill concerning apprentices;
A bill concerning asylums;
A bill concerning attachment;
A bill concerning attorney general and solicitors;
A bill concerning attorneys at law;
A bill concerning auctions and auctioneers;
A bill concerning bail;
A bill concerning bastard children;
A bill concerning bill bonds and promissory notes;
A bill concerning boats and canoes;
A bill concerning book debts;
A bill concerning burning woods and hunting;
A bill concerning cattle, horses and hogs;
A bill concerning charities; and
A bill concerning clerks of the county and superior courts.

On motion by Mr. Patterson,

_Ordered_, That the report of the joint select committee to make arrangement for inaugurating the Governor elect, be transmitted to the Senate for their concurrence.

Mr. Baxter moved that this House do now adjourn; upon which,

Mr. Myers called for the yeas and nays, which was determined; yeas 22, nays 22; the Speaker voting in the negative, the motion was lost.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Bryson, Daughtry, Dunn, Furr, Garland, Gentry, Holland, Humphrey, Jarvis, Jenkins, H. Leach, Myers, Patterson, Shepherd, Sherrill, Smallwood, Waugh, N. B. Whitfield, Whitlock, C. W. Williams, Wright and Yancey—22.

Mr. Love moved that this House do now adjourn until Monday morning 10 o'clock; upon which,

Mr. Waugh demanded the yeas and nays, which were ordered; and

Pending the call of the roll, the Speaker announced that the hour had arrived, under the rule, to take a recess.
So the further call of the roll was dispensed with, and the House took a recess.

Three o'clock, P. M.

The following engrossed bills from the Senate, were read the second time and passed:

A bill concerning clerks and masters in equity;
A bill concerning commissioners of affidavits and probate of deeds;
A bill concerning common law;
A bill concerning comptroller;
A bill concerning constables;
A bill concerning coroners;
A bill concerning corporations;
A bill concerning county boundaries;
A bill concerning county revenue and charges;
A bill concerning county trustee;
A bill concerning court houses, prisons, &c.;
A bill concerning courts of equity;
A bill concerning the supreme court;
A bill concerning currency; and
A bill concerning descents.

Mr. Patterson introduced a bill to limit the entries of public lands; the same was read the first time, passed and referred to the committee on the revival of the statutes.

Mr. Humphrey presented the following resolution, which was read and adopted;

Resolved, That that portion of the Governor's message which relate to "common public highways," be referred to the committee on propositions and grievances.

Mr. Barringer submitted the following resolution, which was read and adopted:

Resolved, That the Speaker of the two Houses of the General Assembly, be directed to reply to the invitation of the citizens of Salisbury, requesting the Legislature to attend a celebration at that place on the 4th proximo; respectfully declining the same, and returning the thanks of the Legislature to the citizens of that town for their proffered hospitality.
Mr. J. G. Bynum presented the following resolution, which was read, and on motion of Mr. Settle, laid upon the table:

_Resolved_, That the committee on printing be instructed to enquire and report the cause of the delay in printing the orders of the General Assembly, directing the printing of bills, reports and other documents, and what action is necessary to procure the more speedy printing of papers for the use of the General Assembly, so as to expedite the public business.

Mr. B. F. Williams moved an adjournment of the House, upon which

Mr. J. G. Bynum demanded the yeas and nays, which were ordered and taken; yeas 27, nays 29.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


It appearing that a quorum of the members was not present, the House adjourned to Monday morning, 10 o'clock.

MONDAY, JANUARY 1, 1855.

The Chair announced the following committee on enrolled bills: Messrs. Shepherd, Phillips, Bullock, Vance and J. H. White.

Mr. Baxter, from the committee appointed to wait upon the Governor elect, and ascertain when it would suit his convenience to appear before the two Houses of the General Assembly, to be inaugurated, reported that his Excellency had appointed this day, at twelve o'clock:

Mr. Barringer presented the resignation of John Furr, as a justice of the peace for the county of Stanly; the same was read, received, and transmitted to the Senate.
Mr. Holland presented a memorial from citizens of the county of Cleaveland, praying the passage of a law prohibiting the traffic in intoxicating liquors; the same was referred to the committee on propositions and grievances.

Mr. Myers, a memorial praying the enactment of a law giving to mechanics a lien on houses erected or repaired, &c., which was read and referred to the committee on the judiciary.

Mr. Bogle, a memorial from citizens of Alexander county, praying the General Assembly not to pass any prohibitory liquor law, which was read, and Mr. Mordecai moved that the same be printed, upon which Mr. Bogle demanded the yeas and nays, which were ordered, and determined in the affirmative; yeas 41, nays 36.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

The memorial was then referred to the committee on propositions and grievances.

Mr. Roland moved to reconsider the vote by which the said memorial was ordered to be printed, which was carried, and the question then recurring upon the original motion, it was lost.

Received from the Senate a message informing that Messrs. Davis and Faison are substituted in place of Messrs. Ashe and Person on the joint committee of arrangements to receive the Governor elect, &c.

Mr. Shepherd, from the committee on finance, to whom was
referred the resolution of instruction, directing them to enquire into the expediency of providing by law, that hereafter all public monies for the current expenses and all other liabilities of the State, shall be appropriated biennially by regular acts of appropriations, at each session of the General Assembly, designing specifically the amount and object of each appropriation; reported that no legislation is necessary on the subject, and assigning reasons therefor; which report was received, and the report and resolution laid upon the table.

Mr. Stubbs submitted the following resolution:

Resolved, That the committee on the judiciary be instructed to prepare and report to this House, a bill to abolish jury trials in the courts of pleas and quarter sessions, and to provide for the holding of three terms of the superior court of law and equity in the several counties of this State.

And on his motion, the same was laid upon the table.

Mr. Shepherd introduced a bill relative to the wilful destruction of corner trees or corner stones, to surveys of land in this State, which was read the first time, passed and referred to the committee on the judiciary.

Mr. Yancey, a bill to number the west regiment of Madison county, &c; which was read the first time and passed; on motion, the rules were suspended and the same was read the second and third time, passed and ordered to be engrossed.

Mr. Myers, a bill in favor of Thomas A. Alexander, late sheriff of Mecklenburg county; which was read the first time and passed.

Mr. Garland, a bill appointing commissioners in Watauga and Yancey counties, to lay off a public road from the Tennessee line to the county line of McDowell county; the same was read the first time and passed.

Mr. A. H. Caldwell, a bill to open a public road in Rowan county; the same was read the first time, passed and referred to the committee on propositions and grievances.

Mr. Gentry, a bill to aid in the completion of the road from Vanoy’s Mills, through Ashe to the Virginia line; the same was read the first time, passed and referred to the committee on internal improvement.

The Speaker laid before the House a communication from Warren Winslow, acting Governor, transmitting the report of the
President and Directors of the board of internal improvement; which was read and on motion by Mr. Shepherd, transmitted to the Senate.

Also a communication in reply to a resolution of this House, in relation to repairing and preserving the public buildings; giving information on that subject.

On motion by Mr. Myers, Ordered, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of the House, and three on the part of the Senate, to take into consideration the public buildings.

A bill in favor of Wm. N. Brooks, of Hyde county; and
A resolution in favor of Jacob F. Abernathy, were taken up, and, on motion, laid upon the table.

A resolution in favor of Robert Martin was read the third time, passed, and ordered to be engrossed.

A bill to amend the act incorporating the town of Plymouth, was read the second time, passed, and, on motion, the rules were suspended, and the same was read the third time, passed and ordered to be engrossed.

An engrossed bill from the Senate to compensate the wardens of the poor in Mecklenburg county, was read the second time and passed; on motion, the rules were suspended, and the same was read the third time, passed and ordered to be enrolled.

An engrossed bill from the Senate concerning abatements of suits, and
An engrossed bill concerning amendments of process, &c; were severally read the third time and passed, and ordered to be enrolled.

The hour having now arrived, at which by the joint order of the two Houses, they were to proceed to the inauguration of the Governor elect, a message was accordingly sent to the Senate informing that body of the readiness of the House of Commons to receive them for this purpose in the Hall of the House.

The Senate therefore appeared in the Commons Hall, and were received by the members of the House standing, uncovered.

The Speaker of the Senate took his seat with the Speaker of the House, at the Speaker's desk.
The Senators took their seats in the right of the Speaker's Chair, according to the arrangement heretofore made.

And then Thomas Bragg, Esq., Governor elect, attended by the Judges of the supreme court, and the committee of arrangements, waited upon the convention of the two Houses, took and subscribed the oaths of office, prescribed by law for the qualification of the Governor of the State; the oaths having been administered by the Hon. Chief Justice Nash, the Governor addressed the members of the General Assembly, in a neat and appropriate manner.

Whereupon, he, attended by the committee of arrangements, having retired, the Speaker of the Senate announced that the Senate would retire to their chamber, which was accordingly done.

The Senate having retired, on motion by Mr. Barringer, the House adjourned to to-morrow morning 10 o'clock.

TUESDAY, January 2, 1855.

Mr. Long presented a memorial from citizens of the county of Caswell, praying the passage of a law prohibiting the traffic in intoxicating liquors.

Mr. Rand, a like memorial from citizens of the county of Wake; the same were referred to the committee on propositions and grievances.

Mr. Dortch presented the pension certificates of Sarah Peacock, David Hunt and Jemima Evans, to be countersigned by the Speaker; the same were referred to the committee on claims.

Mr. Cansler, from the committee on internal improvement, to whom was referred a bill to amend the charter of the Western Plankroad Company, reported the same back to the House, and recommended its passage; the same was read the second time and passed; the rules were suspended and the bill was read the third time, passed and ordered to be engrossed.

Mr. Cansler, from the same committee, to whom was referred a bill to incorporate the Alexandriana Plankroad Company, reported the same back to the House and recommended its passage; which report was received.

Mr. Baxter submitted a resolution in favor of Warren Winslow; which was read the first time and passed; on motion the rules
were suspended and the same was read the second and third time, passed and was ordered to be engrossed.

Mr. Roland, a resolution in favor of James M. Carroll; which was read the first time and passed, and referred to the committee on claims.

Mr. Waugh submitted the following resolution:

Resolved, That any three members of the committee on propositions and grievances, may constitute a quorum for the transaction of all business referred to that committee for the remainder of the session; which was rejected.

Mr. G. M. White presented the following resolution:

Resolved, That a committee be raised, consisting of the chairmen of the several standing committees of this House, whose duty it shall be to appoint the times of meeting of said committees.

Which was rejected.

Mr. Sharpe introduced a bill to amend an act passed at the session of the General Assembly of 1846-'47, entitled an act to incorporate the town of Statesville; which was read the first time, passed and referred to the committee on corporations.

Mr. Craven, a bill to regulate the weight of salt sold by the sack; which was read the first time, passed and referred to the committee on propositions and grievances.

Mr. Vance, a bill to establish a public road in the county of Yancey; which was read the first time, passed and referred to the committee on internal improvement.

Mr. McDuffie, a bill to incorporate the Dobbin House Company in the town of Fayetteville; which was read the first time, passed and referred to the committee on corporations.

Mr. Vance submitted a resolution authorizing the public printer to print two hundred additional copies of the report of the survey of the North Carolina Western Railroad route; which was read the first time and passed.

Mr. Myers submitted the following resolution:

Resolved, That the hours of session of this House shall be, until otherwise ordered, from 10 o'clock A. M., to half past one P. M., and from three P. M., to 9 o'clock P. M.; the same was read, and Mr. S. A. Williams moved to lay it upon the table, which was determined in the affirmative; yeas 65, nays 18.

Yea and nays demanded by Mr. Myers.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

On motion by Mr. Bogle,

Ordered, That a message be sent to the Senate, proposing to set apart Saturday evening next at 3 o’clock, for the purpose of appointing justices of the peace.

Received from the Senate a message concurring in the amendment of the House, to the resolution authorizing the payment of the subscription of the State to the North Carolina Railroad Company.

Also a message informing that the Senate branch of the committee on enrolled bills are, Messrs. Gilmer, Herring and Tayloe.

On motion by Mr. Selby, the bill in favor of Wm. N. Brooks of Hyde county, was raken from the table and read the second time and passed.

Mr. Martin called up the bill to provide for the better government of the town of Louisburg, in the county of Franklin; it passed its second reading, and the amendment reported by the committee to strike out the 22d section was adopted, and the bill as amended was read the third time, passed, and ordered to be engrossed.

Received from the Senate a message concurring in the proposition of the House to raise a joint committee on public buildings, and informing that Messrs. Wilder, Sanders and Morrissey form the Senate branch of the committee; and the Chair appointed
Messrs. Whitlock, Mebane, Lyon, Cook and Hill on the part of the House.

Also a message agreeing to the resolution of the House, directing the Speakers of the two Houses to decline the invitation of the citizens of Salisbury, &c.

Also a message concurring in the proposition to set apart Saturday evening next at 3 o’clock for the appointment of justices of the peace.

The hour having now arrived to proceed to the consideration of the special order of the day, being the bill to charter the People’s Bank of the State of North Carolina,

On motion, the same was postponed, and made the special order for Tuesday next at 12 o’clock.

An engrossed bill concerning appeals and proceedings in the nature of appeals, and the engrossed bill concerning apprentices, were severally read the third time, passed, and ordered to be enrolled.

The engrossed bill concerning asylums was read the third time, and Mr. Steele moved to amend the same in section 26, by striking out the word “court” in the 4th line, and insert “State” out of the public treasury; also, strike out the remainder of the section.

Which amendment was rejected; yeas 34, nays 49.

Yea and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

B. Whitfield, B. F. Williams, S. A. Williams, Wright and Yancey—49.

Mr. Dargan then moved to amend by striking out all that relates to the lunatic asylum, which was rejected; yeas 2, nays 77.

Yea and nays demanded by Mr. Dargan.

Those who voted in the affirmative, were,

Messrs. Dargan and Steele—2.

Those who voted in the negative, were,


The hour having now arrived, under the rule, the House took a recess.

Three o'clock, P. M.

The House resumed the consideration of the bill concerning asylums, and the same passed its third reading and was ordered to be enrolled.

Mr. Blow introduced a bill to provide for draining swamp land in the county of Pitt, which was read the first time, passed, and referred to the committee on internal improvement.

On motion by Mr. Myers,

Ordered, That the communication from Warren Winslow, acting Governor, in reply to a resolution of this House on the subject of the public buildings, be transmitted to the Senate.

Received from the Senate a message transmitting the following engrossed bills, in which they ask the concurrence of the House,

viz:
A bill concerning electors of President and Vice President;
A bill concerning draining and damming low lands;
A bill concerning estates;
A bill concerning criminal proceedings;
A bill concerning crimes and punishments;
A bill to authorize the Raleigh and Gaston Railroad Company to take stock in the Roanoke Valley Railroad Company:
A bill to extend the time for registration of grants, &c.;
A bill to authorize W. S. Ballinger and others to construct a dam across Neuse River in Johnston county;
A bill to incorporate the town of Roxborough, in Person county;
A bill to amend the 7th section, chapter 17, Revised Statutes, entitled cattle, horses and hogs;
A bill to amend an act entitled an act to incorporate the trustees of Davidson College, passed in 1838-'9;
A resolution to procure documentary evidence of the history of North Carolina.

Mr. Myers, from the committee on banking, to whom was referred the bill to re-charter the Bank of the State of North Carolina, reported the same back to the House, with sundry amendments, and recommended its passage.

The following engrossed bills were severally read the third time, passed, and ordered to be enrolled:
A bill concerning attorneys general and solicitors;
A bill concerning attorneys at law;
A bill concerning attachment;
A bill concerning auctions and auctioneers;
A bill concerning bail;
A bill concerning bastard children;
A bill concerning bills, bonds and promissory notes;
A bill concerning boats and canoes;
A bill concerning book debts;
A bill concerning burning woods and hunting;
A bill concerning charities;
A bill concerning clerks of the county and superior courts;
A bill concerning clerks and masters in equity;
A bill concerning commissioners of affidavits and probate of deeds;
A bill concerning common law;
A bill concerning comptroller;
A bill concerning constables;
A bill concerning coroners;
A bill concerning corporations;
A bill concerning county boundaries;
A bill concerning county revenue and charges;
A bill concerning county trustee;
A bill concerning court-houses, prisons, &c.;
A bill concerning courts of equity;
A bill concerning the supreme court;
A bill concerning currency;
A bill concerning descents.

The following engrossed bills were severally read the first time and passed; the rule was suspended, and the same were read the second and third time, passed, and were ordered to be enrolled, viz:

A bill concerning electors of president and vice president;
A bill concerning estates;
A bill concerning draining and damming low land;
A bill concerning crimes and punishments.

On motion by G. M. White, the House adjourned to to-morrow morning 10 o'clock.

WEDNESDAY, JANUARY 3, 1855.

Mr. Phillips and Mr. Mebane presented a temperance memorial from the citizens of the counties of Orange and Alamance, and the same were referred to the committee on propositions and grievances.

Mr. Whitlock asked to be excused from the committee on public buildings, being on two standing committees; he was excused and Mr. Rand substituted.

Mr. Jones presented the resignation of D. D. Campbell, a justice of the peace in the county of Columbus, which was received and transmitted to the Senate.

Mr. Waugh, from the committee on propositions and grievances, to whom was referred a resolution instructing them to enquire into the expediency of erecting a new county out of Haywood and Buncombe, to be called "Mount Pisga," reported the
same back to the House, and asked to be discharged from its further consideration; which report was concurred in.

Mr. Waugh, from the same committee, to whom was referred a bill concerning fishing in Tar and Pamlico rivers, reported the same back to the House, and recommended its passage.

Mr. Baxter, from the committee on the judiciary, to whom was referred a bill and memorial for the relief of ship carpenters and other mechanics;

Also, a bill to secure to architects and mechanics compensation for labour and materials, in the county of New Hanover, reported the same back to the House, and recommended that they do not pass.

Mr. Dortch, from the same committee, to whom was referred the bill to authorize the formation of limited partnerships, reported the same back to the House, and recommended its passage.

Also, a bill to provide for the protection of the creditors of resident debtors, reported the same back to the House, and recommended that it be referred to the committee on the revisal of the Statutes; which report was concurred in, and the reference made.

Mr. Dortch, from the same committee, to whom was referred a resolution in relation to altering the rules of descent, so as to prevent a person guilty of murder from inheriting any portion of the property of the person murdered; reported the same back to the House, stating that legislation is unnecessary, and assigning reasons therefor, which report was concurred in.

Mr. Lancaster, from the committee on private bills, to whom was referred a bill to regulate the fees of registers in the county of Cumberland, reported the same back to the House, and recommended that it do not pass.

Mr. George Green, from the committee on banking, to whom was referred the bill to incorporate Union bank, reported the same back to the House, and recommended its passage.

Mr. Phillips, from the committee on the revisal of the Statutes, to whom was referred a bill to limit entries of the public lands, reported the same back to the House, and recommended that the same lie upon the table.

On motion by Mr. S. A. Williams,

Ordered, That the report of the board of trustees for the in-
stuition for the education of the deaf and dumb and blind, be transmitted to the Senate with a proposition to print.

Mr. S. A. Williams submitted the following resolution, which was read and adopted:

Resolved, That the joint select committee on the institution for the deaf and dumb and blind, have authority to send for persons and papers to aid them in their investigations.

Mr. Craven introduced a bill to extend the limits of Ashboro’; which was read the first time, passed and referred to the committee on private bills.

Mr. Myers, a bill to incorporate the Columbia and Charlotte Magnetic Telegraph Company; which was read the first time, passed and referred to the committee on corporations.

Mr. Patterson introduced a bill accompanied by a memorial, to incorporate the town of Lenoir in Caldwell county; the same was read the first time and passed.

Mr. Walser, a bill to incorporate the Yadkin Institute, in the county of Davidson, which was read the first time and passed; on motion the rules were suspended, and the bill read the second time,

Mr. Dortch moved that the bill be indefinitely postponed; upon which

Mr. Walser demanded the yeas and nays; they were accordingly taken and determined in the negative; yeas 19, nays 62.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Whitlock, Wilkins, B. F. Williams, C. W. Williams, Wright and Yancey—62.

The bill then passed its second reading.

Mr. Horton introduced a bill to alter the county line of Watauga county; the same was read the first time, passed and referred to the committee on propositions and grievances.

Mr. George Green, a bill for the better administration of justice in the courts of pleas and quarter sessions of this State; the same was read the first time, passed, referred to the committee on the judiciary and ordered to be printed.

Mr. Thornburg, a bill for the better regulation of common schools; the same was read the first time, passed and referred to the committee on education.

Received from the Senate a message concurring in the proposition to print the report of the board of directors of the deaf and dumb asylum.

Also a message informing that they have passed the engrossed bill declaring what number of justices of the peace of the counties of Randolph, Alamance and Cumberland shall constitute a quorum in certain cases, with amendments, in which they ask the concurrence of the House.

The House concurred in the amendment, and informed the Senate thereof by message.

Also a message informing that they have passed the engrossed bill to amend an act of the session of 1852, entitled an act concerning the place of trial for civil process before justices of the peace; and

An engrossed resolution in favor of Jasper Tinnin, and ordered the same to be enrolled.

Also a message transmitting the following engrossed bills, in which they ask the concurrence of the House, viz:

A bill concerning Governor and council;
A bill concerning habeas corpus;
A bill concerning gaming contracts;
A bill concerning forcible entry and detainer;
A bill concerning fences;
A bill concerning evidence;
A bill concerning divorce and alimony;
A bill concerning executions;
A bill concerning deeds and conveyances;
A bill concerning executors and administrators; and
A bill concerning fairs.
A bill in favor of Wm. N. Brooks, of Hyde county, was read the third time, passed, and ordered to be engrossed.

An engrossed bill to amend an act, entitled an act to incorporate the trustees of Davidson College, passed at the session of 1838-'9, was read the first time and passed; the rule being suspended, the same was read the second time, and referred to the committee on corporations.

An engrossed bill from the Senate concerning criminal proceedings, was read the first time and passed; the rule being suspended, the same was read the second time, and
On motion by Mr. Phillips, laid upon the table.

The hour having now arrived to proceed to the consideration of the special order of the day, being the bill to incorporate the Broad River Railroad Company; the same was taken up, and on motion, the further consideration was postponed, and the bill laid on the table.

The following engrossed bills from the Senate were read the first time and passed; and the rule being suspended, the same were read the second and third time, passed, and ordered to be enrolled:
A bill to incorporate the town of Roxboro', in Person county;
A bill to extend the time for registration of grants, deeds and other conveyances;
A bill concerning divorce and alimony;
A bill concerning Governor and council;
A bill concerning fences;
A bill concerning forcible entry and detainer; and
A bill concerning executions.
A bill concerning cattle, horses and hogs, was read the third time, passed, and ordered to be enrolled.
A bill authorizing the librarian to purchase a national flag for the use of the capitol, was read the second time, amended and passed; the rule being suspended, the same was read the third time, passed, and ordered to be engrossed.

Mr. Waugh moved to reconsider the vote by which the bill con-
cerning cattle, horses and hogs was passed, which was disagreed to.

The hour having now arrived, under the rule, the House took a recess until three o'clock, P. M.

Three o'clock, P. M.

An engrossed bill concerning evidence was read the first time and passed; the rule being suspended, the same was read the second time, and Mr. Baxter submitted an amendment, and on his motion, the bill and amendment were referred to the committee on the Revival of the Statutes.

Mr. McKesson introduced a bill to tax the sale of foreign liquors and wines in the State of North Carolina; the same was read the first time, passed, and referred to the committee on finance.

Mr. Thornburg, a bill for the better regulation of the inspectors of flour in the town of Fayetteville; the same was read the first time, passed, and referred to the committee on propositions and grievances.

The following engrossed bills and resolutions were severally read the first time and passed; the rule being suspended, the same were read the second and third time, passed, and ordered to be enrolled.

A bill concerning habeas corpus;
A bill concerning gaming contracts;
A bill concerning fairs;
A bill concerning executors and administrators; and
A resolution to procure documentary evidence of the history of North Carolina.

A bill concerning agriculture and geology was read the third time, and

On motion by Mr. Jenkins, the same was laid upon the table.

The following bills were severally read the second time and passed, and the rule being suspended, the same were read the third time, passed and ordered to be engrossed.

A bill to incorporate the East Fork Turnpike Company;
A bill to incorporate the Little River Turnpike Company;
A bill appointing commissioners in Watauga and Yancey counties, to lay off a public road from the Tennessee line to the county line of McDowell county; and
A bill to incorporate the Alamance and Caswell Plankroad Company.

A bill to incorporate the Central Gold and Copper Mining Company, was read the second time, and on motion by Mr. Steele, the same was laid upon the table.

Mr. Shepherd submitted the following resolution, and the same was read and adopted:

Resolved, That the committee on the revision of the Statutes, be directed to enquire into the expediency of providing by a rule of court, that all issues of devisavit vel non, shall be heard and tried, first in the order of suits pending in the county or superior courts of this State, and that said committee report by bill or otherwise.

On motion by Mr. Patterson, the rules were suspended, and the bill to incorporate the town of Lenoir, in Caldwell county, was taken up and read the second time, when

Mr. Jenkins moved to amend the same by striking out lawyers, and

Mr. Patterson, by striking out lawyers and dentists and physicians; the question being taken upon the amendment offered by Mr. Patterson, the same was rejected.

Mr. Roland moved to amend the bill by reducing the tax on grocers, from two dollars to one dollar, which was rejected; the question then recurring upon the amendment offered by Mr. Jenkins, the same was rejected; the bill then passed its second reading, the rules being suspended, the same was read the third time, when

Mr. Jenkins moved to amend by taxing all resident batchelor’s over twenty-five years of age, the sum of one dollar; which amendment was adopted.

On motion by Mr. D. F. Caldwell, the vote by which the said amendment was adopted, was reconsidered, and the amendment was then rejected.

Mr. Shepherd then moved to amend the bill by striking out all resident lawyers, dentists and physicians; which amendment was rejected, and the bill then passed its third reading, and was ordered to be engrossed.

On motion by Mr. Bogle, the House adjourned to to-morrow morning 10 o’clock.
Mr. Long presented the resignation of Hardy Badget as a justice of the peace of the county of Caswell, and Wm. K. Martin as a justice of the peace of the county of Franklin; which were read and received, and transmitted to the Senate.

Mr. Baxter and Mr. Norment presented temperance memorials from citizens of the counties of Henderson and Robeson; the same were referred to the committee on propositions and grievances.

Mr. Yancey presented a memorial from citizens of the county of Madison, praying to re-attach to the county of Buncombe a portion of Madison county; the same was referred to the committee on propositions and grievances.

Mr. Stubbs, a memorial in relation to the county courts of Beaufort county, which was referred to the committee on the judiciary.

Mr. Steele, from the committee on corporations, to whom was referred a bill to incorporate the Asheville Mutual Insurance Company, reported the same back to the House, with an amendment, and recommended its passage.

Mr. Steele, from the same committee, to whom was referred the following bills, viz:

A bill to incorporate the Columbia and Charlotte Magnetic Telegraph Company;

A bill to amend an act, entitled an act to incorporate the trustees of Davidson College, passed at the session of 1838-9;

A bill to incorporate the Valley River and Cheraw Turnpike Company, in the county of Cherokee;

A bill to incorporate the Fair Bluff and Conwayborough Plankroad Company;

A bill to incorporate the Iron Hill and Whitesville Plankroad Company;

A bill to incorporate the Dobbin House Company in the town of Fayetteville;

A bill to incorporate the Grand Royal Arch Chapter of North Carolina of Free and Accepted Masons;

A bill to incorporate a female institute in the town of Rockford;

A bill to incorporate the United Baptist Institution in the town of Taylorsville; and
A bill to incorporate the town of Franklin, reported the same back to the House, and recommended their passage.

Mr. Lancaster, from the committee on private bills, to whom was referred the engrossed bill to emancipate John Good, a slave, and

A bill concerning hogs running at large in the streets of Elizabeth City, in the county of Pasquotank, reported the same back to the House, and recommended their passage.

Mr. Lancaster, from the same committee, to whom was referred a bill to amend the 7th section of an act entitled an act to establish a bank in the town of Washington, in the county of Beaufort, reported the same back to the House and recommended its passage, and on motion the rules were suspended, and the bill read the second and third time, passed and ordered to be engrossed.

Mr. Lancaster, from the same committee, to whom was referred a bill to alter the time of holding the superior courts in the counties of Sampson and Cumberland, reported the same back to the House, recommending the same to be referred to the committee on the judiciary.

On motion, the bill and report were laid on the table.

Mr. A. H. Caldwell, from the committee on corporations, to whom was referred a bill to incorporate the Trent River Navigation Company; also

A bill to amend an act passed at the session of 1846-'7, entitled an act to incorporate the town of Statesville, reported the same back to the House and recommended their passage.

Mr. A. H. Caldwell, from the same committee, to whom was referred a bill to incorporate the Guilford Gold and Copper Mining Company, reported the same back to the House with an amendment and recommended its passage.

Mr. Phillips, from the committee on the Revised Statutes, to whom was referred the bill to protect the creditors of non-resident debtors, reported the same back to the House, stating that further legislation upon the subject is unnecessary, and assigning reasons therefor, and recommended that said bill lie on the table.

Mr. D. F. Caldwell, from the committee on propositions and grievances, to whom was referred a bill to lay off and establish a new county by the name of Ruffin, made a verbal report in favor of the bill, which report was received.
Mr. Jenkins submitted the following resolution, which was read and adopted:

Resolved, That the treasurer of the State be requested to furnish the House with a full account of all monies paid by him out of the public treasury to the State geologist and his assistants, from establishing of said office to the present time.

Mr. Long presented a resolution in favor of Abram Walker, guardian, &c.; the same was read the first time, passed and referred to the committee on claims.

Mr. Love introduced a bill to amend the constitution of the State; the same was read the first time and passed, by the constitutional majority of three fifths, and on his motion, the bill was laid upon the table, and ordered to be printed.

Mr. McKesson, a bill to protect wives and children; which was read the first time and passed.

Mr. S. A. Williams moved that the same be printed, which was disagreed to, and the bill was referred to the committee on the judiciary.

Mr. Myers, a bill to incorporate the Charlotte Gas Light Company; the same was read the first time and passed, and referred to the committee on corporations.

Mr. Mann, a bill to enable the wardens of the poor of Pasquotank county, to sell a portion of the poor house lands; which was read the first time and passed, and referred to the committee on propositions and grievances.

Mr. Garland, a bill to amend an act passed at the session of 1850-'51, entitled an act to incorporate the McDowell and Yancey Turnpike Company; the same was read the first time and passed, and referred to the committee on the judiciary.

Mr. Sutton, a bill to incorporate the Kinston Female College; the same was read the first time and passed, and referred to the committee on corporations.

Mr. Craven, a bill to incorporate the two Academies in the town of Ashboro'; the same was read the first time and passed, and on motion, the rules were suspended, and the bill read the second and third time, passed and ordered to be engrossed.

Mr. George Green, a bill concerning crimes and punishments; which was read the first time and passed, and referred to the committee on the judiciary.
Mr. Roland, a bill supplemental to and amendatory of an act passed at the session of 1852-'53, entitled an act, to bring into market the lands pledged for the completion of the Western Turnpike Road; the same was read the first time and passed, and referred to the committee on Cherokee Lands and the Western Turnpike Road.

Mr. Vance moved to take up the resolution directing the public printer to print 200 additional copies of the report of the western survey; the House refused.

The engrossed resolution to cede to the United States of America, certain sites for light house purposes, was taken up, and on motion by Mr. Shepherd, the same was laid upon the table.

The engrossed bill to incorporate the Yadkin Plankroad Company, was read the second time, and

On motion by Mr. Phillips, the bill was amended as follows, by inserting in the title after the word "plank" the words "and Turnpike;" in section 1st, line 8, after the word "plank" the words "and turnpike," and striking out all in that section after the word "made" in line 12; in section 3, line 2, strike out "plank," and after the word "road" insert "of plank, stone, or other material;" strike out sections 5th, 6th, 7th and 8th; in section 9th, in line 5, the word "plank," and all after "road"; also, sections 10th, 11th and 13th, so as to conform this to the general plank and turnpike road law.

The bill as amended then passed its second reading; the rule being suspended, the same was read the third time and passed, and the Senate informed, and their concurrence in the amendment asked.

The engrossed bill to authorize the courts of pleas and quarter sessions of the counties of Craven, Nash, Sampson, Stokes and Forsythe to pay the wardens of the poor, was read the second time and passed; the rule being suspended, the same was read the third time, and

On motion by Mr. Singeltary, the bill was amended by striking out wherever they occur the words "counties of Craven, Nash, Sampson, Stokes and Forsythe," and inserting "several counties of the State."

The bill as amended then passed its third reading, and the Senate informed, and their concurrence in the amendment asked.
The engrossed bill to make compensation to the justices of the peace for taking lists of taxable property, was read the second time.

Mr. Mann moved to amend by making the compensation one instead of two dollars, and Mr. Lyon moved to substitute one dollar and fifty cents.

Mr. Cook moved the bill be indefinitely postponed, upon which Mr. Johnson demanded the yeas and nays, and the question was determined in the negative; yeas 17, nays 79.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

On motion by Mr. Patterson, the bill was referred to the committee on finance.

The Speaker announced that the hour had now arrived to proceed to the consideration of the special order of the day, being the bill to incorporate the French Broad Railroad Company; the same was taken up and read the second time, and

On motion by Mr. Baxter, amended as follows: In the 3d line of the 7th section insert before the word "French," the words "Greenville and"; strike out of the 4th line of the 26th section the word "wherein," and insert the word "whenever".

The bill as amended, passed its second reading.

The engrossed bill to authorize the Nantahala Tuckasege
Turnpike Company to establish a toll bridge over the Tennessee river, in Macon county, was read the second time and passed; the rule being suspended, the same was read the third time, passed, and ordered to be enrolled.

The engrossed bill to provide for the issue of additional stock by the Seaboard and Roanoke Railroad Company, was read the second time and passed; the rules being suspended, the same was read the third time and passed, and ordered to be enrolled.

The engrossed resolution concerning the Cape Fear and Deep River Navigation Company, was read the second time, and laid upon the table.

An engrossed bill to authorize William S. Ballinger, his associates and assigns, to construct a dam across Neuse river, was read the first time and passed; the rule being suspended, the same was read the second time, and on motion by Mr. Singeltary, the same was referred to the committee on internal improvements.

The engrossed bill to amend the 4th section, chapter 17, of the revised code, entitled cattle, horses and hogs, was read the first time and passed, when

Mr. Jenkins moved to lay the same upon the table; which was disagreed to.

Mr. Williams, of Warren, then moved to refer the bill to the committee on propositions and grievances; which was disagreed to.

Received from the Senate a message transmitting the resignation of James Rierson, as a justice of Stokes county; the acceptance of which the House concurred in.

Also informing that the Senate has concurred in the amendment of the House, to the bill to authorize the courts of pleas and quarter sessions in this State to pay the wardens of the poor, and the same was ordered to be enrolled.

Also a message transmitting the following engrossed bills, in which they ask the concurrence of the House, viz:

A bill concerning inspection;
A bill concerning infamous persons;
A bill concerning husband and wife; and
A bill concerning guardian and ward.

On motion by Mr. Phillips, the engrossed bill concerning criminal proceedings, was taken from the table, and

Mr. Phillips offered the following amendments, in section 111,
line 112, strike out after the word "dead," the words "or hath removed from the State"; pending the consideration of which, the Speaker announced the hour had arrived under the rule to take a recess; the House accordingly took a recess until three o'clock, P. M.

Three o'clock, P. M.

The House now resumed the consideration of the bill concerning criminal proceedings, and the pending amendment, and the amendment was adopted; yeas 66, nays 25.

The yeas and nays demanded by Mr. Mordecai.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill as amended passed its second reading; the same was read the third time, and

Mr. Shepherd moved to amend by striking out 23 and inserting 35, before the word "jurors," which was rejected, and the bill passed its third reading and the Senate was informed of the amendment and their concurrence asked.

The engrossed resolution to furnish the clerk of the Senate's office was read the third time, passed, and ordered to be enrolled.

The engrossed bill concerning guardian and ward was read the
first time and passed; the rule being suspended, the same was read the second time, and

Mr. Mann moved to amend the bill by striking out the word "three" and inserting "two," before the word "years," which was rejected; the bill then passed its second reading; the same was read the third time, passed and ordered to be enrolled.

Mr. Mann moved to amend the bill by striking out the word "three" and inserting "two," before the word "years," which was rejected; the bill then passed its second reading; the same was read the third time, passed and ordered to be enrolled.

Mr. Cook presented the following resolution, which was read and rejected:

Resolved, That the committee on finance be requested to inquire into the propriety of increasing the tax on stud horses and jack asses, and to report by bill or otherwise.

On motion by Mr. Singeltary, Ordered, That the restriction on the business of the House during evening sessions be rescinded.

The engrossed bill concerning husband and wife;
The engrossed bill concerning inspection; and
The engrossed bill concerning infamous persons, were severally read the first time and passed; the rule being suspended, the same were read the second and third time, passed and ordered to be enrolled.

On motion by Mr. George Green, Ordered, That the bill to amend an act entitled an act to incorporate the Atlantic and North Carolina Railroad Company and the North Carolina Western Railroad Company, be made the special order for Saturday next, at 11 o'clock.

On motion by Mr. George Green, the House adjourned to tomorrow morning, 10 o'clock.

FRIDAY, January 5, 1855.

Mr. Walser presented a memorial from citizens of the county of Davidson, on the subject of internal improvement; which was read and referred to the committee on internal improvements.

Mr. Roland, a memorial from citizens of the county of Cherokee, relating to the extension of the Western Turnpike road; the same was referred to the committee on Cherokee lands and the Western Turnpike road.

Mr. Shipp, a memorial from citizens of Henderson county concerning Polk county, and

Mr. Sharpe, a memorial praying for the establishment of a new
county by the name of Graham; which were severally referred to the committee on propositions and grievances.

Mr. Settle, from the committee on claims, to whom was referred a resolution in favor of Thos. N. Alexander, reported the same back to the House with an amendment, which was adopted; the resolution as amended was read the second time and passed.

Mr. Settle, from the same committee, to whom was referred a resolution in favor of Jno. B. Debnam, reported the same back to the House with an amendment, and recommended its passage.

Mr. Lyon, from the committee on corporations, to whom was referred a bill for the better regulation of the town of Henderson in the county of Granville, reported the same back to the House with an amendment, and recommended its passage.

Mr. Dortch, from the committee on the judiciary, to whom was referred a bill authorizing administrators and guardians to sell real and personal estate for distribution amongst legatees and minor heirs, reported the same back to the House, and recommended that it do not pass, and

On motion by Mr. Cook, the bill was laid upon the table.

Mr. Norment submitted a resolution authorising the literary board to loan the trustees of Robeson Institute, the sum of one thousand dollars; the same was read the first time and passed, and referred to the committee on education.

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

Resolved, That the committee on banks be requested to inform this House whether, in their opinion, any increase of the banking capital of the State is demanded by the wants of the people, and whether any new banks should be established at this session of the legislature; if so, what number, and where located, and what amount of capital.

Mr. Roland, a resolution in favor of Neal M. Colvard; the same was read the first time, passed and referred to the committee on claims.

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

Resolved, That the committee on the judiciary be instructed to inquire into the propriety and expediency of passing a bill pro-
viding for paying justices of the peace a reasonable compensation for the several duties which they are now required to perform.

Mr. A. H. Caldwell introduced a bill authorizing the commissioners of the town of Salisbury to subscribe for stock in the Western Railroad Company, and in the Salisbury and Mocks-ville Plankroad Company; and

A bill to amend the charter of the town of Salisbury, which were severally read the first time, passed and referred to the committee on corporations.

Mr. Norment, a bill to incorporate Spring Hill Academy, in the county of Robeson; the same was read the first time, passed and referred to the committee on corporations.

Mr. Humphrey, a bill to increase the pay of witnesses in the county of Onslow, which was read the first time, passed and referred to the committee on private bills.

Mr. Selby, a bill to vest in the president and directors of the literary fund the title to certain lands covered by the navigable waters in this State, in trust as a public fund for education and for the benefit of common schools; the same was read the first time, passed and referred to the committee on education.

Mr. Shepherd, a bill concerning the public roads in this State, which was read the first time, passed and referred to the committee on propositions and grievances.

Mr. J. H. White presented a resolution in favor of Jonas Cline, sheriff of Catawba county; the same was read the first time and passed, and on his motion, laid upon the table.

On motion by Mr. Patterson, the bill to extend the time for perfecting titles to lands heretofore entered was taken up, passed its third reading and was ordered to be engrossed.

The Speaker announced that the hour had now arrived to proceed to the consideration of the special order of the day, being the bill to incorporate the Wilmington and Charlotte Railroad Company; the same was taken up accordingly, and

On motion by Mr. Steele the bill was amended as follows:

Amend section 2 by striking out "or other point" and inserting "some point on the Wilmington and Raleigh Railroad in the county of New Hanover."

Amend section 5 by striking out the words "the said sum of
eight hundred thousand dollars,'" and inserting the words, "the sum of five hundred thousand.'"

Amend section 6 by striking out "eight hundred thousand" and inserting "five hundred thousand dollars.'"

Amend section 8 by striking out the words "seven hundred and fifty" in the 2d line, and inserting "five hundred.'"

Amend section 44 by striking out the word "to'" in the 3d line, and inserting the word "upon.'"

Sec. 36. Be it further enacted, That the said road shall be divided into sections of twenty-five miles each, and shall be commenced at its eastern terminus, and built regularly on, section by section, to its western terminus at Charlotte; and whenever the first section shall be completed and in operation, the president and directors of said company may make their bonds payable to the public treasurer of the State of North Carolina, for the sum of two hundred thousand dollars and no more, which said bonds are to be signed by the president and under the seal of the corporation, and made for any sum not under five hundred dollars each, and to bear interest at the rate of six per cent. per annum, which interest is to be paid semi-annually, to wit: On the first Monday in January and July in each and every year, and the principal of said bonds and all other bonds by this act authorized to be made, to be made payable on the first day of January, eighteen hundred and eighty, at such place as the president and directors of said company may agree upon; and that when the second section of said road shall be completed and in operation, the president and directors of said company may make other bonds of like character, to the amount of two hundred thousand dollars, to be endorsed by the public treasurer in like manner as the first bonds authorized to be made and endorsed as aforesaid; and so on, in like amounts and under the same provisions, as often as each section shall be completed: Provided, That when the section before the last shall be completed, the president and directors of said company may make their bonds payable to the public treasurer, to be endorsed by him as is herein provided, for the sum of four hundred thousand dollars, unless the last section shall be less than twenty-five miles, and then a deduction shall be made in the amount of the said last mentioned bonds, in the proportion of two hundred thousand dollars to twenty-five miles of road.
SEC. 37. Be it further enacted, That the public treasurer shall not endorse any of the bonds as provided for in the 36th section of this act, until after the completion of each section of the road, it shall be made to appear to him by a certificate under the seal of the company, signed by the president and counter-signed by the treasurer of said company, that the same has been completed and is in operation, which said certificate shall be filed with the public treasurer; but whenever, upon the completion of any section of said road, such certificates shall be filed, then it shall be the duty of the public treasurer to endorse the bonds of said company as provided in the 36th section of this act as follows, to wit: "Pay to order," and this endorsement pledges the State of North Carolina as security for the payment of the sum named in the bond, according to the provisions of this act; which endorsement is to be signed by the public treasurer in his official capacity and counter-signed by the comptroller. The public treasurer, after endorsing the bonds as before mentioned, shall duly number and register them at large in a book prepared and kept for that purpose.

Insert the following in lieu of section 42.

SEC. 41. Be it further enacted, That whenever after the first section of the said road shall be completed and in operation, and the same shall be duly certified to the public treasurer as is herein required, the president and directors of said company shall make, execute, and deliver to the Governor of the State a deed of mortgage under the seal of said company, wherein and whereby shall be conveyed to the said Governor and his successors in office, for the use and benefit of the State, all the estate both real and personal belonging to said company, or in any manner pertaining to the same, conditioned for indemnifying and saving harmless the State of North Carolina from the payment of the whole or any part of the bonds of two hundred thousand dollars, authorized to be first endorsed by the public treasurer, and also from the payment of the whole or any part of the other bonds authorized by this act to be made by the company and endorsed by the public treasurer; also make, execute, and deliver under the seal of said company to the Governor for the use and benefit of the State, a pledge of so much of the profits of said company as shall be sufficient to pay semi-annually the interest which may accrue on said bonds, until the final payment and redemption of the principal of
said bonds; which said deed of mortgage and pledge shall be approved by the attorney general of the State; then it shall be the duty of the public treasurer, and he is hereby required to deliver to the president and directors of said railroad company, the whole of the said bonds of two hundred thousand dollars; and again, when the second section of said road shall be completed and in operation, and the same shall be certified as is herein provided, to deliver to the president and directors of said road the other bonds, to the amount of two hundred thousand dollars provided for in this act, and so on from time to time, as often as each section of said road shall be completed, and the same shall be certified to the public treasurer, until the final completion of said road, agreeably to the 36th and 37th sections of this act.

Add the following as section 45:

Sec. 45. Be it further enacted, That the President and Directors of said company, shall not dispose of any of the bonds by this act authorized to be made by the company and endorsed by the public treasurer for a less sum than their par value.

The said amendments having been adopted,

Mr. Shipp offered the following: strike out "Charlotte" and insert "Asheville, North Carolina," to which amendment,

Mr. McKesson offered the following: strike out "Charlotte" and insert "Asheville by the Swannanoa Gap"; the latter amendment was rejected, and the question recurring upon the amendment offered by Mr. Shipp, it was rejected; yeas 21, nays 78.

The yeas and nays demanded by Mr. A. H. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Mr. Mebane offered the following amendment:

Provided, That the endorsement of the company's bonds under this act by the State, shall in no event exceed the sum of sixteen hundred thousand dollars.

Which was adopted.

Mr. Martin moved to amend the bill by striking out all that part authorizing the public treasurer to endorse the bonds of the company, which was rejected; yeas 45, nays 55.

Yea and nays demanded by Mr. Martin.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill as amended then passed its second reading; yeas 59, nays 39.

Yea and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,

Messrs. Amis, Baxter, Black, Bogle, Bryson, A. H. Caldwell,

Those who voted in the negative, were,


The hour having now arrived under the rules, the House took a recess until three o'clock, P.M.

Three o'clock, P. M.

The House now proceeded to the consideration of bills upon their third reading, and

A bill to incorporate the Cape Fear and Waccamaw Canal and Lumber Company in Brunswick county;

A bill to amend an act entitled an act, to prevent the obstruction of the passage of fish in the waters of Blount's Creek, and its tributary streams;

A bill to incorporate the Yadkin Institute, in the county of Davidson; and

A bill to amend the statute concerning widows, were severally read the third time and passed, and ordered to be engrossed.

A bill to incorporate the Chatham Railroad Company, was read the third time, and on motion by Mr. J. H. Headen, amended as follows:

In 4th line of section 1, strike out the words "the coal fields on," and after Deep River in the 5th line, insert the following:

"at or near the coal fields."

In section 2, 3 lines, strike out the words "the coal fields on,"
and after Deep River, and insert the following: "at or near the coal fields."

In section 3, 5th line, after the word "stock" insert the words "either by individuals or corporations."

In section 4th, 15th line, after the words "effects" insert the words, "if the commissioners choose so to declare it, or they may direct it to be recovered by suit or otherwise."

Mr. Outlaw moved to amend by limiting the charter to ninety years.

Which was adopted.

Mr. Outlaw then moved to strike out in section 36, 4th line the words "by the State of North Carolina," and insert the following:

Be it further enacted, That the property and stocks and dividends of said company, shall be exempt from taxation by any corporate or municipal police, town, city or county.

This amendment was rejected.

Mr. Barringer moved to strike out the words in section 36, "dividends and profits"; which was adopted, and the bill as amended passed its third reading, and was ordered to be engrossed.

On motion by Mr. Jenkins, the House adjourned to to-morrow morning, 10 o'clock.

SATURDAY, January 6, 1855.

Mr. Yancey presented a memorial from citizens of Madison county, for the re-establishment of Marshall, and

Mr. J. H. Headen, a memorial from citizens of the county of Chatham, on the subject of temperance; which were severally referred to the committee on propositions and grievances.

Mr. Oglesby presented a memorial from citizens of Carteret county, praying for a mechanics lien law.

The same was referred to the committee on the judiciary.

Mr. Dortch, from the committee on the judiciary, to whom was referred a bill to prescribe the place to which notice to an endorser on the dishonor of bills of exchange may be directed and sent in certain cases; also,

A resolution in favor of J. W. Erwin, administrator, &c., reported them back to the House, and recommended their passage.

Mr. Dortch, from the same committee, to whom was referred a
bill to amend an act passed at the session of the Legislature of 1850-'51, entitled an act to incorporate the McDowell and Yan-

cey Turnpike Company;

Also, a bill for laborer and mechanic's lien, reported the same back to the House, and recommended that they do not pass; which reports were received, and the latter bill was, on motion, laid upon the table.

Mr. Dortch, from the same committee, reported adversely upon the resolution instructing them to inquire into the propriety of paying justices of the peace for the several duties which they are re-

quired to perform;

Also, a resolution instructing them to inquire into the expedi-

cency of so amending the Statutes as to prevent free persons of col-

or from pedling;

Also, a resolution instructing them to inquire into the propriety of passing a law exempting the wife's property from execution for the debts of the husband;

And a resolution instructing them to inquire into the propriety of so amending the charter of the University as to provide that trustees may fill vacancies.

Mr. Shepherd, from the same committee, to whom was referred a bill relative to the willful destruction or removal of corner trees or corner stones to surveys of land in this State, reported the same back to the House, and recommended its passage.

Mr. Shepherd, from the same committee, to whom was referred a bill relative to the action of ejectment in the courts of this State, reported the same back to the House, with an amendment, and recommended its passage.

Mr. George Green, from the committee on banks, to whom was referred a bill to incorporate a bank in the town of Plymouth, in the county of Washington, reported the same back to the House, with sundry amendments, and recommended its passage.

Mr. George Green, from the same committee, to whom was re-

ferred a bill to incorporate the Farmers and Miners' Bank, to be located at Murphy, in the county of Cherokee, reported the same back to the House, recommending that it do not pass.

On motion of Mr. Roland, the bill and report were re-commit-

ted, with instructions to the committee to assign reasons, &c.

Mr. Steele, from the committee to whom was referred
A bill to establish the Bank of Pittsborough; and
A bill to increase the capital stock of the Commercial Bank of Wilmington, reported the same back to the House with a recommendation that they do not pass, and assigning reasons therefor.

Mr. Myers, from the same committee, to whom was referred
A bill to increase the capital stock of the Bank of Charlotte; and
A bill to incorporate the Bank of Wilmington, reported the same back to the House with amendments, and recommended their passage.

Mr. Cansler, from the committee on internal improvements, reported favorably a bill to incorporate Laurel Turnpike Company; and unfavorably the bill to establish a public road in the county of Yancey.

Mr. Dortch, from the committee on the revival of the Statutes, reported unfavorably upon the resolution in relation to the appointment of patrol committees.

Mr. Shepherd, from the committee on finance, reported unfavorably upon the resolution instructing them to inquire into the expediency of authorizing the county courts to tax for county purposes, all things now taxable for State purposes; also favorably, a bill to tax non-residents selling goods, wares or merchandise by sample in this State; also favorably, a bill to make compensation to the justices of the peace for taking lists of taxable property.

Mr. Lancaster from the committee on private bills, to whom was referred a bill to prevent the felling of timber in Northeast River, in Duplin county, reported the same back to the House with a substitute therefor, and recommended its passage.

Mr. D. F. Caldwell, from the committee on banks, to whom was referred the resolution of the House instructing them to inform this House whether, in their opinion, any increase of the banking capital of the State is demanded by the wants of the people, and whether any new banks should now be established; if so, what number, and where located, and what amount of capital, reported that the committee are of opinion that the banking capital of the State should be considerably increased; that there should be some new banks chartered by the legislature; as
to the number and location, the committee are unable to deter-
mine.

Mr. Waugh, from the committee on propositions and grievan-
ces, to whom was referred a bill to authorize the wardens of the
poor of Pasquotank county to sell a portion of the land on which
the poor-house is located, reported the same back to the House
and recommended its passage; the rule being suspended, the
same was read the second time and amended by adding Yancey
county, and the bill as amended passed its second reading; the
same was then read the third time and ordered to be engrossed.

Mr. Shepherd submitted a resolution in relation to the purchase
of indices to revolutionary records in the comptroller's office; the
same was read the first time and passed, and referred to the com-
mittee on claims.

Mr. Outlaw, a resolution authorizing and directing the Presi-
dent and Directors of the literary fund, to loan to the trustees of
the Chowan Female Institute §; the same was read the
first time and passed, and referred to the committee on education.

Mr. Cofield introduced a bill (accompanied by sundry memo-
rials,) to lay off and establish a new county by the name of Hen-
ry; the same was read the first time and passed, and referred to
the committee on propositions and grievances.

Mr. Settle, a bill to incorporate the Dan River and Yadkin
Railroad Company; which was read the first time and passed,
and referred to the committee on internal improvements.

Mr. Bryson, a bill for the relief of Solomon Newton; which
was read the first time and passed, and referred to the committee
on Cherokee lands, &c.

Mr. Selby, a bill to authorize suits and prosecutions for trespass
and other offences committed upon swamp lands, lying in certain
counties, (or some of them,) to be commenced by the President
and Directors of the literary fund, of the State of North Caro-
lina, in the superior court of law of Washington and Beaufort
counties, and for other purposes.

The same was read the first time and passed, and referred to
the committee on swamp lands.

Mr. T. H. Williams, by leave, presented a memorial from citi-
zens of Wilmington, on the subject of Cape Fear and Deep Ri-
ver Navigation.
The same was read and transmitted to the Senate with a proposition to print.

On motion of Mr. Baxter, the House now proceeded to the consideration of the special order of the day, being the bill to amend an act entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company.

The same was read the second time, amended and passed; yeas 91, nays 14.

Yeast and nays demanded by Mr. Roland.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


On motion by Mr. T. H. Williams, an engrossed resolution authorizing Walter Gwynn to examine and report upon the works on the Cape Fear and Deep Rivers, was taken up and read the second time; and

On motion by Mr. Cotton, the same was amended by appointing three members of the House of Commons and two members of the Senate to act with Mr. Gwynn, and that they report to the two Houses of the General Assembly.

The resolution, as amended, passed its second reading; the
rule being suspended, the same was read the third time and passed, and transmitted to the Senate for their concurrence in the amendment.

Mr. Myers introduced a bill to authorize the corporation of the town of Charlotte to subscribe to certain railroads; the same was read the first time and passed, and referred to the committee on corporations.

Mr. Hill, a bill to incorporate the Salem Western and Virginia Turnpike and Plankroad Company; the same was read the first time and passed, and referred to the committee on propositions and grievances.

Mr. Selby, a bill to amend the law as to the taking the depositions of witnesses in cases of appeal.

The same was read the first time and passed, and referred to the committee on the revisal of the statutes.

Mr. Phillips, a bill to incorporate the Chapel Hill and Morrisville Plankroad, Tramroad and Turnpike Company.

The same was read the first time and passed, on motion, the rules were suspended, and the same was read the second and third time, passed and ordered to be engrossed.

Mr. Gorrell, a bill concerning executors and administrators; which was read the first time and passed, and referred to the committee on the judiciary.

Mr. Shephered presented a resolution authorizing the public treasurer to deposit with G. G. Sampson of New York, sixty-five State bonds for certain purposes.

The same was read the first time and passed, the rule being suspended, the same was read the second and third time, passed and ordered to be engrossed.

Mr. Gentry presented the following resolution, which was adopted:

Resolved, That the committee on finance, be requested to enquire into the expediency of taxing all corporate bodies except those for literary purposes, and report by bill or otherwise.

Mr. Daniel presented the resignation of Jno. S. Godwin, a justice of the peace for the county of Hertford; which was received and transmitted to the Senate.

The hour having now arrived under the rule, the House took a recess until three o'clock, P. M.
In pursuance of the joint order of the two Houses, the House now proceeded, with the concurrence of the Senate, to appoint justices of the peace for the several counties in the State. After which, the House adjourned to Monday morning 10 o'clock.

MONDAY, January 8, 1855.

The Chair announced the following committee on enrolled bills: Messrs. Phillips, Yancey, A. H. Caldwell, Meares and Selby.

Mr. Shipp presented a memorial opposing the proposition to establish a new county by the name of Golden Valley.

Mr. Daniel, a memorial from citizens of Hertford county relating to the Meherrin river, which was referred to the committee on propositions and grievances.

Mr. Waugh, from the committee on propositions and grievances, to whom was referred a bill to incorporate the Salem, Western and Virginia Turnpike and Plankroad Company, reported the same back to the House, with an amendment, and recommended its passage.

Mr. Bullock introduced a bill to authorize justices of the peace to correct errors in the enlistment of taxables, which was read the first time, passed, and referred to the committee on finance.

Mr. A. H. Caldwell, a bill to incorporate the Gold Hill Mining Company, which was read the first time, passed, and referred to the committee on corporations.

Mr. Sharpe, a bill to authorize the erection of a court-house for the county of Iredell, and for other purposes, which was read the first time and passed; the rule being suspended, the same was read the second time, amended, and passed; the bill was then read the third time, passed, and ordered to be engrossed.

On motion by Mr. Yancey, the bill to incorporate the French Broad Railroad Company, was taken up and made the special order of the day for Thursday next at 12 o'clock.

On motion by Mr. Amis, the resolutions in favor of Wm. Gilliam and John B. Debnam were taken from the table, and placed on file with bills on their second reading.
On motion by Mr. Myers, leave of absence was granted to Mr. Jas. A. Dunn for 10 days.

Mr. Black introduced a bill to incorporate the Davidson College Volunteer Company; the same was read the first time, passed, and referred to the committee on military affairs.

Mr. T. H. Williams introduced a bill to establish a toll bridge across Black river, in New Hanover county, which was read the first time and passed.

Mr. Shepherd, a bill to incorporate the Fayetteville Female High School, which was read the first time, passed, and referred to the committee on corporations.

Mr. Winston, a bill to permit the exportation of oysters under certain circumstances, and to authorize the use of drags, scoops, rakes or other instruments in private oyster grounds; also,

A bill in favor of George Wortham and John W. Gallaway, of the county of Brunswick, which were severally read the first time, passed and referred to the committee on private bills.

On motion by Mr. Gentry, the motion heretofore made to reconsider the vote by which the bill to establish a new county by the name Alleghany was rejected, was taken from the table and adopted; the question then recurring upon the motion to reconsider, the same was determined in the affirmative; yeas 64, nays 42.

Yeas and nays demanded by Mr. Daniel.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Amis, Bryant, J. B. Bynum, A. H. Caldwell, D. F. Caldwell, Chadwick, Craven, Daniel, Dargan, Davenport,

The engrossed bill to lay off and establish a new county by the name of Polk, was read the second time and passed; yeas 65, nays 42.

Yea and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

The engrossed bill to make compensation to the justices of the peace for taking lists of taxable property, was read the third time, when

Mr. Whitaker moved to recommit the bill, with instructions to the committee to report an amendment, giving to the magistrates of each district that shall take the tax lists therein, one per cent. of all the taxes that shall be levied on the property that may be listed before magistrates, and so to amend the act giving compensation to sheriffs, that they shall receive only five per cent. for
collecting the taxes, instead of six per cent. as the law now provides; which was agreed to.

A bill to incorporate the Trent River Navigation Company was read the second time and passed.

A bill to incorporate the Greensboro', Madision and Virginia Plankroad Company, was read the second time, and on motion by Mr. Phillips, amended in section 3d, line 6th, after the word "company" strike out the balance of the section.

Strike out section 9, to section 19 inclusive; the bill as amended passed its second reading.

The Speaker announced that the hour had now arrived to proceed to the consideration of the special order of the day, being the bill to divide the State into nine judicial circuits.

The same was taken up, and on motion by Mr. Shipp, laid upon the table.

On motion by Mr. Patterson, the bill to limit the time within which persons hereafter appointed justices of peace, shall take the oaths of office and for other purposes, was taken from the table, and on motion by Mr. Bullock, the same was indefinitely postponed.

A bill to incorporate Union Bank, was read the second time, and

Mr. Martin submitted an amendment.

Mr. Jenkins moved an indefinite postponement of the bill and amendment, pending the consideration of which, the hour arrived, and the House took a recess until three o'clock, P. M.

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Three o'clock, P. M.

The House now resumed the consideration of the motion to indefinitely postpone the bill to incorporate Union Bank.

On motion by Mr. Singeltary, the bill and pending amendment were laid upon the table.

A bill to incorporate the Shelby Railroad Company was read the second time and passed.

Mr. Shepherd moved that the bill to re-charter the Bank of the State of North Carolina be taken up and made the special order of the day for Wednesday next at 12 o'clock; which was agreed to.

A bill to amend an act passed at the General Assembly of 1846-'47, entitled an act to incorporate the town of Statesville,
was read the second time and passed; the rule being suspended, the same was read the third time, passed, and ordered to be engrossed.

A bill concerning the Wilmington and Raleigh Railroad Company, was read the second time and passed.

The engrossed bill to amend the 7th section of chapter 17th of Revised Code, entitled cattle, horses and hogs, was read the second time, and

On motion by Mr. Outlaw, indefinitely postponed; yeas 61, nays 34.

Yea's and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


On motion by Mr. McKesson, the House adjourned to to-morrow morning 10 o'clock.

TUESDAY, JANUARY 9, 1855.

Mr. Jenkins moved that the vote by which the bill to amend the 7th section, chapter 17, of Revised Code, entitled cattle, horses and hogs, was indefinitely postponed, be reconsidered.

On motion by Mr. Dortch, the motion to reconsider was laid upon the table.
Mr. Yancey presented a memorial from citizens of Madison county, for the removal of Marshal, the county site of said county.
The same was referred to the committee on propositions and grievances.

Mr. Dortch, from the committee on the judiciary, to whom was referred a bill to protect wives and children; and
A bill concerning constables, reported the same back to the House, with substitutes therefor.

Mr. Norment, from the committee on agriculture, to whom was referred a bill to regulate the sale of grain, meal and salt, reported the same back to the House adversely.

Mr. Shepherd, from the committee on finance, made a general report upon the banks of the State; which was read; and,
On motion by Mr. Whitaker, transmitted to the Senate with a proposition to print.

Mr. Shepherd also, in connection with said report, introduced a bill to increase the revenue of the State; the same was read the first time and passed, and ordered to be printed.

Mr. Steele, from the committee on banks, to whom was referred a bill to recharter the Bank of the State of North Carolina, submitted an adverse report in behalf of Messrs. Geo. Green, D. F. Caldwell and himself; which was read, and on motion by Mr. Humphrey, ordered to be printed.

Mr. Geo. Green, from the committee on internal improvement, to whom was referred a bill to incorporate the Western Railroad Company, reported the same back to the House, with a substitute therefor, and recommended its passage.

Mr. Settle, from the committee on claims, to whom was referred a resolution in favor of Abner Walker, reported the same back to the House, and recommended its passage.

Mr. Lancaster, from the committee on private bills, to whom was referred a bill to permit the exportation of oysters, under certain circumstances, and authorize the use of drags, scoops, rakes or other instruments in private oyster grounds;
Also a bill in favor of George Wortham and John W. Galloway, in the county of Brunswick;
Also a bill to confirm a grant in favor of W. F. Bell, Sr., and Belcher Fuller, and
A bill to confirm a grant in favor of Wm. I. Potter and Joseph
P. Robertson, reported the same back to the House, and recommended their passage.

Mr. Cansler, from the committee on internal improvement, reported unfavorably a bill to provide for draining swamp lands in the county of Pitt.

Also favorably a bill to aid in the completion of the road from Yanoy's Mill, through Ashe, to the Virginia line.

Mr. Roland submitted the following resolution, which was read and adopted.

Resolved, That the agricultural committee be instructed to enquire into the propriety of dividing the State into two geological divisions, and that they be required to report by bill or otherwise.

Mr. Dortch moved to reconsider the vote by which the bill to increase the revenue of the State was ordered to be printed.

On motion by Mr. Winston, the motion to reconsider was laid upon the table.

The Speaker decided, that under the rules, the morning business has precedence over the special orders of the day.

Mr. Baxter appealed from the decision of the Chair, and the House decided that the decision of the Chair should stand as the decision of the House.

Mr. Jordan introduced a bill to authorize the several clerks of this State to sell such of the Revised Statutes that may be remaining in his office, &c.

The same was read the first time and passed.

Mr. Bryant, a bill to pay regular and talis jurors in the county of Nash; which was read the first time and passed.

Mr. Garland presented a resolution in favor of D. D. Baker; the same was read the first time, passed and referred to the committee on claims.

Mr. Humphrey introduced a bill to incorporate the Richlands and New River Plankroad Company, which was read the first time, passed and referred to the committee on corporations.

Mr. Simmons, a bill to incorporate the Trenton and Hallsville Plankroad Company, which was read the first time, passed and referred to the committee on corporations.

Mr. N. B. Whitfield, a bill to incorporate the town of Warsaw; the same was read the first time, passed and referred to the committee on corporations.
On motion by Mr. Steele, the House now agreed to take up and consider the special order of the day, being the bill to incorporate the People's Bank of the State of North Carolina; the same was read the second time, and

On motion by Mr. Barringer, the House went into committee of the whole, Mr. Shepherd in the chair.

Some time being spent in considering said bill, the committee rose, the Speaker resumed the chair, and Mr. Shepherd reported progress and asked leave to sit again.

Thereupon the House, under the rule, took a recess until 3 o'clock, P. M.

Three o'clock, P. M.

The House now resumed the consideration of the unfinished business of the morning, being the bill to incorporate the People's Bank of the State of North Carolina, and

On motion by Mr. D. F. Caldwell, the House went into committee of the whole, Mr. Shepherd in the chair, and

After considering the bill for some time, the committee rose, the Speaker resumed the chair, and Mr. Shepherd reported progress and asked leave to sit again.

Thereupon, the House adjourned to to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 10, 1855.

Mr. Lancaster, from the committee on private bills, to whom was referred

A bill to increase the pay of witnesses in the county of Onslow; also,

A bill to extend the limits of Ashborough; and

A bill to prevent the felling of timber in Big Brush creek in the county of Randolph, reported the same back to the House and recommended their passage.

Mr. Cansler, from the committee on internal improvements, to whom was referred a bill to authorize Wm. S. Ballinger, his associates and assigns, to construct a dam across Neuse River, reported the same back to the House and recommended its passage.

Mr. A. H. Caldwell, from the committee on corporations, to whom was referred
A bill to incorporate the Gaslight Company; and
A bill to incorporate the Kinston Female College, reported the
same back to the House and recommended their passage.
Mr. Waugh, from the committee on propositions and grievan-
tes, reported favorably,
A bill to regulate the weight of salt sold in the sack, with
an amendment thereto; and unfavorably,
A bill to emancipate Albert, a slave, and
A bill to open a public road in Rowan county, and also
A memorial to open Big Ivy.
On motion by Mr. T. H. Williams, the House took up for con-
sideration the bill to incorporate the Bank of Wilmington; the
same was read the second time, when,
On motion by Mr. D. F. Caldwell, the House resolved itself
into committee of the whole to consider said bill.
Mr. Shepherd being in the chair, after some time being spent
in considering said bill, the committee rose.
The Speaker resumed the chair, and Mr. Shepherd reported
progress, and asked leave to sit again; which report was concur-
red in.
Mr. Outlaw moved to reconsider the vote by which the report
of the minority of the committee on banking was ordered to be
printed, which was agreed to; and the question recurring upon
the motion to print, the same was lost.
The Speaker announced that the hour had now arrived to pro-
cceed to the consideration of the special order of the day, being the
bill to recharter the bank of the State of North Carolina; which
was accordingly taken up and read the second time; when
Mr. Outlaw moved that the House go into committee of the
whole; and that the bill to recharter the bank of the State of
North Carolina, and that all other bills pending before this House,
to recharter or establish banks, be referred to the committee of the
whole House; which was agreed to.
Thereupon, the House resolved itself into committee of the
whole, Mr. Shepherd in the chair.
After some time being spent in considering said bills,
The committee rose, the Speaker resumed the chair, and Mr.
Shepherd reported progress, and asked leave to sit again; which
report was concurred in.
The House then took a recess.
Three o'clock, P. M.

Mr. Smith presented the following resolution; which was read and adopted:

Resolved, That the use of this Hall be granted to the North Carolina State Agricultural Society, to-night at 7 o'clock, for the purpose of holding a meeting of the society.

Mr. Jenkins moved to reconsider the vote by which all bills for rechartering or establishing banks, pending in this House, were referred to the committee of the whole House; which motion was rejected.

Mr. Baxter submitted the following resolution; which was read and adopted:

Resolved, That the committee on the Western Turnpike road and Cherokee lands, be instructed to prepare and report a bill to transfer the bonds, in possession of the entry taker, of Cherokee and Macon counties, given for lands entered in said counties, to the agent for the collection of Cherokee bonds.

Mr. Patterson introduced a bill to authorize Lewis S. Hartly, late sheriff of Caldwell county, to collect arrears of taxes due him; the same was read the first time and passed.

Mr. Gentry a bill to incorporate the Mountain Railroad Company, which was read the first time and passed, and referred to the committee on internal improvement.

Mr. Sherrill, a bill to amend an act passed at the session of the General Assembly 1848-'49, entitled an act to open and improve a road from the town of Newton, to the town of Morganton; the same was read the first time and passed.

Mr. Selby, a bill for the draining of Mattamuskeet lake, which was read the first time and passed, and referred to the committee on internal improvement.

Mr. Rose, a bill to amend the Common School law of North Carolina; read the first time and passed.

Mr. Geo. Green, a bill to incorporate the Female Benevolent Society of Newbern; the same was read the first time and passed.

On motion, the rules were suspended, and the bill was read the second and third time, passed, and ordered to be engrossed.

Mr. Bullock, a bill to repeal the office of superintendent of common schools; which was read the first time and passed, and referred to the committee on education.
Mr. Oglesby, a bill to confirm a grant in favor of Richard S. Hall.

The same was read the first time and passed, and referred to the committee on private bills.

Mr. Jones, a bill to repeal an act requiring the enrollment in the militia of free white men of the age of eighteen, &c.

The same was read the first time and passed and referred to the committee on military affairs.

Mr. Houston, a bill providing for the surveying and marking out the dividing line between Duplin and Sampson counties.

The same was read the first time and passed, and referred to the committee on propositions and grievances.

On motion by Mr. Dortch, the House resolved itself into committee of the whole, to consider bills to re-charter and establish banks.

After some time being spent in considering said bills,

The committee rose, the Speaker resumed the chair, and Mr. Shepherd reported that the committee had had under consideration,

A bill to re-charter the Bank of the State of North Carolina; that the committee had made progress, and asked leave to sit again.

Which report was concurred in.

On motion by Mr. Smith, the House adjourned to to-morrow morning, 10 o'clock.

THURSDAY, January 11, 1854.

Mr. Mann presented a memorial in opposition to the proposed ship canal.

The same was referred to the committee on internal improvement.

Mr. A. H. Caldwell, from the committee on corporations, to whom was referred a bill to incorporate the town of Warsaw, and

A bill to incorporate the Richlands and New River Plankroad Company, reported the same back to the House, and recommended their passage.

Mr. Mebane submitted the following resolution, which under the rules lies over one day.

Resolved, That after Tuesday next, this House will take a recess from 5 P. M., to 7 P. M., and that for the session after 7 P.
Mr. Myers presented the following resolution, which under the rules was laid over one day.

Resolved, That no bills shall be introduced into this House after the 15th instant.

Mr. B. F. Williams introduced a bill to incorporate the town of Snow Hill, in Green county, and

A bill to incorporate the Snow Hill and Atlantic Plankroad Company.

The same were read the first time and passed, and referred to the committee on corporations.

Mr. Humphrey introduced a bill to incorporate the New River, Wilmington and Topsail Sound Plankroad Company; which was read the first time and passed, and referred to the committee on corporations.

On motion by Mr. Daniel, the bill to incorporate the Central Gold and Copper Mining Company of North Carolina, was taken from the table and placed in the file of bills on their second reading.

On motion by Mr. McDuffie, the bill to emancipate Bettie a slave, was taken from the table, the same having been read the second time, Mr. McDuffie submitted the following amendment:

Provided, That she do not reside out of the county aforesaid, more than thirty days, at any one time.

Also, that she give bond in such an amount as will be approved of by the county court, that she will not become a public charge.

The amendment was adopted, the question being, shall the bill as amended, pass its second reading, was determined in the affirmative; yeas 57, nays 48.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Settle moved that the series of resolutions heretofore introduced by him, on the subject of slavery, be taken up and made the special order of the day for Thursday next, at 12 o’clock.

The motion was adopted; yeas 63, nays 45.

The yeas and nays demanded by Mr. Settle.

Those who voted in the affirmative, were,

Those who voted in the negative, were,
Mr. J. M. Leach moved that the resolution heretofore introduced by him, on the subject of the public lands, be taken up and made the special order of the day for Thursday next, at half after 12 o'clock.

Which was determined in the negative; yeas 44, nays 65.

The yeas and nays demanded by Mr. J. M. Leach.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltary moved that said resolution be now taken up and considered; which was agreed to.

The resolution was accordingly taken up and read; and amended, on motion by Mr. Leach of Davidson.

Mr. Dortch then moved that the resolution be indefinitely postponed; which was determined in the negative; yeas 55, nays 57.

The yeas and nays demanded by Mr. McKesson.

Those who voted in the affirmative, were,

Messrs. Badham, A. Barnes, J. Barnes, Black, Blow, Bryant, Bullock, J. B. Bynum, Cansler, Cofield, Cotton, Daughtry, Dortch, Flynt, M. Green, Hill, Holland, Humphrey, Jarvis, Jenkins, Jordan, Lancaster, Long, Lyon, McMillan, Martin, Myers,
Those who voted in the negative, were,


The question recurring upon the passage of the resolution as amended,

Mr. B. F. Williams demanded the yeas and nays thereon, which were accordingly ordered and resulted as follows:

Those who voted in the affirmative, were,


Those who voted in the negative, were,

There being a tie, the Speaker voted in the negative, and the resolutions were rejected.

Mr. Love moved that the House now resolve itself into committee of the whole, to consider bills to re-charter and to establish banks.

Which was disagreed to.

Mr. Shepherd moved to take from the table the engrossed bill, to cede to the United States of America, certain sites for light house purposes.

Which was agreed to, and the bill was taken up and read the second time, and

On motion by Mr. Shepherd, amended and passed.

Mr. Mebane moved that the bill to amend an act entitled an act, to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company, be taken up and made the special order of the day for Wednesday next.

Which was disagreed to.

The Speaker announced that the hour had now arrived for the consideration of the special order of the day, being the bill to incorporate the Greenville and French Broad Railroad Company.

The same was taken up, and Mr. J. G. Bynum moved it be indefinitely postponed, and subsequently withdrew the motion, and moved that the bill be postponed until to-morrow at 11 o'clock.

Mr. Love moved that it be made the special order of the day for Saturday next, but subsequently withdrew his motion; and the motion to postpone until to-morrow was carried.

The engrossed bill to lay off and establish a new county by the name of Polk, was taken up and read the third time; when Mr. J. G. Bynum submitted the following amendment, which was adopted:

"Be it further enacted, That the county site of said county shall be located by Joseph J. Erwin of Burke, Major Ben Burgin of McDowell, and John R. Logan of Cleveland, or a majority of them, at the geographical centre of the county, or within two miles thereof."
Mr. Outlaw moved that the bill be indefinitely postponed, and afterwards withdrew his motion.

The bill as amended then passed its third reading, and was ordered to be engrossed, yeas 57, nays 43.

The yeas and nays demanded by Mr. Craven.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


On motion by Mr. McKesson, the House now took a recess until half past 3 o'clock.

Half past three o'clock, P. M.

On motion by Mr. George Green, the engrossed bill to emancipate John Good, a slave, was taken up, and read the second time and passed.

Mr. Blow moved that the rules be suspended, and the bill be put upon its second reading, upon which motion Mr. Whitaker demanded the yeas and nays, which were ordered, and resulted as follows, yeas 51, nays 71.

Those who voted in the affirmative, were,

Messrs. Badham, J. Barnes, Barringer, Baxter, Blow, Bogle, Bryson, J. G. Bynum, A. H. Caldwell, D. F. Caldwell, Chad-

Those who voted in the negative, were,


Two-thirds of the House having voted in the affirmative, the rules were suspended, and the bill read the third time and passed; yeas 60, nays 26.

Yea and nay demanded by Mr. Daughtry.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill was ordered to be enrolled.

Mr. Love moved that the House resolve itself into committee of the whole, to consider bills to recharter and to establish banks; which was disagreed to.

Mr. J. G. Bynum moved that the House do now adjourn to
to-morrow morning 10 o’clock; which was disagreed to; yeas 4, nays 85.

Yeas and nays demanded by Mr. G. M. White.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Jno. G. Bynum presented a recommendation for the appointment of Jno. A. Grant, a justice of the peace for the county of Rutherford.

The same was concurred in, and sent to the Senate.

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

Resolved, That the Commons Hall be appropriated to the use of the North Carolina State Agricultural Society, on to-morrow evening at 7 o’clock.

On motion by Mr. Tomlinson, the engrossed bill to authorize Wm. S. Bollinger, his associates and assigns, to construct a dam across Neuse River, was taken up, the bill having been before read the second time.

Mr. Mordecai submitted the following amendment to the first section of the bill:

Provided, That the dam hereby authorized, shall be so constructed as not to interfere with the free navigation of Neuse River, or passage of fish up the same.
Which was adopted, and the bill as amended passed its second reading.

Mr. McKesson moved that this House do now adjourn to-morrow morning, 10 o'clock.

Which was agreed to; yeas 61, nays 32.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House adjourned to to-morrow morning, 10 o'clock.

FRIDAY, January 12, 1855.

On motion by Mr. Stubbs, Mr. Fred. Grist, member elect from the county of Beaufort, came forward, presented his credentials, and was duly qualified and took his seat.

Mr. Jenkins presented a memorial on the subject of selling spirituous liquors to slaves, which was referred to the committee on the judiciary.

Mr. Stubbs presented a memorial from citizens of Beaufort county, on the subject of intemperance;

Mr. Mebane, a like memorial from citizens of Alamance county; and

Mr. Daniel, a like memorial from citizens of Hertford county;
Which were severally referred to the committee on propositions and grievances.

Mr. T. H. Williams, from the committee on education, reported favorably "a resolution to authorize the literary board to loan one thousand dollars to Robertson Institute," and unfavorably "a bill to alter the common school law as far as relates to the county of Johnston," and also "a bill to vest in the president and directors of the literary fund of the State of North Carolina, the title to certain lands covered by the navigable waters in this State, in trust as a public fund for education, and for the benefit of common schools."

Mr. T. H. Williams, from the same committee, to whom was referred "a resolution authorizing and directing the president and directors of the literary fund, to loan to the trustees of Chowan Female Institute," reported the same back to the House, and recommended its rejection.

On motion by Mr. Outlaw, the resolution was recommitted.

Mr. Carmichael, from the committee on internal improvement, to whom was referred "a memorial from the stockholders of the Caldwell and Watauga Turnpike company," reported the same back to the House, accompanied by a bill, which was read the first time and passed.

Mr. Dargan, from the committee on military affairs, reported favorably "a bill to encourage the formation of a military uniform company in the town of Wilmington;" also, "a bill to exempt persons from military duty, who served in the late war with Mexico," and unfavorably "a bill exempting certain persons in Haywood county from doing military duty;" and also against the memorial from the Summerfield guards in Guilford county.

Mr. Outlaw, from the committee on corporations, reported back "a bill to authorize the corporation of the town of Charlotte to subscribe to certain railroads," without amendment, and recommended its passage.

Also, "a bill authorizing the commissioners of the town of Salisbury to subscribe for stock in the Western Railroad Company, and the Salisbury and Mocksville Plankroad Company," with sundry amendments, and recommended its passage.

Mr. A. H. Caldwell, from the same committee, to whom was referred a bill to incorporate the Trenton and Hallsville Plank-
road Company, reported the same back to the House, and recommended its passage.

Mr. Steele, from the same committee, to whom was referred the bill to amend the charter of the town of Salisbury, reported the same back to the House, and recommended its passage.

Mr. Waugh, from the committee on propositions and grievances, reported favorably:

A bill to annex a part of Edgecombe county to the county of Nash; also
A bill to lay off and establish a new county by the name of Henry; also
A bill to lay off and establish the county of Wilson; and unfavorably:
A bill concerning public roads in this State.

Mr. Roland, from the committee on the Western Turnpike road and Cherokee lands, to whom was referred
A bill for the relief of Solomon Newton; and
A bill supplemental to, and amendatory of, an act passed at the session of 1852–53, entitled an act to bring into market the lands pledged for the completion of the Western Turnpike road, reported the same back to the House with sundry amendments, and recommended their passage.

Mr. B. F. Williams moved to reconsider the vote by which the bill to establish a new county by the name of Polk, was passed.

Mr. Bryson moved to lay the motion upon the table, and subsequently withdrew his motion.

Mr. Bullock then moved that the motion to reconsider, be indefinitely postponed; upon the passage of which,

Mr. Outlaw demanded the yeas and nays; which were ordered, and determined in the affirmative; yeas 58, nays 46.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Mr. Singeltary submitted the following resolution, which under the rules lies over one day.

*Resolved*, That hereafter, the yeas and nays shall not be ordered in any case where objection is made, unless the call be seconded by at least fifteen members.

Mr. Cook presented the following resolution, which under the rules, lies over one day.

*Resolved*, That from and after the 20th of this instant, there shall be no more bills introduced in this House, during the remainder of the session, unless by general consent of the House.

Mr. Perkins submitted the following resolution, which was read and adopted.

*Resolved*, That the committee on the judiciary, be instructed to enquire into the propriety of facilitating the means of taking the private examination of feme coverts, so as to dispense altogether, with their attending court for that purpose, and if deemed expedient, to report by bill.

Mr. Russell, a resolution in favor of A. H. Sanders, late sheriff of Montgomery county.

Which was read the first time, passed and referred to the committee on claims.

On motion by Mr. Baxter, the House proceeded to the consideration of the special order of the day, being the bill to incorporate the Greenville and French Broad Railroad Company.

The same was read the third time.

Mr. Dortch moved that the further consideration of the bill be
postponed, and subsequently withdrew the motion, and moved to lay the bill upon the table.

Which motion was lost; yeas 27, nays 74.

The yeas and nays demanded by Mr. Bryson.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. McKesson moved that the further consideration of the bill be postponed until Thursday next, at one o' clock, which was disagreed to.

Mr. J. G. Bynum submitted the following amendment:

"And to construct a road with one or more tracks, of the same and uniform gauge of the North Carolina Road."

Pending the consideration of which, the hour arrived, and the House took a recess.

Three o'clock, P. M.

The House now resumed the consideration of the pending bill and amendment. The question upon the passage of the amendment being taken, it was rejected, yeas 18, nays 79.

The yeas and nays demanded by Mr. Bryson.

Those who voted in the affirmative, were,

Messrs. Barringer, Bryson, J. G. Bynum, A. H. Caldwell,
Craven, Garland, Jones, Mann, Martin, Mordecai, Outlaw, Patton, Phillips, Roland, Sharpe, Smith, Watts and Whitaker—18.


Mr. Baxter submitted the following amendment, which was adopted:

Strike out all after the word "time," in the 31st line of the 26th section, and insert "cross the same or connect therewith at one or more points, any other road at the discretion of the General Assembly."

Mr. McKesson submitted the following amendment, which was rejected:

After the words "General Assembly," in section 26, line 33, add the following: "or cross the same, and the said company shall not regulate charges for freights and fare on said road to prevent a fair and equal competition by said North Carolina Railroad Company with said company, for the freights and travel which shall pass over the Greenville and French Broad Railroad."

Mr. J. G. Bynum moved to amend the bill by striking out the 11th section, which was rejected.

Mr. Barringer moved to amend the bill by striking out "one hundred and," and limiting the charter to ninety years.

Mr. Dortch moved that this House do now adjourn to to-morrow morning, ten o'clock, which was disagreed to.

Mr. Barringer then withdrew his amendment.

Mr. Love moved that the House now adjourn, which was disagreed to.

Mr. McKesson submitted the following amendment, to come in
section 26, line 19: insert, "and shall not connect with the western extension of the North Carolina Railroad, east of the Blue Ridge."

Mr. N. B. Whitfield moved that the House do now adjourn, which was disagreed to.

Mr. Gilliam moved to reconsider the vote by which the first amendment submitted by Mr. J. G. Bynum was rejected, and the House refused to reconsider.

Mr. J. G. Bynum submitted the following amendment, in section 26, line 16 to 20: strike out, "limited to the construction of a railroad from some convenient and practicable point on said last mentioned road, in the county of Buncombe or Henderson, to some convenient point in the State of South Carolina, as indicated in the first section of this act," and insert in lieu thereof, "void."

Pending the consideration of which, on motion by Mr. Mabane, the House adjourned to to-morrow, 10 o'clock.

SATURDAY, January 13, 1855.

Mr. Carmichael presented a memorial from citizens of Wilkes county, on the subject of temperance, and

Mr. Selby, a like memorial from citizens of Hyde county.

Which were severally referred to the committee on propositions and grievances.

On motion by Mr. McKesson, the bill to incorporate the North Carolina and Western Railroad Company, was taken up and made the special order of the day for Wednesday next, at 12 o'clock.

Mr. Holland presented a memorial from the grand jury of Cleveland county, on the subject of that judicial circuit.

The same was referred to the committee on the judiciary.

Received from the Senate a message, informing the House that they have passed the bill to authorize the erection of a court house for the county of Iredell, and for other purposes; with an amendment, adding "section 7."

Which was agreed to, and the bill ordered to be enrolled.

Also, informing that the Senate has agreed to the amendment proposed by the House, to the engrossed bill from the Senate, to lay off a county by the name of Polk, and the bill was ordered to be enrolled.
Mr. Waugh, from the committee on propositions and grievances, to whom was referred a bill for the better regulation of the inspection of flour in the town of Fayetteville, reported a substitute therefor, and the same was read the first time and passed.

Mr. Steele, from the committee on corporations, to whom was referred the following bills, reported the same back to the House, and recommended their passage, viz:

A bill to incorporate the Snow Hill and Atlantic Plankroad Company;
A bill to incorporate Snow Hill, in Green county;
A bill to incorporate the Fayetteville Female High School; and
A bill to incorporate the New River, Wilmington and Topsail Sound Plankroad Company.

The resolution heretofore submitted by Mr. Myers, to prohibit the introduction of bills after the 15th inst., was taken up, and

On motion by Mr. Roland, laid upon the table.

The resolution heretofore introduced by Mr. Singeltary, relating to calling the yeas and nays, was taken up, and Mr. Singeltary submitted the following amendment:

Strike out all after the word “resolved,” and insert, “That when a question is pending before the House, any member may move the previous question, and the effect of the motion shall be to put an end to debate, and bring the House to a direct vote upon amendments reported by a committee, if any upon pending amendments; and thereupon the main question and the motion shall always be in order.”

On motion by Mr. Smith, the amendment was laid upon the table; yeas 63, nays 46.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,

Those who voted in the negative, were,


The resolution heretofore introduced by Mr. Cook, to prohibit the introduction of bills after the 20th inst., was taken up, and

On motion by Mr. S. A. Williams, laid upon the table.

The resolution heretofore submitted by Mr. Mebane, relative to night sessions, was taken up.

Mr. Stubbs submitted the following amendment:

Strike out all after the word “Resolved,” and insert the following: “That from and after Monday next, this House meet at 10 o’clock, A. M., and adjourn at 3½ o’clock, P. M.”

Mr. Humphrey moved the whole matter be indefinitely postponed, and Mr. McDuffie moved to lay upon the table, which latter motion was carried, yeas 61, nays 47.

The yeas and nays demanded by Mr. Dortch.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Bryant, Bullock, J. B. Bynum, J. G. Bynum, D. F. Caldwell, Carmichael, Cook, Daniel, Dargan, Davenport, Dortch, Gentry, Gorrell, M. Green, J. H. Headen, Holland, Johnson,
Mr. B. F. Williams submitted the following resolution:

Resolved, That a message be sent to the Senate proposing to adjourn both Houses of the General Assembly sine die on Monday, the 29th instant.

Which, on motion by Mr. Baxter, was laid upon the table, yeas 88, nays 18.

Those who voted in the affirmative were,


Those who voted in the negative, were,


Mr. Cook presented the following resolution:

Resolved, That a message be sent to the Senate, proposing to adjourn the two Houses of the General Assembly sine die, on Monday the 5th February, and

Mr. Jarvis submitted the following amendment:

Strike out all after the word “resolved” and insert, “that no motion in relation to adjournment, shall be received within the present month, so that the House may proceed to business.”
On motion by Mr. Barringer, the resolution and amendment were laid upon the table.

Mr. Whitaker submitted the following resolution, which was read and adopted:

Resolved, That from this day the hour of taking recess, shall be postponed until 2 o'clock, P. M., and that the use of the Hall of the House of Commons, be granted to the State Agricultural Society, at 4 o'clock.

Mr. Gilliam submitted the following resolution, which was read and adopted.

Resolved, That the committee on the judiciary be instructed to examine, and if deemed expedient, report a bill preventing the fictitious or colourable endorsement of bills, bonds or notes, so as to give jurisdiction to courts of counties distant from the residence of the makers and bona fide endorsers of such bills, bonds or notes.

Mr. S. A. Williams submitted the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary, be instructed to enquire into the expediency of enacting a law, providing that all retailers of spirituous liquors, shall be required to make oath in open court, that they will not violate any of the acts of the General Assembly, concerning the selling of spirituous liquors to slaves, and further providing, that such retailers shall be subject to all of the pains and penalties of perjury, if they shall sell any spirituous liquors to a slave, in violation of the law, and contrary to said oath.

On motion by Mr. Baxter, the rules were suspended, and the House proceeded to the consideration of the unfinished business of yesterday, being the bill to incorporate the Greenville and French Broad Railroad Company, and the pending amendment.

The question upon the passage of the amendment being taken, the same was rejected; yeas 15, nays, 79.

The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Badham, J. Barnes, Baxter, Black, Blow, Bogle, Bry-

Mr. J. G. Bynum submitted the following amendment:

*Provided however,* That said railroad shall not cross the Blue Ridge south of the Reedy Patch Gap; which was rejected; yeas 25, nays 68.

The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. J. G. Bynum submitted the following amendment to the first section:

*Provided, however,* That said railroad shall not cross the Blue
Ridge south of the Swananoa Gap; which was rejected; yeas 17, nays 76.

The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Craven submitted the following amendment:
Amend so as to require said company to pay 50 cents on each passenger into the treasury of the State, that may travel over said road from the South Carolina line, to the Tennessee line, and vice versa, and to limit said corporation to ninety years.

Pending the consideration of which, on motion by Mr. Whittaker, the House adjourned to Monday morning, 10 o'clock.

MONDAY, JANUARY 15, 1855.

The Chair announced the following committee on engrossed bills:
Messrs. Jordan, Gorrell, Myers, Mann and Sherrill.
Mr. Stubbs presented a memorial from citizens of Beaufort county, in relation to county courts, and
Mr. Yancey a memorial from citizens of Madison county, for the removal of Marshall, the county site.

The same were referred to the committee on propositions and grievances.
Mr. Martin submitted the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary, be instructed to enquire into the expediency of enacting a law, making all deeds of trust hereafter to be executed, null and void, to all intents and purposes, so far, as creditors are concerned, unless they provide for the payment of all the debts of the bargainor, pro-rata, and without any distinction or preference whatever, and that said committee report by bill or otherwise.

On motion by Mr. Stubbs, the resolution heretofore introduced by him, instructing the committee on the judiciary, to report a bill to abolish jury trials in the county courts, &c., was taken from the table and read.

Mr. Singeltary moved to lay the same upon the table, which was agreed to; yeas, 72, nays 35.

The yeas and nays demanded by Mr. Stubbs.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Mann introduced a bill to ascertain the number of magistrates that are now and will be in the State, which was read the
first time, passed, and reported to the committee on the judiciary.

Mr. Carmichael, a bill to authorize the construction of a toll bridge across the Yadkin river near Jonesville;

Also, a bill to establish a public road from William Phillips' to the stage road at or near Jonas Burket's, in Ashe county; the same were read the first time and passed.

Mr. Gilliam, a bill to authorize the construction of a toll bridge across the Yadkin river near Jonesville; also, a bill to establish a public road from William Phillips' to the stage road at or near Jonas Burket's, in Ashe county; the same were read the first time and passed.

Mr. Gilliam, a bill to establish a public road from William Phillips' to the stage road at or near Jonas Burket's, in Ashe county; the same were read the first time, passed, and referred to the committee on internal improvements.

Mr. Nermont, a bill to establish State Agricultural Normal Schools in each congressional district in North Carolina, which was read the first time, passed, referred to the committee on education, and ordered to be printed.

Mr. Yancey a bill to prevent the felling of timber, &c., in Big and Little Ivy, which was read the first time and passed.

Mr. George Green, a bill to incorporate the Newbern and Neuse River Bridge Company, in the county of Craven, which was read the first time, passed, and referred to the committee on corporations.

Mr. Horton, a bill to prevent obstructing the passage of fish up New river, in the counties of Ashe and Watauga; the same was read the first time and passed.

Mr. McMillan, a bill to incorporate the Wilmington Savings Bank, which was read the first time, passed, and referred to the committee on corporations.

Also a bill to repeal the 1st section of 9th chapter of the Revised Statutes to encourage direct importation, which was read the first time, passed, and referred to the committee on the judiciary.

Mr. Lancaster, a bill to amend an act entitled an act to incorporate the town of Graham, in the county of Alamance, passed at the session of 1850-'51, which was read the first time and passed.

Mr. Jones, a bill to repeal so much of the act concerning public roads, as requires persons of eighteen years of age to work on them, and for other purposes.

Read the first time, passed, and referred to the committee on propositions and grievances.

Mr. J. G. Bynum submitted the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary be instructed to
inquire into the expediency of allowing justices of the peace fees, for taking depositions in suits to be tried in our own courts, and in foreign courts.

Mr. D. F. Caldwell submitted a resolution in favor of W. A. Winborn.

Read the 1st time, passed, and referred to the committee on claims.

Mr. Gilliam submitted the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of providing by law authorizing any defendant sued to any county court in this State, at the appearance term, after plea pleaded, on affidavit filed that he believes there are matters of fact or law involved in the issues, which he believes the county court is incompetent to do justice to, to have the cause removed at once to the superior court, and also to allow causes to be removed by consent of parties, from the county court, at the appearance term, to the superior court, and such causes, so removed, to stand for trial at the first term of such superior court.

Mr. Dortch moved that the Revised Statutes be made the special order of every day at three o'clock, P. M.; and, on his motion, the rules were suspended, two-thirds of the House voting therefor, and the original motion was then adopted.

On motion by Mr. T. H. Williams, leave was granted him to withdraw from the files the bill to vest in the President and Directors of the Literary Fund the title to certain lands, covered by the navigable waters in the State, in trust, as a public fund for education, and for the benefit of common schools.

On motion by Mr. Baxter, the House now proceeded to the consideration of the unfinished business of Saturday last, being "the bill to incorporate the Greenville and French Broad Railroad Company," and the pending amendment submitted by Mr. Craven, which he withdrew; and Mr. Baxter offered the following:

Strike out the 26th section, from the word "aforesaid" in the line, to the word "Provided" in the 30th line; the same was adopted.

Mr. Baxter submitted the following amendment:

Be it further enacted, That the road hereby authorized shall correspond in gauge with the North Carolina Railroad; and, if the same is constructed, the chartered rights and privileges of the company, in that portion of said road, between the point at which
any connection may hereafter be made by any road from the North Carolina Railroad to said Greenville and French Broad Railroad and the East Tennessee and Virginia Railroad, shall cease and determine, if the General Assembly shall so require, as soon as such connection shall be made. And the same shall be made, and the same shall be subscribed by said company at its prime cost, to the capital stock of the company, authorized to make the connection aforesaid, and shall thereafter constitute a part of the said last mentioned road, and be under the control and direction of said company; and such subscription shall confer on said Greenville and French Broad Railroad Company, or their assigners, all their rights and privileges belonging to other stockholders in the same, when the chartered rights of the said Greenville and French Broad Railroad Company shall be limited to a railroad having for its north-west terminus the aforesaid point of intersection: to which amendment

Mr. Jones offered the following: Strike out of the amendment the words "that the road hereby authorized shall correspond with the gauge of the North Carolina Railroad," which was rejected; yeas 4, nays 103.

The yeas and nays demanded by Mr. Jones.
Those who voted in the affirmative, were,
Messrs. A. Barnes, Humphrey, McDuffie and Settle—4.
Those who voted in the negative, were,
Mr. Patterson offered the following amendment to the pending amendment:

Strike out the words, "its prime cost," and insert, "its value at the time of such subscription, to be ascertained in such way as the Legislature may hereafter prescribe;" which was rejected.

Mr. McKesson submitted the following amendment to the pending amendment:

That the western extension of said French Broad Railroad, shall first be constructed, commencing at or near Asheville, or at the Tennessee line, in order to connect first with the western extension of the North Carolina Railroad; which was rejected.

Mr. Barringer submitted the following amendment to the pending amendment:

Provided, That nothing herein contained, shall be so construed as to deprive the General Assembly of this State, of the right of imposing taxes on the dividends and profits accruing from the stock of said company, whenever, in their discretion, it may be deemed necessary or expedient; and

Provided further, That the taxes which may be levied on the same, shall not be greater than that levied on similar property in this State.

Mr. Love moved to strike out the last proviso, which was disagreed to, and the amendment was adopted.

The question now recurring upon the original amendment as amended, the same was adopted.

Mr. Baxter moved that the hour for taking a recess, be postponed until two o'clock; upon which,

Mr. Roland demanded the yeas and nays, which were ordered, and pending the call of the roll, the hour arrived, and the House took a recess.

Three o'clock, P. M.

Mr. Baxter moved that the rules be suspended, and that the bill to incorporate the Greenville and French Broad Railroad Company, be taken up, which was agreed to; two thirds of the House voting therefor.

The bill was accordingly taken up, and Mr. Craven submitted
the amendment heretofore withdrawn by him, and the same was rejected.

Mr. Gorrell moved to lay the bill upon the table.

Which was disagreed to; yeas 20, nays 66.

The yeas and nays demanded by Mr. Gorrell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question now recurring upon the passage of the bill as amended, its third reading, the same was passed, and ordered to be engrossed; yeas 69, nays 27.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Received from the Senate a message transmitting the following engrossed bills, in which they ask the concurrence of the House, viz:

A bill concerning a seat of Government;
A bill concerning waste;
A bill concerning vice and immorality;
A bill for the better regulation of the poor of Randolph county;
A bill to incorporate the Salem and Clemmonsville Plankroad Company;
A bill to incorporate the Howard’s Gap Turnpike company;
A bill to provide for the payment of jurors in the counties of Green and Gates;
A bill for the better regulation of the town of Hillsboro’; and
A bill to establish a library of documents for each House of the General Assembly.

The engrossed bill concerning vice and immorality, and
A bill concerning waste, were severally read the first time and passed; and the rule being suspended, the same were read the second and third time, passed, and ordered to be engrossed.

The engrossed bill concerning agriculture and geology, having been heretofore read the third time in this House, was taken up, and Mr. Jenkins moved to amend the same by striking out the 11th, 12th, 13th and 14th sections.

Mr. Roland submitted the following amendment: To strike out “a suitable person,” and insert “two suitable persons; one to be assigned to that portion of the State west of the Yadkin river, including the counties through which said river passes, and the other to that portion east of said river, with a salary of two thousand dollars each, to be paid by the public treasurer upon the warrant of the Governor, out of any monies in the treasury not otherwise appropriated.”

Which latter amendment was rejected.

Mr. Gorrell offered the following amendment: Insert the words “biennially of” before the word Governor in the 11th section,
and strike out the word "five" and insert "three" in section 13. Which amendment was rejected.

The question then recurring upon the amendment submitted by Mr. Jenkins, the same was adopted; yeas 69, nays 26.

The yeas and nays demanded by Mr. Love.


On motion by Mr. A. H. Caldwell, the House adjourned to to-morrow morning 10 o'clock.

TUESDAY, January 16, 1855.

Received from the Senate a message transmitting the pension certificate of Martha Speares, which the House directed to be countersigned by the Speaker.

Also a message informing that Messrs. Coleman, Thomas of Davidson, and Christian, from the Senate branch of the committee on enrolled bills.

The Speaker laid before the House a communication from his Excellency the Governor, transmitting the report and accompanying documents from Wm. J. Clarke, commissioner to settle the account of the State with the Raleigh and Gaston Railroad Company.
On motion by Mr. Barringer, the same was sent to the Senate with a proposition to refer to the joint committee on finance.

Mr. Carmichael presented a petition from citizens of Wilkes county, asking the appointment of certain persons justices of the peace; which, on his motion, was laid upon the table.

Mr. Waugh presented a memorial from citizens of Winston, to incorporate the town of Kinston, in the county of Forsythe, and, on his motion, the same was laid upon the table.

Mr. Holland a memorial on the subject of corporal punishment of insolent, slanderous persons; the same was referred to the committee on the judiciary.

Mr. Amis presented a memorial from citizens of Granville county, on the subject of temperance.

Mr. Geo. Green a like memorial from citizens of Craven county; which were severally referred to the committee on propositions and grievances.

Mr. Myers, from the committee on internal improvement, to whom was referred a bill to incorporate a company, to construct a railroad from some point on the waters of Beaufort Harbour, (to be hereafter determined,) to the town of Fayetteville, reported the same back to the House with sundry amendments, and recommended its passage; and

On motion by Mr. Humphrey, the said bill was made the order of the day for Monday next, at 12 o'clock.

Mr. Steele, from the same committee, to whom was referred a bill to incorporate the Wilmington Savings Bank, reported the same back to the House, and recommended its passage.

Mr. Outlaw, from the same committee, to whom was referred a bill to incorporate the Gold Hill Mining Company, reported the same back to the House, with a substitute therefor, and recommended its passage.

On motion by Mr. Amis,

Ordered, That a message be sent to the Senate, proposing the names of Horace H. Rowland and Lewis H. Kittle, as suitable persons to fill the office of justice of the peace for the county of Granville.

Mr. J. Barnes submitted the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary, be instructed
to enquire into the expediency of passing a law to prevent the
great destruction of life and property upon Railroads, by engineers
running their trains against each other, and for the punishment of
the same, and that the committee report by bill or otherwise.

Mr. Mebane introduced a bill to authorize the State to subscribe
stock in the Gulf and Graham Plankroad Company;

Which was read the first time, passed and referred to the com-
mittee on internal improvements.

Mr. Long, a bill to amend the charter of the Milton Savings
Institute,

Which was read the first time and passed.

Mr. Chadwick, a bill to amend an act entitled an act to en-
large the powers of the commissioners of the town of Newbern,
which was read the first time and passed;

And also a bill to prevent the obstruction of the passage of
fish in the waters of South River and Adams' Creek, which was
read the first time, passed, and referred to the committee on pro-
positions and grievances.

Mr. McMillan, a bill to emancipate Margaret and Mary
Elizabeth, slaves, which was read the first time, passed, and re-
ferred to the committee on private bills.

Mr. Geo. Green, a bill to amend the 36th section of an act en-
titled an act to incorporate the Atlantic and North Carolina Rail-
road Company, and the North Carolina and Western Railroad
Company, passed at the session of 1852, which was read the
first time, passed, and referred to the committee on finance.

Mr. Mordecai a bill to repeal an act passed at the session of
1850-'51, authorizing Josiah O. Watson to construct a dam on
Neuse river; which was read the first time, passed, and referred to
the committee on propositions and grievances.

Mr. Gentry a bill to lay off a public road in the county of Ashe;
which was read the first time and passed.

Mr. Holland a bill accompanied by a memorial, to establish
the Bank of Shelby, in Cleaveland county; which was read the
first time, passed, and referred to the committee on banking.

Mr. Cook a bill accompanied by a memorial, to alter the coun-
ty line between Ashe and Surry counties.

The same was read the first time, passed, and referred to the
committee on propositions and grievances.
Mr. S. A. Williams moved that the House go into committee of the whole, to consider bills to recharter and establish banks.

On motion by Mr. Lyon, the motion to go into committee of the whole was laid upon the table.

A bill to hold court two weeks in New Hanover county, was read the second time, and the amendment reported by the committee on the judiciary, to strike out the 3d section, was adopted; yeas 61, nays 43.

The yeas and nays demanded by Mr. T. H. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question then recurring upon the passage of the bill as amended; the same was read the second time and rejected.

Mr. Barringer moved to reconsider the vote by which the bill to hold court two weeks in New Hanover county, was rejected; and on motion by Mr. T. H. Williams, the motion to reconsider was laid upon the table.

A resolution in favor of H. S. Smith was read the second time, and the substitute reported by the committee was adopted, and the same passed its second reading.

The rule being suspended, the resolution was read the third time, passed and ordered to be engrossed,
A bill to amend the charter of the town of Henderson, in the county of Granville, was read the second time, and
On motion by Mr. Amis, laid upon the table.
A bill to incorporate the town of Warsaw;
A bill to incorporate the Grand Royal Arch Chapter of North Carolina of Free and Accepted Masons;
A bill concerning fishing in Tar and Pamlico rivers; and
A bill for the protection of Sheep;
were severally read the second time, passed, and the rule being suspended, they were read the third time, passed and ordered to be engrossed.
The engrossed bill to authorize the Raleigh and Gaston Railroad Company, to take stock in the Roanoke Valley Company, and
The engrossed bill to amend an act entitled an act to incorporate the Neuse River Manufacturing Company, at the Great Falls of Neuse, in the county of Wake, were severally read the first time and passed; the rule being suspended, they were read the second and third time, passed, and were ordered to be enrolled.
A bill to amend an act ratified on the 29th of January, 1849, entitled an act to establish the Bank of Fayetteville, was read the second time; and
On motion by Mr. Singeltary, the same was referred to the committee of the whole House.
The engrossed bill to amend an act entitled an act to incorporate the trustees of Davidson College, passed at the session of 1838–9, having been heretofore read the second time, was taken up and passed its second reading; the same was read the third time, and
On motion by Mr. J. H. White, indefinitely postponed.
A bill to prohibit the sale of spirituous liquors to free persons of color, was read the second time, and the substitute reported by the committee on the judiciary, adopted and passed; the rule being suspended, the same was read the third time, and Mr. Smith submitted the following amendment: insert in the 6th line after the word "gift," "for the purpose of evading the provisions of this act;" which was adopted.
The hour having now arrived under the rule, the House took a recess.
The engrossed bill concerning agriculture and geology, which was under consideration when the House adjourned the evening session on yesterday, was taken up, and on motion by Mr. A. H. Caldwell, made the special order for to-morrow at 4 o'clock, P. M.

The Speaker laid before the House messages from the Senate, transmitting the following engrossed bills, in which they ask the concurrence of the House:

A bill concerning frauds and fraudulent conveyances;
A bill concerning legacies;
A bill concerning names;
A bill concerning mines;
A bill concerning offices;
A bill concerning oysters and other fish;
A bill concerning notaries;
A bill concerning mad dogs;
A bill concerning members of Congress;
A bill concerning overseers;
A bill concerning landlord and tenant;
A bill concerning literary fund and common schools;
A bill concerning marriage;
A bill concerning slander of women;
A bill concerning money in the hands of clerks;
A bill concerning public documents;
A bill concerning public printing;
A bill concerning mills and millers;
A bill concerning public debt;
A bill concerning surety and principal;
A bill concerning seamen;
A bill concerning weights and measures;
A bill concerning usury;
A bill concerning the poor;
A bill concerning public library;
A bill concerning ordinances and inns;
A bill concerning prisoners;
A bill concerning patrol;
A bill concerning strays;
A bill concerning rivers and creeks;
A bill concerning public arms;
A bill concerning pensions; and
A bill concerning official bonds.
The following engrossed bills were severally read the first time
and passed; and the rule being suspended, they were read the
second and third time, passed, and ordered to be enrolled:
A bill concerning seat of government;
A bill concerning landlord and tenant;
A bill concerning members of Congress;
A bill concerning overseers;
A bill concerning mad dogs;
A bill concerning notaries;
A bill concerning oysters and other fish;
A bill concerning offices;
A bill concerning names;
A bill concerning legacies;
A bill concerning frauds and fraudulent conveyances;
A bill concerning slander of women;
A bill concerning marriage;
A bill concerning money remaining in the hands of clerks and
others;
A bill concerning public documents;
A bill concerning public debt;
A bill concerning weights and measures;
A bill concerning surety and principal; and
A bill concerning official bonds.
A bill concerning the literary fund and common schools, was
read the first time and passed.
The rules being suspended, the same was read the second time.
A bill concerning mills and millers, was read the first time and
passed.
The rule being suspended, the same was read the second time,
and
Mr. Gorrell submitted the following amendment to section 2d:
"And provided further, That when the run or stream shall
be the boundary line between two counties, the petition shall be
filed in the superior court of the county in which the petitioner
resides."
Which amendment was adopted, and the bill as amended, passed its second reading.
The rule being suspended, the bill was read the third time and passed.
And a message sent to the Senate, asking their concurrence in the amendment.
The engrossed bill concerning public printing was read the first time and passed.
The engrossed bill concerning usury, was read the first time.
A bill concerning seamen was read the first time and passed;
And the rule being suspended, the same was read the second time.
A bill concerning mines, was read the first time and passed.
The rule being suspended, the same was read the second time,
and
Mr. J. G. Bynum moved to amend the bill by striking out the 1st, 2d, 3d and 4th sections.
Which amendment was adopted.
The bill as amended passed its second reading.
The rule being suspended, the bill was read the third time and passed;
And a message sent to the Senate, asking their concurrence in the amendment.
On motion by Mr. N. B. Whitfield, the House adjourned to tomorrow morning, 10 o'clock.

WEDNESDAY, JANUARY 17, 1855.
The Speaker laid before the House a communication from his Excellency, the Governor, transmitting sundry resignations of justices of the peace.
On motion by Mr. T. H. Williams, the same were sent to the Senate.
Mr. Long presented a memorial from citizens of Caswell, on the subject of temperance; and
Mr. A. H. Caldwell, a memorial from citizens of Rowan county, to open a public road in said county;
The same were referred to the committee on propositions and grievances.
Mr. Steele, from the committee on banks and banking, report-
ed back to the House the "bill to incorporate the bank of Salisbury," with sundry amendments; and unfavorably the "bill to authorize the business of banking;" which reports were received, and the bills referred to the committee of the whole House.

Mr. Myers, from the same committee, reported unfavorably the "bill to establish the bank of Shelby;" the report was received, and the bill referred to the committee of the whole House.

Mr. Singeltary, from the same committee, reported unfavorably "the bill to incorporate a bank in the town of Salem;" and "the bill to establish the bank of Halifax;" which reports were received, and the bills referred to the committee of the whole House.

Mr. J. G. Bynum, from the committee on the judiciary, reported back to the House the resolution instructing them to inquire into the expediency of allowing justices of the peace, for taking depositions, compensation, accompanied by a bill for that purpose, which was read the first time and passed.

Mr. Gorrell, from the same committee, to whom was referred a bill concerning executors and administrators, reported the same back to the House, with a substitute, which was read the first time and passed.

Mr. Dortch, from the same committee, reported favorably the bill concerning crimes and punishments.

Mr. Dortch, from the same committee, to whom was referred a resolution instructing them to inquire into the propriety of facilitating the means of taking the private examination of feme covert; also, a memorial from citizens of Cleaveland county, praying the alteration of the law of slander; also, a memorial praying for a mechanic's lien law, and a memorial from the grand jury of Cleaveland county, praying an alteration of the judicial circuit; reported the same back to the House, and asked to be discharged from their further consideration, which was concurred in.

Mr. Dortch, from the committee on the revival of the Statutes, reported back to the House the engrossed bill concerning evidence, and the pending amendment, and recommended the adoption of the same; and unfavorably a bill to amend the law as to taking the depositions of witnesses in cases of appeals, which latter bill was laid upon the table.

Mr. Dortch, from the same committee, reported back the resolution instructing them to inquire into the propriety of providing
by a rule of court, that issues of *devisavit vel non* shall be tried first in order of suits on docket, and asked to be discharged from the further consideration thereof.

Mr. Norment, from the committee on corporations, to whom was referred a bill to incorporate the Newbern and Neuse River Bridge Company, reported the same back to the House, and recommended its passage.

Mr. Waugh, from the committee on propositions and grievances, reported unfavorably a memorial from citizens of Hertford county praying the re-enactment of an act passed in 1848-'9;

Also, a memorial from citizens of Wilkes county in favor of Solomon Lyon;

Also, the bill and memorial to alter the county line between Caldwell and Watauga counties; and

Also, a bill to alter the county line between Ashe and Surry counties: and reported favorably a bill to repeal an act passed at the session of 1850-'51, authorizing Josiah O. Watson to construct a dam on Neuse river;

Also, a bill to repeal so much concerning public roads as requires persons of eighteen years of age to work on them, and for other purposes; and

A bill to prevent the obstruction of the passage of fish in the waters of South River and Adams' creek.

Mr. Settle, from the committee on claims, reported favorably upon the following resolutions:

A resolution in favor of J. M. Carroll;

A resolution in favor of Bartlet Upchurch;

A resolution in favor of C. C. Stone;

A resolution in favor of Neal M. Colvard;

A resolution in favor of A. H. Saunders; and

A resolution in favor of W. A. Winborn, with an amendment:

and unfavorably upon

A resolution in favor of J. A. Robertson;

A resolution in favor of Ephraim and T. Osborn; and

A resolution in favor of John Payne.

Mr. Lancaster, from the committee on private bills, reported favorably a bill to confirm a grant in favor of Richard S. Hall, and unfavorably a bill in favor of E. C. Bartlet, late sheriff of Ashe county.
Mr. Dargan, from the committee on military affairs, reported back a bill to repeal an act passed in 1848-'9, exempting certain persons from military duties, with an amendment, and recommended the passage of the same; and unfavorably, the bill to abolish the military system.

Mr. T. H. Williams, from the joint select committee, to whom was referred the memorial from the citizens of Wilmington, asking an appropriation to aid the Seaman's Friend Society of Wilmington, made a report in favor of the same accompanied by a resolution; and

On motion by Mr. Barringer, the same was ordered to be printed.

On motion by Mr. Love, the special order of the day being the bill to incorporate the Western Railroad Company, was postponed, and made the special order for Tuesday next, at 12 o'clock.

Mr. Leach moved to suspend the rule, to take up the bill to amend an act entitled an act, to incorporate the Atlantic and North Carolina Railroad Company.

On motion by Mr. Singeltary, the motion to suspend was laid upon the table.

Mr. Jones submitted the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary be instructed to enquire into the propriety of passing an act requiring the chairman of each county court in this State, to furnish the secretary of State, with the exact boundary of his county, hereafter, for the use and benefit of the Legislature of North Carolina.

Mr. G. M. White presented the following resolution, which was read and adopted:

Resolved, That the committee on the revisal of the Statutes, be instructed to enquire into the propriety of so altering the law relating to principal and sureties, as to prevent a creditor from taking judgment against one of several solvent sureties at his pleasure.

Mr. S. A. Williams submitted the following resolution, which was indefinitely postponed:

Resolved, That from and after Monday next, no member of the House shall occupy more than fifteen minutes in debating any one question.
Mr. Singeltary submitted the following resolution, which was read and adopted:

Resolved, That the committee on corporations prepare and report to the House, a general act of incorporation for towns and villages in this State.

Mr. Roland introduced a bill to incorporate the Valley River Mining Company, in the county of Cherokee;

Which was read the first time, passed and referred to the committee on corporations.

Mr. Rand, a bill to incorporate the Springfield Institute, in Wake county.

The same was read the first time and passed.

Mr. J. G. Bynum, a bill concerning the supreme court.

The same was read the first time and passed.

Mr. Gilliam, a bill to increase the pay of jurors and witnesses of Washington county.

The same was read the first time and passed.

Mr. Cansler, a bill to amend an act entitled an act, to provide for the better government of the town of Lincolnton, and to amend the existing laws of said town.

The same was read the first time and passed.

Mr. G. M. White, a bill for the better regulation of the town of Elizabethtown; which was read the first time and passed.

Mr. Sutton, a bill to incorporate the Lenoir and Duplin Plank-road Company; which was read the first time, passed, and referred to the committee on corporations.

Mr. Carmichael, a bill to incorporate the Yadkin Lodge of Free Masons, in the town of Yadkin; the same was read the first time and passed.

Mr. Shaw, a bill to amend an act incorporating the town of Clinton; the same was read the first time and passed.

The rule being suspended, it was read the second and third time, passed, and ordered to be engrossed.

Mr. T. H. Williams moved to take from the table the motion made by Mr. Barringer on yesterday, to reconsider the vote by which the bill to hold court two weeks in New Hanover county was rejected; which was agreed to, and the motion to reconsider was then taken up and carried; and the said bill having been read the second time,
Mr. J. G. Bynum submitted the following amendment, (to come in place section third:)

Be it further enacted, That the 2d section of the 38th chapter of the General Assembly, passed at the session of 1852, be, and the same is hereby repealed.

Which amendment was adopted, and the bill as amended, passed its second reading.

The rule being suspended, the bill was read the third time, passed, and ordered to be engrossed.

The House now proceeded to the consideration of the unfinished business of yesterday, being

A bill to prohibit the sale of spirituous liquors, &c., to free persons of color; the same having heretofore been read the third time.

Mr. Norment moved to strike out all after the enacting clause and insert.

Mr. Rand submitted an amendment to the amendment, and
On motion by Mr. Jones, the amendment was laid upon the table; yeas 67, nays 46.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The House now took a recess.
Three o'clock, P. M.

The Speaker laid before the House a message from the Senate, transmitting the following engrossed bills, in which they ask the concurrence of the House:

- A bill concerning wrecks;
- A bill concerning *quo warranto* and *mandamus*; and
- A bill concerning replevin.

Also, a message informing the House that they have passed the engrossed bill to prevent the felling and putting timbers in the Haw river and the Great Alamance river, in the county of Alamance, with an amendment striking out the second section.

The House concurred in the amendment, and informed the Senate thereof by message.

Also, a message transmitting recommendations for justices of the peace for the county of Camden, which were concurred in.

The following engrossed bills were read the first time and passed; the rule being suspended, they were severally read the second and third time and passed, and ordered to be enrolled:

- A bill concerning the poor;
- A bill concerning the public library;
- A bill concerning ordinaries and inns;
- A bill concerning prisoners;
- A bill concerning strays;
- A bill concerning patrol;
- A bill concerning rivers and creeks;
- A bill concerning wrecks;
- A bill concerning pensioners;
- A bill concerning public arms;
- A bill concerning *quo warranto* and *mandamus*; and
- A bill concerning replevin.

The engrossed bill concerning usury was read the second time, and on motion by Mr. Shepherd, laid upon the table.

Received from the Senate a message informing the House that the Senate refused to agree to the amendment proposed by the House to the engrossed bill concerning criminal proceedings.

The House insists upon its amendment, and the Senate informed thereof by message.

The engrossed bill concerning agriculture and geology was now taken up, and passed as amended its third reading; and
On motion by Mr. Jenkins, the title of the bill was amended by striking out "and geology," and the Senate was informed thereof by message, and their concurrence asked.

On motion by Mr. Singeltary, the House adjourned to to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 18, 1855.

Mr. Vance presented a memorial from citizens of Buncombe county, to exempt certain persons from working on the Greenville Plankroad;

Mr. Horton, a memorial from citizens of Watauga county for a public road;

Mr. Smith, a memorial from citizens of Halifax county, praying for an appropriation for the improvement of Roanoke river;

Mr. Winston, a memorial on the same subject from citizens of Bertie county; which were severally referred to the committee on internal improvements.

Mr. Outlaw, from the committee on corporations, to whom was referred a bill to incorporate the Statesville and Wilkesboro' Plankroad company, reported the same back to the House, and recommended its passage.

Mr. Myers, from the committee on Banks, to whom was referred a bill to incorporate the Farmers' and Miners' Bank, to be located in the town of Murphy, in the county of Cherokee, reported the same back to the House, and recommended that it do not pass.

On motion by Mr. Roland, the bill was referred to the committee of the whole House.

Mr. Dargan, from the committee on military affairs, to whom was referred a bill to create a scientific and military school and a State arsenal in this State, reported the same back to the House with sundry amendments, and recommended its passage.

Mr. Dortch, from the committee on the revisal of the Statutes, reported unfavorably upon the following bills:

A bill in relation to county courts; also,

A bill to authorize discoveries in courts of law in certain cases; and

A bill to render the writ of trespass on the case applicable to all cases where trespass *vi et armis* may now be used.
Mr. Dortch, from the same committee, reported back to the House the resolution instructing them to inquire into the propriety of so altering the law relating to principal and surety, as to prevent a creditor from taking judgment against one of several sureties at his pleasure, and asked to be discharged from its further consideration; which report was concurred in.

Mr. Dortch, from the committee on the judiciary, to whom was referred a bill to repeal in part the 1st section of 9th chapter of the Revised Statutes to encourage direct importation, reported the same back to the House with a substitute; which was read the first time and passed.

Mr. Dortch, from the same committee, reported unfavorably upon the following bills:

A bill concerning trials in capital cases;
A bill for the better administration of justice in the courts of pleas and quarter sessions of this State; and
A bill to punish placing obstructions on railroads, and for other purposes.

Mr. Dortch, from the same committee, reported back to the House a resolution, instructing them to enquire into the expediency of preventing the fictitious endorsement of bills, bonds &c. Also, a resolution instructing them to enquire into the propriety of providing for the removal of causes from the county to the superior courts, in certain cases.

Also, a resolution in relation to deeds of trust; and
Also, a resolution and memorial in relation to requiring retailers of spirituous liquors, to take an oath that they will not violate the law, &c., and asked to be discharged from the further consideration of the same.

Mr. Cansler, from the committee on internal improvements, to whom was referred a bill to complete the Turnpike Road from the head of Pungo River, to the Plymouth and Longacre Road; and
A bill for the draining of Mattamuskeet Lake, reported the same back to the House and recommended their rejection.

Mr. Mebane introduced a bill for the completion of the North Carolina Railroad.

The same was read the first time and passed.

Mr. Badham submitted the following resolutions:

Whereas, It is believed that an order commonly called "know
nothings," exists in the State of North Carolina, secret in its organization, and political in its designs; be it therefore,

Resolved, That the secrecy with which said order clothes its proceedings and purposes, is anti-republican, and dangerous in its tendencies.

The same was read, and Mr. Outlaw moved to lay it upon the table.

Which was carried; yeas 59, nays 48.

Yeas and nays demanded by Mr. Badham.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Love submitted the following resolutions:

Resolved, As the opinion of this General Assembly, that the acts of Congress of the United States, respecting the naturalization of foreigners, ought to be so amended as to require a longer residence before said foreigners shall become entitled to all the rights and privileges of native citizens of the United States.

Resolved further, That copies of the foregoing resolution be transmitted to our Senators and Representatives in Congress, by the Governor of this State; the same was read, and
On motion by Mr. Singeltary, it was laid upon the table; yeas 75, nays 35.

The yeas and nays demanded by Mr. Love.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Roland introduced a resolution in relation to Jacob Siler, agent of the State for the collection of Cherokee bonds.

The same was read the first time, passed, and referred to the committee on claims.

Mr. Hill introduced a bill to incorporate the Stokes Iron Mining Company.

The same was read the first time, passed, and referred to the committee on corporations.

Mr. Gorrell, a bill to amend an act passed in the year 1836, entitled an act to incorporate the town of Greensboro', in the county of Guilford.

The same was read the first time, passed, and referred to the committee on private bills.

Mr. Jenkins, a bill more effectually to prevent the sale of spirituous liquors to slaves.

The same was read the first time and passed.
Mr. S. A. Williams moved that said bills be printed; which was disagreed to.

Mr. Sharpe, a bill for the relief of citizens of Iredell county; which was read the first time and passed.

Mr. Meares, a bill for the better regulation of the town of Smithville; which was read the first time, passed and referred to the committee on corporations.

Mr. Bogle moved to take up the bill to amend an act entitled an act, to incorporate the Atlantic and North Carolina Railroad Company, and make it the special order of the day for to-morrow, at 12 o'clock.

Mr. Singeltary moved to amend the motion by striking out "said bill" and insert "the bill for draining swamp lands in Pitt county."

Mr. J. W. Neal moved to amend by substituting "the bill to increase the revenue of the State," and subsequently withdrew his motion, and the same was renewed by Mr. Phillips.

The question being taken upon Mr. Singeltary's amendment to strike out and insert, it was rejected; yeas 45, nays 64.

The yeas and nays were demanded by Mr. B. F. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Winston offered the following resolution as a substitute for the whole:

Resolved, That this House will not proceed to the passage of any appropriation bill, except that to complete the Central Railroad, until the revenue bill is disposed of in this House.

On motion by Mr. J. G. Bynum, the whole matter was laid upon the table.

Mr. Outlaw submitted the following resolution, which was read and adopted:

Resolved, That all motions in relation to the order in which business shall be taken up and disposed of, shall be decided without debate.

The House now took a recess until 3 o'clock, P. M.

Three o'clock, P. M.

The Speaker laid before the House a communication from the public treasurer, in compliance with a resolution of this House, transmitting a statement of the items of expense of the literary board for the past year.

On motion by Mr. S. A. Williams, the same was ordered to be printed.

The engrossed bill from the Senate concerning usury, was taken from the table; the same having been before read in this House the second time, Mr. Shepherd submitted the following amendment: insert in line 7, "only as to the interest so taken or reserved;" strike out all after the 7th line, ending with the words of the first amendment.

Mr. Outlaw submitted the following amendment: Strike out all after the word "shall" in the 10th line, and insert "be indictable in either the county or superior courts, and upon conviction, shall be fined and imprisoned at the discretion of the court;" which latter amendment was adopted; yeas 53, nays 50.

The yeas and nays demanded by Mr. Smith.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Shepherd now withdrew the amendments submitted by him, and Mr. Martin offered the following:

Resolved, That the law upon usury be and the same is hereby repealed.

Which was rejected.

Mr. Singeltary moved to amend the bill by striking out all after the word "void," which was rejected; yeas 21, nays 77.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

The bill as amended, now passed its second reading; the rule being suspended, the same was read the third time.

Mr. Mebane moved to amend by striking out the word "and" in the amendment before adopted, and insert "or."

Mr. Dortch moved to amend by striking out the whole of said amendment.

The question being first taken upon the latter amendment, it was rejected; yeas 38, nays 62.

Those who voted in the affirmative, were,

Messrs. Amis, Badham, A. Barnes, J. Barnes, Bryant, Bryson, Cosfield, Dortch, Dunn, Garland, M. Green, J. H. Headen, Humphrey, Jarvis, Lyon, McDuffie, McMillan, Martin, Myers, J. W. Neal, Norment, Patterson, Rand, Regan, Roland, Selby, Settle, Shepherd, Sherrill, Singeltary, Steele, Tomlinson, Waugh, Whitaker, G. M. White, Wilkins, B. F. Williams and D. Williams—38.

Those who voted in the negative, were,


Mr. Bryson moved to amend by striking out the words "and imprisoned," and subsequently withdrew it.

The question now recurring upon the amendment submitted by Mr. Mebane, it was adopted; yeas 59, nays 38.

The yeas and nays demanded by Mr. D. F. Caldwell.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. J. G. Bynum moved to amend the bill, by inserting after the word "imprisoned," "or both;" pending the consideration of which,

On motion by Mr. J. H. Headen, the House adjourned to tomorrow morning 10 o'clock.

FRIDAY, January 19, 1855.

Mr. Steele, from the committee on corporations, to whom was referred a bill to incorporate the Lenoir and Duplin Plankroad Company, reported the same back to the House, and recommended its passage.

Mr. J. M. Leach, from the committee on internal improvement to whom was referred a bill to amend and continue in force an act entitled an act to incorporate the Yadkin Navigation Company, chapter 65, statute 1850-'51, and to authorize subscription of stock on the part of the State, reported the same back to the House, and recommended its passage.

Mr. Love submitted the following resolution, which was read and adopted:

Resolved, That the joint select committee on Cherokee Lands
and the Western Turnpike Road, inquire into the expediency of amending the act of 1848, entitled an act to provide for a turnpike road from Salisbury west to the line of the State of Georgia, so as to provide for the keeping up of said road, legalizing the location thereof, and the appointment of toll gatherers, &c., and that they report by bill or otherwise.

Mr. Horton presented a petition for the appointment of certain persons justices of the peace for Watauga county, which was, on motion of Mr. Bogle, laid upon the table.

The speaker announced that the special order of the day for yesterday, having been superseded by other business, would now be taken up, being the resolutions heretofore introduced by Mr. Settle.

The resolutions were accordingly read, and Mr. J. M. Leach submitted the following amendment:

"Provided, That nothing contained in the foregoing resolution shall be construed into an approval of the new, odious and abominable doctrine of *squatter sovereignty*, the doctrine of allowing *unnaturalized foreigners* a voice in framing the organic law of a Territory, by which Southern men and slaveholders may be excluded from said Territory: *And provided further*, That nothing contained in said resolution shall be construed into a disapproval of the *Clayton amendment*, sought to be engrafted upon said act by a large majority of Southern members of Congress, for the protection of the Southern States of this Union: (to come in immediately after the first resolution.)

Mr. Outlaw moved to lay the resolutions and amendment upon the table; which motion was lost, yeas 50, nays 56.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,

Those who voted in the negative, were,


Mr. Baxter submitted the following amendment to the pending amendment: Strike out the words "new, odious and abominable," which was accepted.

Mr. Singeltary submitted the following amendment to the pending amendment:

Provided further, That we heartily approve the course of the Senator and Representatives from this State who supported said bill as it was finally passed.

Mr. D. F. Caldwell moved to lay the whole matter upon the table, which motion was lost, yeas 49, nays 59.

The yeas and nays demanded by Mr. Humphrey.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

The question now recurring upon the amendment submitted by Mr. Singeltary, it was adopted, yeas 72, nays 34.

The yeas and nays demanded by Mr. J. M. Leach.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltary now moved to lay the resolutions upon the table, which was carried, yeas 74, nays 35.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Baxter moved to take up the bill to amend an act, entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company.

Mr. Singeltary moved to amend the motion by substituting the bill to increase the revenue of the State.

Which motion was carried, and the bill was accordingly taken up and read the second time, and

On motion by Mr. Smith, the further consideration of the same was postponed, and made the special order of the day for Wednesday next at 11 o'clock, and from day to day until finally disposed of.

Mr. Carmichael moved to take up the bill to amend an act, entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company; which was carried, yeas 62, nays 46.

The yeas and nays demanded by Mr. Bogle.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

The bill was now taken up and read the second time.

Mr. Mebane submitted sundry amendments, pending the consideration of which, the hour arrived, and the House took a recess.

Three o'clock, P. M.

The House now resumed the consideration of the engrossed bill concerning usury, and the pending amendments.

Mr. Singeltary moved to add to the amendment the words, "and whipping;" which was lost.

The question recurring upon the pending amendment, it was rejected; yeas 34, nays 63.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,

Those who voted in the negative, were,
field, Whitlock, Wilkins, C. W. Williams, D. Williams, S. A. Williams and Wright—63.

Mr. Singeltary moved to amend the bill by striking out the word "six" wherever it occurs in the bill, and insert "seven."

Which was lost; yeas 3, nays 96.

The yeas and nays demanded by Mr. Bullock.

Those who voted in the affirmative, were,

Messrs. McDuffie, Shepherd and Singeltary—3.

Those who voted in the negative, were,


Mr. Shipp offered the following amendment:

And that the superior courts shall have exclusive jurisdiction of all indictments originating under this act;

Provided, That the fine shall never be less than the amount lent.

Which was adopted; yeas 61, nays 38.

The yeas and nays demanded by Mr. B. F. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,
Messrs. Amis, Badham, J. Barnes, Black, Bryson, Bullock, Davenport, Dunn, G. Green, M. Green, Harrison, Hill, Jarvis, Jenkins, Lyon, McDuffie, Martin, Myers, J. W. Neal, Norment, Rand, Regan, Roland, Rose, Russell, Settle, Shepherd, Sherrill, Steele, Tomlinson, Turner, Wilkins, B. F. Williams, C. W. Williams, D. Williams, Wright and Yancy—38.

Mr. Shepherd submitted the following amendment:
Provided, That nothing in this act contained, shall apply to the holder of any usurious note, bill of exchange, or bond made negotiable, who has purchased the same bona fide, and without notice of the usury.
Which was lost.

Mr. Singeltary moved to amend the bill by striking out the word "six" wherever it occurs, and insert "five."

Mr. J. M. Leach called for a division of the question, and the question being first taken on striking out, it was determined in the negative; yeas 13, nays 90.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Cofield moved that the bill be indefinitely postponed, and subsequently withdrew the motion, which was renewed by Mr. ———, and the question thereon was determined in the negative; yeas 14, nays 84.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,

Messrs. Amis, Badham, J. Barnes, Black, Gentry, Martin, Norment, Regan, Singeltary, Steele, Whitaker, C. W. Williams, Wright and Yancey—14.

Those who voted in the negative, were,


On motion by Mr. Outlaw, the vote by which the amendment submitted by Mr. Shipp was adopted, was reconsidered, and Mr. Outlaw submitted the following as a substitute for the same:

Strike out "either the county or superior courts," and insert "the superior courts;" and after the word "five," insert "provided the fine imposed shall in no case be less than the sum lent."

To which amendment Mr. Myers offered the following: To be fined an amount not less than the excess of interest so taken.

Mr. Singeltary moved to refer the bill and amendments to a select committee; which motion was lost.

The question being now taken upon the amendment submitted by Mr. Myers, it was rejected.
Mr. Roland offered the following amendment to the pending amendment:

And provided further, and it is the true meaning of this act, that the borrower shall likewise be subject to indictment in the superior courts, and fined in a sum not exceeding the sum borrowed.

Which amendment was rejected.

The question now recurring upon the amendment submitted by Mr. Outlaw, it was adopted, and the bill as amended passed its third reading; yeas 75, nays 28.

The yeas and nays demanded by Mr. Norment.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. S. A. Williams, by leave, introduced a bill concerning settlement of estates, which was read the first time and passed, and referred to the committee on the judiciary.

On motion by Mr. McKesson, the House adjourned to to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 20, 1855.

Mr. Steele, from the committee on corporations, to whom was referred a memorial from citizens of Buncombe county, praying
an amendment of the charter of the Asheville and Greenville Plankroad Company, reported the same back to the House, stating that a bill to carry out the prayer of the memorialists has been acted upon by the committee, and asked to be discharged from its further consideration, which report was concurred in.

Mr. Whitaker introduced a resolution in favor of Charles H. Thompson, which was read the first time and passed; the rule being suspended, it was read the second and third time and passed, and ordered to be engrossed.

Mr. Jordan introduced a bill to incorporate Albemarle and Norfolk Railroad Company, which was read the first time and passed, and referred to the committee on internal improvement.

Mr. Roland a bill to prevent obstructions to the passage of fish in Shooting creek, in the county of Cherokee, which was read the first time and passed, and referred to the committee on private bills.

Mr. Lyon, a bill to enlarge the jurisdiction of justices of the peace, which was read the first time and passed, and referred to the committee on propositions and grievances.

Mr. Gorrell a bill to incorporate the Holtsburg Manufacturing Company, which was read the first time and passed, and referred to the committee on corporations.

Mr. Stubbs, a bill to change the time of holding the court of pleas and quarter sessions in the county of Beaufort, which was read the first time and passed; the rule being suspended, the same was read the second and third time and passed, and ordered to be engrossed.

Mr. Walser, a bill to authorize James P. Stimpson to collect taxes; which was read the first time and passed.

Mr. J. H. Headen, a bill to incorporate the Chatham and Randolph Plankroad Company; which was read the first time and passed, and referred to the committee on corporations.

Also a bill to revive and continue in force an act, entitled an act to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same; which was read the first time and passed.

Mr. Gentry, a bill to incorporate the town of Jefferson, in the county of Ashe; which was read the first time and passed.

Mr. Singeltary submitted the following resolution; which, under the rule, lies over one day.
Resolved, That hereafter, no bill making an appropriation out of the treasury for any work of internal improvement whatever, shall be considered until the tax bill is finally disposed of.

On motion by Mr. Meares, the bill to establish a military and scientific school in this State was taken up, and made the special order of the day for Thursday next at 11 o’clock.

Received from the Senate a message, informing the House that they have agreed to the amendment proposed by the House to the engrossed bill concerning mills and millers, and the bill is ordered to be enrolled.

Also a message, informing that the Senate insists on its disagreement to the amendment proposed by the House to the engrossed bill concerning criminal proceedings, and invites a conference.

The House agrees to the conference, and the Speaker appointed Messrs. Dortch, Outlaw and Phillips on the part of the House to confer, and the Senate was informed thereof by message.

Message returned, informing that Messrs. Biggs, Hoke and Gilmer form the Senate branch of the committee of conference, and will meet the House branch in the library at one o’clock this day P. M.

Also a message, transmitting an engrossed bill to amend the constitution of the State of North Carolina, in which they ask the concurrence of the House; the said bill was read for the information of the House.

The House now resumed the consideration of the unfinished business of yesterday, being a bill to amend an act, entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company, and the pending amendments submitted by Mr. Mebane.

Mr. Singeltary moved to lay the same upon the table, and to take up the engrossed bill to amend the constitution of the State of North Carolina; which motion was lost: yeas 42, nays 55.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,

Messrs. Badham, A. Barnes, J. Barnes, Blow, Bryson, Bullock, J. B. Bynum, Cofield, Daughtry, Dunn, Flynt, Garland, Gentry, M. Green, Hill, Holland, Horton, Jarvis, Jenkins, Jordan, Long, Lyon, McDuffie, Mann, Martin, Meares, J. W. Neal,

Those who voted in the negative, were,

So the House refused to lay upon the table, and resumed the consideration of the unfinished business of yesterday.

Mr. Mebane withdrew the amendment submitted by him on yesterday, and offered the following, which were severally read and adopted:

Strike out in section 1st, the word "twelve" and insert "sixteen."

Strike out in section 5th, line 7th, "eight hundred thousand" and insert "to the amount of two thirds of the capital stock of said company."

In the 7th section, strike out all of the section after the words "necessary and current," and insert "bonds with coupons" attached.

Signed by the Governor, and countersigned by the public treasurer, and sealed with the great seal of the State, and made payable to or bearer, and the principal shall be payable at the end of thirty years from the date of the same, and coupons of interest payable semi-annually, in such form as may be prescribed by the public treasurer, shall be attached to the bonds, and the bonds and coupons attached, shall be made payable at such bank or place in the city of New York, or at the office of the public treasurer in Raleigh, as he, the public treasurer may think proper.

Provided however, That no such bond shall be issued for a sum less than five thousand dollars, and no bond shall be sold for a less sum than par value, and it shall be the duty of the public treasurer to enter in a book to be kept for that purpose,
andum of the bonds issued by virtue of this act; the number, date of issue, when and where payable, to whom issued, or to whom sold, and at what premium, if any, the same was sold by him.

Strike out section 8th and insert, "that the comptroller shall register the said bonds at large, in a book to be kept by him for that purpose, and shall charge the public treasurer with the amount thereof, and also with all such sums if any, as the public treasurer may obtain by way of premium on the sale of said bonds, an account of which the public treasurer shall render to the comptroller as soon as negotiations from time to time for the sale of said bonds are closed.

In section 9th, line 2d, strike out certificates and insert "coupon bonds," and in line 4th of 9th section, after the word "best," and state in the advertisement thereof, "that said bonds have coupons attached," and strike out 11th section.

In section 9th, line 5th, strike out the sum of "eight hundred thousand" and insert "for such amount of the capital stock owned by the State in said company."

In section 5th, line 6, after the word "taken," insert, "by solvent individuals or companies;" in same section and line, strike out "two" and insert "three."

Mr. Myers submitted the following amendment, which was rejected:

Provided further, That the construction of said Atlantic and North Carolina Railroad, shall be commenced at some point on Beaufort Harbor, and that said work shall be completed for the distance of twenty miles from the Harbor of Beaufort, as aforesaid.

Mr. Outlaw, from the joint committee of conference, upon the bill entitled a bill concerning criminal proceedings, submitted a report in writing.

Mr. Singeltary moved that this House do now adjourn to Monday morning, 10 o'clock.

The House refused to adjourn; yeas 44, nays 60.

The yeas and nays demanded by Mr. McKesson.

Those who voted in the affirmative, were,

Messrs. Amis, Badham, J. Barnes, Blow, Bryson, Cansler, Dargan, Daughtry, Dortch, Gentry, Harrison, J. H. Headen,

Those who voted in the negative, were,


The hour having now arrived, the House took a recess until three o’clock, P. M.

Three o’clock, P. M.

Mr. G. M. White moved that this House do now adjourn to Monday morning, 10 o’clock; which was agreed to; yeas 50, nays 31.

The yeas and nays demanded by Mr. Jarvis.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

MONDAY, JANUARY 22, 1855.

The Speaker announced the following committee on enrolled bills:


Mr. Norment presented a memorial from citizens of Robeson county on the subject of temperance; and

Mr. Shepherd a memorial from citizens of Cumberland county against dividing said county, which were referred to the committee on propositions and grievances.

Mr. Steele, from the committee on corporations, to whom was referred a bill to incorporate the Holtsburg Manufacturing Company; and

A bill to incorporate the Chatham and Randolph Plankroad Company, reported the same back to the House, and recommended their passage.

Also unfavorably, a bill to incorporate the Stokes Iron Mining Company.

Mr. Cansler, from the committee on internal improvements, to whom was referred a bill to incorporate the Mountain Railroad Company, and

A bill to authorize the State to subscribe stock in the Gulf and Graham Plankroad Company, reported the same back to the House, and recommended their passage.

Mr. Norment submitted the following resolution:

Resolved, That this House will go into night sessions from and after to-morrow, say from seven to nine o'clock each evening of this and next week.

Which was read and adopted; yeas 57, nays 46.

The yeas and nays demanded by Mr. Myers.

Those who voted in the affirmative, were,

Messrs. Badham, A. Barnes, J. Barnes, Bryant, Bullock, J. B. Bynum, A. H. Caldwell, Cansler, Cook, Dortch, Dunn, Flynt, Furr, Garland, Gentry, M. Green, Holland, Horton, Jarvis, Johnson, Jordan, Lancaster, H. Leach, Long, Lyon, McDuffie, McMillan, Mearns, Mebane, Myers, Norment, Oglesby, Phillips, Regan, Russell, Selby, Settle, Sharpe, Shepherd, Sher-

Those who voted in the negative, were,


Mr. G. M. White submitted the following resolution:

Resolved, That from and after to-morrow, this House take a recess from 2 P. M. to 7 P. M.; which, on motion by Mr. Bogle, was laid upon the table.

Mr. J. G. Bynum submitted the following resolution; which was read and adopted:

Resolved, That a select committee of five be appointed to inquire what interest the State has in Clubfoot and Harlow Creek Canal, the value of that interest, and whether any further legislation is necessary upon the subject; and that they report by bill or otherwise.

Mr. J. G. Bynum submitted a resolution concerning the distribution of the acts of the General Assembly; which was read the first time and passed.

Mr. Phillips presented a resolution in favor of Wilson Atwater; which was read the first time and passed, and referred to the committee on claims.

Mr. Love introduced a bill to amend an act, entitled an act to incorporate the Jonathan Creek and Mountain Turnpike Company, in the county of Haywood, passed at the session of 1846-'7; the same was read the first time, passed, and referred to the committee on claims.

Mr. C. W. Williams, a bill to incorporate the Yadkin Institute, in the county of Yadkin; which was read the first time and passed.
Mr. J. G. Bynum, a bill concerning the duties of grand jurors; the same was read the first time and passed.

A resolution submitted by Mr. Singeltary on Saturday last, proposing to pass no bills appropriating money until the tax bill is passed, was taken up and rejected; yeas 47, nays 63.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The Speaker announced that the unfinished business of Saturday would now be taken up, being the bill to amend an act entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company.

Mr. Singeltary moved to lay said bill upon the table, and to take up the bill to increase the revenue of the State.

Which motion was disagreed to, yeas 44, nays 65.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,

Messrs. Amis, Badham, A. Barnes, J. Barnes, Blow, Bryson, Bullock, J. B. Bynum, J. G. Bynum, Cansler, Daniel, Daugh-

Those who voted in the negative, were,


So the House refused to lay upon the table, and the said bill was accordingly taken up.

Mr. Singeltary moved to amend the same, by striking out the individual subscription, so as to make the State the sole owner.

Which was disagreed to, yeas 00, nays 112.

The yeas and nays demanded by Mr. Singeltary.

No person voted in the affirmative.

Those who voted in the negative, were,


Mr. Patterson submitted the following amendment, which was adopted:

Provided, That nothing contained in this act shall be so construed as to prevent the crossing or intersection of any other railroad, authorized by the General Assembly, with the aforesaid Atlantic and North Carolina Railroad, and at such point or points to erect the necessary buildings, for receiving and forwarding produce, merchandize, passengers, &c., to be transported on such intersecting road or roads.

The bill as amended passed its third reading; yeas 88, nays 22.

The yeas and nays demanded by Mr. J. H. White.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The special order of the day being the bill to incorporate a company, to construct a railroad from some point on the waters
of Beaufort Harbour, to the town of Fayetteville, was taken up, and

On motion by Mr. Humphrey, the consideration of the same was postponed, and the bill made the special order of the day for Monday next, at 12 o'clock.

Mr. Dortch moved that the bill to incorporate the Wilmington and Charlotte Railroad Company, be now taken up.

Which was agreed to; yeas 63, nays 47.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The said bill was accordingly taken up and read the third time.

Pending the consideration thereof, the hour arrived, and the House now took a recess until 3 o'clock.

—

Three o'clock; P. M.

Received from the Senate a message, informing that they have passed the engrossed bill, amending the 7th section of an act, entitled an act to incorporate a bank in the town of Washington, with an amendment; which was agreed to, and the Senate informed by message.
Also a message, informing that they have agreed to the amendment of the House, to the bill concerning criminal proceedings, amended as follows: add the words after the word "dead," in the 12th line of section 1st, "or by procurement or connivance hath removed out of the State;" which was agreed to, and the bill was ordered to be enrolled, and the Senate informed by message.

Received from the Senate a message, transmitting the following engrossed bills, in which they ask the concurrence of the House:

A bill concerning partition;
A bill concerning religious societies;
A bill concerning internal improvement; and
A bill concerning quarantine and health; which were severally read the first time and passed.

The rule being suspended, they were read the second and third time, passed, and ordered to be enrolled.

The engrossed bill concerning evidence was taken up, and the amendment reported by the committee on the revisal of the statutes adopted, and the bill, as amended, passed its third reading, and the Senate was informed by message, and their concurrence in the amendment asked.

The engrossed bill concerning seamen was taken up; the same having been read the second time,

On motion by Mr. D. F. Caldwell, it was indefinitely postponed.

A bill to incorporate the Greensborough, Madison and Virginia Plankroad Company, was read the third time, and amended by Mr. J. W. Neal, passed as amended, and ordered to be engrossed.

A bill concerning the Wilmington and Raleigh Railroad Company, was read the third time, amended by Mr. Smith, passed, as amended, and ordered to be engrossed.

A bill in favor of Thos. N. Alexander;

A bill to incorporate the Trent River Navigation Company; and the engrossed bill to cede to the United States of America a site for a beacon light on or near the point of Cape Hatteras, were severally read the third time, passed, and ordered to be engrossed, and the engrossed bill to be enrolled.
A bill to incorporate the Shelby Railroad Company, was taken up and read the third time, and

On motion by Mr. Holland, the further consideration was postponed, and the bill made the special order of the day for Friday next at 11 o'clock, A. M.

"The engrossed bill to authorize Wm. S. Ballinger, his associates and assigns to construct a dam across Neuse river, was read the third time, and Mr. Whitaker submitted the following amendment, which was adopted; amendment to be added to the proviso: "And if said dam shall be constructed in any other manner than is hereby authorized, it shall be deemed a public nuisance, and the corporation or party by whom it is erected, managed or controlled, shall be further liable to a penalty of five dollars for each and every day of its continuance, which may be recovered by any person suing for the same.'"

Mr. Tomlinson moved to strike out the amendment heretofore adopted by this House, which was refused.

Mr. Love moved to reconsider the vote by which the amendment submitted by Mr. Whitaker was adopted.

The House refused to reconsider, and the bill as amended passed its third reading, and the Senate was informed by message, and their concurrence asked in the amendment.

On motion by Mr. Vance, the House adjourned to to-morrow morning 10 o'clock.

TUESDAY, JANUARY 23, 1855.

Mr. J. G. Bynum presented a memorial praying the establishment of Golden Valley county, which, on his motion, was laid upon the table.

Mr. Patterson, from the committee on finance, made a report upon the books of the treasurer, which was read, and on his motion, transmitted to the Senate.

Mr. Dargan, from the committee on military affairs, to whom was referred a bill to repeal an act requiring the enrollment in the militia of free white men of the age of eighteen, reported the same back to the House, and recommended its passage.

Mr. Shepherd introduced a bill to incorporate the Locksville and Cumberland Plankroad Company; the same was read the
first time, passed, and referred to the committee on internal improvements.

Mr. Waugh, a bill to incorporate the Salem Society for the protection of property.

Which was read the first time, passed and referred to the committee on propositions and grievances.

Mr. Jarvis moved to take up the engrossed bill to amend the constitution of the State of North Carolina.

Which was agreed to; yeas 66, nays 43.

The yeas and nays demanded by Mr. Jarvis.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The said bill was accordingly taken up, the same having been read in this House the first time.

Mr. Baxter moved to amend the bill by striking out the whole of said bill and inserting the following:

A bill concerning a convention to amend the constitution of the State:

WHEREAS, divers propositions have been made for amending the constitution of the State, and this General Assembly has reason to believe that a large portion of the people of North Caro-
lina are desirous of amending the same; and although the General Assembly disclaims all right and power in itself, to ordain and establish amendments of the constitution, it is considered to be its duty to adopt measures for ascertaining the will of the people in the premises, and to carry that will into effect, in the most convenient and efficacious manner, when ascertained; therefore,

SEC. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the courts of pleas and quarter sessions of the several counties in the State, at the term thereof to be held next after the first day of April, one thousand eight hundred and fifty-five, shall appoint two inspectors to superintend the polls to be opened at each and every separate election precinct in said counties, for ascertaining by ballot the will of the freemen of North Carolina relative to the calling of a State Convention; and if any such court or courts shall fail to make such appointments, or if any person so appointed shall fail to appear and act as such at the election hereinafter directed to be held, it shall be the duty of the sheriff of the county, or his deputy at any precinct, with the advice of one justice of the peace, or if no justice be present, with the advice of three freeholders, to appoint an inspector, when the court shall have failed to make an appointment, or in place of any person who has been appointed and failed to appear and act; and the inspector or inspectors thus appointed, when duly sworn by some justice of the peace faithfully to perform their duties in such election, shall have the same authority as if appointed by a court as aforesaid.

2. That it shall be the duty of the sheriff, in each and every county in the State, to open polls at the several election precincts in his county, on the first Thursday in August next, when all persons qualified according to the constitution to vote for members of the House of Commons may vote for or against a State Convention to amend the constitution; those desiring such convention to vote with a written or printed ticket "Convention," and those not wishing a Convention, to vote with a like ticket "No Convention."

3. That it shall be the duty of the said sheriffs to make duplicate returns of the polls in their respective counties, sworn to before the clerk of the county court, one copy of which shall be de-
posited in said clerk's office, and the other copy transmitted to the Governor of the State at Raleigh, within ten days after the holding of said polls.

4. That it shall be the duty of the Governor, as soon as he shall have received the returns of the sheriffs, in the presence of the secretary of State, public treasurer, and comptroller, to compare the votes for and against a convention; and if it shall appear that a majority of the votes polled are in favor of it, he shall forthwith issue his proclamation announcing the result, in three newspapers published in the city of Raleigh; and he shall likewise issue a writ of election to every sheriff in the State, requiring him to open polls for the election of delegates to a convention, under the same regulations and penalties, that are prescribed for holding other State elections, on the first Thursday in October, A. D. 1855.

5. The persons who shall have been inspectors in the election for taking the vote on convention, shall act in the same capacity in the election of delegates; but in case of failure, the vacancies shall be supplied in the manner provided as aforesaid.

6. That the several county courts shall allow the sheriff the same compensation for this as for other elections; and any sheriff or other officer appointed to hold said elections who shall fail in his duty, according to the requirements of this act, shall forfeit and pay to the State the sum of one thousand dollars, to be recovered in the name of the State, in a suit to be immediately instituted by the solicitor of the circuit, before the superior court of the county.

7. That all persons qualified to vote for members of the House of Commons under the present constitution, shall be entitled to vote for members of the said convention; and all free white men, citizens of this State, who shall have resided in the same for two years next before said election, and at the time thereof are eligible to the House of Commons under the present constitution, shall be eligible to a seat in said convention.

8. That each county in the State shall be entitled to elect and send to said convention the same number of members that she is entitled to in the House of Commons, under the apportionment now existing; and if any vacancy shall happen by death or otherwise, after such election, and before the meeting of said conven-
tion, the Governor shall immediately issue a writ of election to supply such vacancy.

9. That the delegates so chosen shall convene in the city of Raleigh on the first Monday of December, A. D. 1855; a majority of all those elected shall constitute a quorum for the transaction of business; and if a quorum shall not attend on that day, those assembled may adjourn from day to day, until a quorum shall appear and qualify.

10. That no elected delegate shall be permitted to take his seat in said convention until he shall have taken an oath to support the Constitution of the United States and also the following oath, namely: "I (A. B.) do solemnly swear or affirm (as the case may be) that I will faithfully and impartially perform my duty in this convention, by revising the Constitution of this State, and proposing and supporting amendments to the same in such particulars only as in my opinion the public good shall require. So help me God."

11. That the public treasurer be, and he is hereby authorized to pay upon the warrant of the Governor, such sums as may be necessary for the contingent charges of the convention, and also to each member of the convention two dollars per day for his service in the same, and five cents per mile for his travelling expenses to and from said convention.

12. That it shall be the duty of the Governor, immediately after the passage of this act, to transmit a copy of the same to each and every clerk of a county court, to be posted at the door of the court house of his county, and to cause the same to be published in at least two newspapers in the State, until the meeting of said convention.

13. That by the vote of the people in favor of a convention, in the manner herein before provided, this act shall be considered to have been ratified and its provisions ordained by them; and the delegates elected as aforesaid, in convention assembled, shall have power to consider and propose such amendments to the Constitution of North Carolina as to them shall seem best suited to establish justice, ensure domestic tranquility, and preserve the blessings of liberty in the present condition of the people of the State.

14. That the said convention shall have power, and it shall be its duty to adopt ordinances for submitting such amendments as
they may propose to the suffrages of the freemen of the State, qualified to vote in the House of Commons, at such time as shall be designated by itself; and a majority of their votes shall determine the question of their ratification or rejection: And the said convention shall also provide all necessary ordinance, and regulations for carrying into effect the constitution as amended, provided the same shall be ratified by the popular vote as aforesaid.

15. That this act shall be in force from its ratification.

Mr. Shepherd asked for a division of the question, and the same being first taken upon striking out, it was determined in the negative; yeas 39 nays 74.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the amendment was rejected; and Mr. Baxter submitted the following amendment:—Strike out all of the first section after the words "thirty-five," and insert.

"And the fifth, sixth, seventh, eighth, thirteenth, fifteenth and thirty-third sections of the constitution of this State, ratified on the 18th day of December, A. D. 1776, be and the same are hereby
abrogated and annulled," and the following substituted in lieu thereof:

Every free white man, of the age of twenty-one years, being a native or naturalized citizen of the United States, and who has been an inhabitant of this State for twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to a vote for a member of the Senate and members of the House of Commons, for the district and county in which he resides.

Sec. 2. The judges of the supreme court and judges of the Superior courts of law and equity, shall hereafter be appointed and commissioned in such manner, and hold their offices for a term not less than six years, as the General Assembly by law may direct.

Sec. 3. All justices of the peace within the several counties of this State shall hereafter be elected for a term not less than four years, by the qualified voters for members of the General Assembly, at such times and in such manner as may be prescribed by law, and they shall be commissioned by the Governor, and removable for misbehavior, absence or inability.

Sec. 4. No person under thirty years of age, and who is not a native or naturalized white citizen of the United States, and a resident of the State for five years immediately preceding his election, shall be eligible as Governor.

Mr. Smith submitted the following as an amendment to the amendment of Mr. Baxter.

Resolved, That the bill and amendment be referred to the committee on constitutional reform, with instructions to report a change for the qualifications of voters for the Senate, and the election of judges and justices of the peace by the people.

Which was rejected; yeas 7, nays 106.

The yeas and nays demanded by Mr. Smith.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

The question now recurring upon the amendment submitted by Mr. Baxter, Mr. J. B. Bynum asked for a division of the question, and the question being first taken upon striking out, it was determined in the negative; yeas 45, nays 67.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

lock, Wilkins, C. W. Williams, D. Williams, S. A. Williams, T. H. Williams, Wright and Yancey—67.

Mr. Baxter then moved to amend the bill by adding thereto sections 2nd, 3rd and 4th of the last amendment submitted by him, and asked that the vote be taken on each section separately.

The question being taken upon the second section, it was rejected; yeas 45, nays 67.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question upon the third section of said amendment, was determined in the negative; yeas 43, nays 68.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Mr. Outlaw, moved, to amend the pending 4th section of the amendment, by striking out the word "naturalized;" which was lost, yeas 30, nays 82.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

The question now recurring upon the 4th section of Mr. Baxter's amendment, it was rejected; yeas 44, nays 68.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Mebane submitted the following amendment:
“And also for members of the House of Commons in the county in which they reside.”

Pending the consideration of which, the hour arrived under the rule, and the House took a recess until three o'clock, P. M.

Three o'clock, P. M.

Mr. Patterson submitted the following resolution, which under the rule lies over one day:
Resolved, That the resolution adopted by this House, prescribing that the afternoon sessions shall be devoted exclusively to the consideration of the Revised Statutes, be and the same is hereby rescinded.

Mr. Singeltary moved that the rules be suspended, so as to take up bills upon their second reading; which was carried.
Mr. A. H. Caldwell moved to re-consider the vote by which was adopted the resolution relating to night sessions.
Which was carried; yeas 60, nays 41.
The yeas and nays demanded by Mr. Jarvis.
Those who voted in the affirmative, were,
Those who voted in the negative, were,
On motion by Mr. Patterson, the resolution was then laid upon the table.
A bill to incorporate the Fair Bluff and Conwayboro' Plankroad Company;
A bill to incorporate the Whitesville and Iron Hill Plankroad Company;
A bill concerning hogs running at large in the streets of Elizabeth City in the county of Pasquotank;
A bill to incorporate the Dobbin House Company in the town of Fayetteville;
A bill to incorporate the Guilford Gold and Copper Mining Company; and
A bill to alter the times of holding the courts of pleas and quarter sessions for the county of Hyde,
Were severally read the second time, amended and passed.
The rule being suspended, the same were read the third time, passed and ordered to be engrossed.

A bill to authorize the formation of limited partnerships, was taken up, and, on motion by Mr. Steele, laid upon the table.

A bill to incorporate the town of Franklin, was read the second time and passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

A bill to lay off and establish a new county by the name of Ruffin, was read the second time and rejected; yeas 30, nays 72.

The yeas and nays demanded by Mr. Stubbs.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


On motion by Mr. J. Barnes, the bill to establish the county of Wilson was taken up and read the second time.

Mr. Bryant submitted the following amendment:

Sec. —. Be it further enacted, That all that portion of Edgecombe county, comprised within the following boundaries, viz.: Beginning on Fish creek, where Halifax, Edgecombe and Nash counties corner, running down the various courses of said creek to where the Wilmington and Raleigh railroad crosses said creek; thence along said railroad to where the proposed line of Wilson county crosses said railroad; thence along said line to the Nash
county line, be and the same is hereby annexed to, and shall form a part of the county of Nash.
Which was rejected; yeas 28, nays 69.
The yeas and nays demanded by Mr. Bryant.
Those who voted in the affirmative, were,
Those who voted in the negative, are,
Mr. Bryant submitted the following amendment:
Provided, a majority of the qualified voters for members of the House of Commons in each of the counties of Edgecombe and Nash shall vote for the division aforesaid, at an election to be held according to the provision of an act to be passed supplemental to this act; which was rejected, and the bill then passed its second reading; yeas 72, nays 23.
The yeas and nays demanded by Mr. Bryant.
Those who voted in the affirmative, were,

Those who voted in the negative, were,


The rule being suspended, the bill was read the third time, passed, and ordered to be engrossed.

Mr. Shipp moved to reconsider the vote by which was passed the bill to amend an act, entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company, and to lay the motion upon the table; the question first being taken upon laying on the table, it was disagreed to: yeas 36, nays 67.

The yeas and nays demanded by Mr. G. Green.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Shipp now withdrew his motion to reconsider.
On motion by Mr. Love, the House adjourned to to-morrow morning 10 o'clock.

WEDNESDAY, January 24, 1855.

Mr. Jordan, from the joint select committee on the deaf and dumb and blind asylum, made a report accompanied by a bill, which was read the first time and passed; and

On motion by Mr. Patterson, the report and bill were ordered to be printed.

Mr. J. B. Bynum, from the committee on constitutional reform, to whom was referred a bill to ascertain the will of the free white men of North Carolina on calling a convention, reported the same back to the House, and recommended its rejection.

Mr. Steele introduced a resolution in favor of John W. Garland; the same was read the first time, passed, and referred to the committee on claims.

Mr. Gentry, a resolution in favor of John Crouse, which was read the first time and passed; the rule being suspended, the same was read the second and third time, passed, and ordered to be engrossed.

Mr. Tomlinson, a bill concerning the free passage of fish up Neuse river; the same was read the first time and passed.

The resolution introduced by Mr. Patterson on yesterday, to rescind the resolution devoting the evening sessions exclusively to the consideration of the Revised Statutes, was taken up, and

On motion by Mr. Patterson, laid upon the table.

Mr. Steele moved to take up the unfinished business of Monday, being the bill to incorporate the Wilmington and Charlotte Railroad Company, which was agreed to; yeas 71, nays 38.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The said bill was accordingly taken up, and the same having been heretofore read the third time,

Mr. Meares moved to amend by inserting in the 2d section, after the word "Wilmington,", the words "or Smithville;" which was adopted.

Mr. Shepherd submitted the following amendment, which was read and adopted:

Sec. 45. Be it further enacted, That any other Railroad Company incorporated by the General Assembly of this State, shall have leave to make a connection with the said Wilmington and Charlotte Railroad, and at the point or points of connection shall have leave to erect the necessary buildings for receiving and forwarding produce, merchandise and passengers, to be transported on such intersecting road or roads.

Mr. J. G. Bynum submitted the following amendment:

Sec. 45. Be it further enacted, That for the purpose of continuing said road to a point at or near the town of Rutherfordton, the said capital stock of said company shall be increased one million of dollars.

Sec. 46. Be it further enacted, That subscription books to raise said capital stock shall be opened in the town of Charlotte by W. W. Elms, William Johnson, C. J. Fox, Gen. John A. Young, Wm. R. Myers, or a majority of them; at Lincolnton by Henry Cansler, J. F. Hoke, L. D. Childs, J. T. Alexander, B. Johnson, or a majority of them; at Dallas by J. H. White, Andrew Hoyle, David Jenkins, Jasper Stowe, Dr. Wm. Sloan, or a majority of them; at Shelby by Dr. W. J. T. Miller, Dr. Thomas Williams, Charles
Blanton, William Roberts, C. C. Durham; or a majority of them; at Rutherfordton by William H. Miller. Samuel Wilkins, Robt. G. Twitty, J. B. Justice and A. G. Logan; or a majority; and at such other places and by such other persons as a majority of the commissioners in the town of Charlotte may direct; which said subscriptions shall be made under the same conditions and restrictions as are prescribed in the preceding sections of this act.

47. Be it further enacted, That as soon as the amount of one-third of said increased capital stock shall be paid in and expended in the construction of said road from Charlotte to Rutherfordton, and when the company shall have complied with the terms and conditions in every particular, as prescribed in the 36th, 37th, 38th, 39th, 40th, 41st, 42d, 43d and 44th sections of this act, then the public treasurer shall endorse the bonds of the company for the remaining two-thirds of the increased capital, under the same restrictions, liabilities and conditions as prescribed in the said before recited sections of this act.

48. Be it further enacted, That the subscriptions authorized in the 46th section of this act, shall be solely for the continuation of the road from Charlotte to a point at or near Rutherfordton, and shall be expended for no other purpose whatever; and if the said one-third amount of the increased capital stock is not raised, the said Wilmington and Charlotte Railroad Company shall be under no obligation to continue said road beyond the town of Charlotte.

49. Be it further enacted, That the said extension from Charlotte to Rutherfordton, shall be located by the stockholders who shall subscribe for said extension, and that it shall be the duty of the said Wilmington and Charlotte Railroad Company to cause the road to be constructed upon the route located by said stockholders.

Which amendment was adopted; yeas 64, nays 31.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

The question now recurring upon the passage of the bill as amended, its third reading, it was passed; yeas 65, nays 48.

The yeas and nays demanded by Mr. Dargan.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Ordered that said bill be engrossed.

The unfinished business of yesterday was now taken up, being the bill to amend the constitution of North Carolina, and the pen-
Mr. Baxter appealed from the decision of the Speaker, and the House sustained the decision.

Mr. Mebane submitted the following amendment:

"Every free white man of the age of twenty-one years, who has been an inhabitant of the State for twelve months immediately preceding the day of any election, and shall have paid a public tax, shall be entitled to vote for a member of the Senate, for the district in which he resides."

Pending the consideration of which,

Mr. Baxter moved that the hour of recess be postponed until the vote be taken upon the passage of the bill its first reading.

Upon which he demanded the yeas and nays.

Before the roll was called, the hour arrived and the House took a recess until three o'clock, P. M.

Three o'clock, P. M.

The resolution to rescind the resolution restricting the business of the evening sessions to the consideration of the Revised Statutes; was,

On motion by Mr. Patterson, taken from the table and adopted.

The House now resumed the consideration of the bill to amend the constitution of the State of North Carolina, and the pending amendment.

The amendment was rejected; yeas 2, nays 104.

The yeas and nays demanded by Mr. Mebane.

Those who voted in the affirmative, were,

Messrs. Horton and Myers.

Those who voted in the negative, were,


Mr. Mebane offered the following amendment:

Provided, nothing herein contained shall be so construed as to authorize unnaturalized foreigners to vote for members of the House of Commons; which was rejected: yeas 51, nays 54.

The yeas and nays demanded by Mr. Mebane.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question now recurring upon the passage of the bill its first reading, it was passed, more than the constitutional majority voting therefor.

The yeas and nays demanded by Mr. Jarvis.

Those who voted in the affirmative, were,

Messrs. Speaker, Badham, A. Barnes, J. Barnes, Barringer,

Those who voted in the negative, were,

On motion by Mr. Cofield, the bill to lay off and establish a new county by the name of Henry, was taken up and read the second time, and amended by striking out the word "Henry," and inserting "Cape Fear;" the bill as amended, passed its second reading; yeas 64, nays 38.

The yeas and nays demanded by Mr. Shepherd.
Those who voted in the affirmative, were,

Those who voted in the negative, were,
Messrs. Amis, Bogle, Bullock, A. H. Caldwell, D. F. Cald-

On motion by Mr. Whitaker, the House adjourned to to-morrow morning 10 o'clock.

THURSDAY, January 25, 1854.

On motion by Mr. S. A. Williams, the vote by which the report of the joint select committee on the Deaf, Dumb and Blind Asylum was ordered to be printed, was reconsidered; and on his motion the same was sent to the Senate with a proposition to print.

The Speaker laid before the House a communication from his Excellency, the Governor, transmitting a proposition from W. A. Jones, (sculptor) of New York, on the subject of repairing and restoring the statue of Washington by Canova; and on motion of Mr. J. B. Bynum, the same was sent to the Senate.

The Speaker also laid before the House a message from his Excellency, the Governor, concerning the public arms, accompanied by the report of the Adjutant General.

On motion by Mr. Steele, the same was sent to the Senate with a proposition to refer to the committee on military affairs.

Mr. Humphrey presented memorials from citizens of Onslow county, to prohibit the sale of spirituous liquors within two miles of the Richlands Male and Female Academy, which was referred to the committee on education.

Mr. Shepherd, from the committee on finance, to whom was recommitted the engrossed bill to make compensation to justices of the peace for taking the lists of taxable property, with instructions to report an amendment giving to the magistrates of each district, that shall take the tax list therein, one per cent, of all the taxes that shall be levied on the property that may be listed before the magistrate; and to amend the act giving compensation to sheriffs, so that they shall receive only five per cent. for collecting the taxes instead of six per cent. as the law now provides, re-
ported a bill for that purpose, and recommended that it do not pass, stating sundry reasons for the same.

Mr. Shepherd, from the same committee, under the resolution instructing them to inquire into the expediency of selling the State lots in and near the city of Raleigh, reported a bill to authorize the sale of the State lots near the city of Raleigh, which was read the first time and passed.

Mr. Shepherd, from the committee to whom was referred a bill, to authorize justices of the peace to correct errors in the enlistment of taxables, reported the same back to the House and recommended that it do not pass.

And also, a bill to amend the 36th section of an act entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company, passed at the session of 1852, and recommended its passage.

Mr. Baxter, from the committee on the judiciary, to whom was recommitted a bill to amend an act passed at the session of the Legislature of 1850-'51, entitled an act to incorporate the McDowell and Yancey Turnpike Company, reported a substitute, and recommended its passage.

Mr. Dortch, from the same committee, to whom was referred the bill concerning settlement of estates, reported the same back to the House and recommended that it do not pass.

Mr. Dortch, from the same committee, reported back to the House the resolution instructing them to enquire into the propriety of requiring the chairman of each county court, to furnish the secretary of State, the exact boundaries of his county, and the resolution instructing them to enquire into the expediency of passing a law to prevent the destruction of life and property on railroads, and asked to be discharged from their further consideration.

Mr. Settle, from the committee on claims, to whom was referred a bill to amend an act entitled an act, to incorporate the Jonathan's Creek and Mountain Turnpike Company, in the county of Haywood, passed at the session of 1846-'7, reported the same back to the House and recommended its passage.

Mr. Lancaster, from the committee on private bills, to whom was referred a bill accompanied by a memorial, to emancipate Margaret and Mary Elizabeth, slaves, reported the same back to the House and recommended that it do not pass.
Mr. Shepherd presented a memorial from citizens of Cumberland county, against dividing said county in a certain way, which lies upon the table.

Mr. Meares introduced a bill to cede to the United States a tract of land near Wilmington,
Which was read the first time, passed and referred to the committee on the judiciary.

Mr. Mann, a bill to incorporate the Pasquotank and Perquimans Plankroad Company.
The same was read the first time, passed and referred to the committee on internal improvements.

Mr. Oglesby, a bill to extend the corporate limits of the town of Beaufort;
Which was read the first time, passed and referred to the committee on corporations.

Mr. C. W. Williams, a bill to authorize the Governor to furnish weights and measures to Yadkin county.
The same was read the first time and passed.

Mr. March, a bill to authorize Alexander M. Booe, sheriff of Davie county, to collect arrears of taxes due him, and the same extended to the collection of taxes due to W. B. March;
Which was read the first time, passed and referred to the committee on private bills.

On motion by Mr. Jenkins, the resolution in favor of W. H. Windsor, was taken up and read the second time and passed.
The rule being suspended, the same was read the third time, passed and ordered to be engrossed.

On motion by Mr. Sharpe, the bill for the relief of the citizens of Iredell county, was taken up and read the second time and passed; the rule being suspended it was read the third time, passed, and ordered to be engrossed; and
On motion by Mr. Sharpe, the rule was suspended, so as to send the bill immediately to the Senate.

On motion by Mr. Amis, the resolution in favor of John B. Debnam, was taken up and re-committed to the committee on claims.

On motion by Mr. Singeltary, the House now proceeded to the consideration of the bill to increase the revenue of the State; the bill having been before read the second time, the House now
agreed to read the bill by sections for amendment. Whereupon,

On motion by Mr. Singeltary, the House resolved itself into committee of the whole to consider the same, Mr. Singeltary in the chair.

The committee rose, reported progress, and asked to sit again.

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

FRIDAY, January 26, 1855.

Mr. Houston presented a memorial from citizens of Duplin county on the subject of the liquor traffic, which was read and referred to the committee on propositions and grievances.

Mr. Settle, from the committee on claims, to whom was referred the resolution in favor of John W. Garland, reported the same back to the House, and recommended its passage.

Also the resolution in favor of Reuben Watts, sheriff of Alexander county, with an amendment, and recommended its passage.

Mr. Bullock submitted the following resolution:

Resolved, That from and after to-day the House meet in session at 3 P. M., and continue until 6 P. M.

Which was read, and Mr. J. M. Leach moved to lay the resolution upon the table, which motion was lost; yeas 31, nays 67.

The yeas and nays demanded by Mr. Bullock.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

lock, B. F. Williams, C. W. Williams, Wright and Yancey—68.

The resolution was then adopted.

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

Resolved, That a message be sent to the Senate, proposing to raise a committee of two on the part of the Senate, and two on the part of the House, to examine into the business before the two Houses, and report when the General Assembly may adjourn.

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

Resolved, That the treasurer be requested to inform this House what arrangements were made for meeting the State's liabilities in the city of New York on the 31st December last.

Mr. Whitaker introduced a bill to amend an act for the government of the city of Raleigh, which was read the first time and passed; the rule being suspended the same was read the second and third time and passed, and ordered to be engrossed.

On motion by Mr. Whitaker, the rule was suspended, and the bill sent to the Senate.

Mr. Barringer, a bill to punish the fraudulent issue of stock of incorporated companies, which was read the first time, passed and referred to the committee on the judiciary.

Mr. Thornburg, a bill to incorporate the Randolph and Thomasville Turnpike or Plankroad Company; the same was read the first time, passed and referred to the committee on corporations.

Mr. Humphrey, a bill to prohibit the sale of spirituous liquors within two miles of Richland Academies, in the county of Onslow, which was read the first time; passed and referred to the committee on education.

Mr. Yancey, a bill to incorporate the Sulphur Spring Plankroad or Turnpike company, in Madison and Buncombe counties, which was read the first time, passed and referred to the committee on corporations.

Mr. J. G. Bynum, from the select committee on the Geological Survey of the State, made a report on that subject with resolutions attached.

On motion by Mr. Barringer, the report and resolutions were ordered to be printed.
The Speaker announced the unfinished business of yesterday, being the bill to increase the revenue of the State, would now be taken up, and thereupon, on motion of Mr. D. F. Caldwell, the House resolved itself into committee of the whole to consider the same.

After considering said bill the balance of the day, the committee rose, and the Speaker resumed the chair.

Mr. Singeltary reported progress, and asked leave to sit again, which report was concurred in.

On motion by Mr. Gilliam, the House adjourned to to-morrow morning, 10 o'clock.

SATURDAY, January 27, 1855.

Received from the Senate a message, concurring in the proposition to appoint a committee of two on the part of each House, to examine the business before them, and report a time for adjournment; and informing that Messrs. McDowell and Haughton form the Senate branch of said committee, and the Chair appointed Messrs. Gorrell and Settle, on the part of the House.

Mr. Patterson presented a memorial from citizens of Caldwell county, concerning a public road; the same was referred to the committee on internal improvement.

Mr. Humphrey, from the committee on education, to whom was referred a bill to prohibit the sale of spirituous liquors within two miles of Richland Academies, in the county of Onslow, reported the same back to the House, and recommended its passage.

Mr. Waugh, from the committee on propositions and grievances, to whom was referred a bill providing for the surveying and making out the dividing line between Duplin and Sampson counties, reported the same back to the House, with an amendment, and recommended its passage.

Also, unfavorably a bill to enlarge the jurisdiction of justices of the peace.

Mr. Waugh, from the same committee, to whom was referred a memorial to lay off a public road in Wilkes county, and sundry memorials to change the time of holding the county courts of Beaufort, reported the same back to the House, and asked to be
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discharged from their further consideration; which reports were concurred in.

Mr. Cansler, from the committee on internal improvement, reported favorably the bill to incorporate the Lockville and Cumberland Plankroad Company; and

The bill to alter and amend an act passed by the General Assembly at the session of 1848-’9, entitled an act to incorporate the Fayetteville and Western Plankroad Company; and

Unfavorably upon the petition for a public highway in the county of Watauga; which latter report was concurred in.

Mr. Yancey, from the same committee, to whom was referred a bill to incorporate the Albemarle and Norfolk Railroad Company, reported the same back to the House, and recommended its rejection.

Mr. Mcbane introduced a bill to fix and settle the dividing line between the counties of Chatham and Alamance; which was read the first time and passed.

Mr. G. Green, a bill to authorize Jas. W. Chadwick, late sheriff of Craven county, to collect arrears of taxes; which was read the first time, passed, and referred to the committee on propositions and grievances.

Mr. Barringer, a bill to incorporate the Excelsior Gold Mining Company, in Cabarrus county; the same was read the first time, passed, and referred to the committee on corporations.

Mr. Yancey, a bill to lay off and improve a public road from Forks of Ivy to the top of the dividing ridge in Madison county; which was read the first time and passed.

Mr. L. Whitfield, a bill to establish a toll bridge across Neuse River; which was read the first time and passed.

Mr. Martin, a bill to extend the corporate limits of the town of Franklinton, in Franklin county; which was read the first time and passed: the rule being suspended, the same was read the second and third time, passed, and ordered to be engrossed.

Mr. Gentry, a bill to lay off a public road in Ashe county; the same was read the first time, passed, and referred to the committee on internal improvement.

The Speaker laid before the House a message from the Senate, transmitting the following engrossed bills and resolution, in which they ask the concurrence of the House:
A bill concerning the Fayetteville and Centre Plankroad Company;
A bill to incorporate the New River Navigation Company;
A bill to recharter the Bank of Cape Fear;
A resolution directing the Literary Board to loan money to the Clinton Female Institute; and
A bill to incorporate the Western North Carolina Railroad Company.

On motion of Mr. Love, the engrossed bill to incorporate the Western and North Carolina Railroad Company, was read the first time and passed.

Mr. Barringer moved that said bill be made the special order of the day for Tuesday next, at 11 o'clock, and to continue the special order from day to day, until finally disposed of.

Mr. Jordan moved to amend the motion, by substituting Monday week.

Mr. Outlaw moved to lay the original motion and amendment upon the table; which was disagreed to: yeas 40, nays 60.

The yeas and nays demanded by Mr. Barringer.

Those who voted in the affirmative, were,

Those who voted in the negative, were,
So the House refused to lay the motion upon the table, and the question recurring upon the amendment submitted by Mr. Jordan, it was rejected.

Mr. Barringer now modified his motion so as to make said bill the special order for Tuesday next, at 11 o'clock, and the same was adopted.

On motion by Mr. Outlaw, the House resolved itself into committee of the whole, to consider the bill to increase the revenue of the State, Mr. Singeltary in the Chair.

After some time being spent in considering said bill, the committee rose, the Speaker resumed the Chair, and Mr. Singeltary on behalf of the committee, reported the bill back to the House, with sundry amendments, and asked to be discharged;

Which report was concurred in, and the several amendments adopted by the House.

Mr. J. G. Bynum submitted the following amendment, which was adopted:

In section 40, line 7, insert after the word "reward," "and every person who lectures for reward."

Mr. J. B. Bynum submitted the following amendment, which was adopted:

Sec. 126. Be it further enacted, That it be the duty of the sheriff to specify in his receipts the amount of State tax, and also the amount of county tax separately.

Mr. Vance submitted the following amendment, which was rejected:

Sec. 21. Be it further enacted, That all persons engaged in traffic in ready-made clothing, not the manufacture of this State, shall pay a tax of one per centum, on every hundred dollars of capital invested in such traffic.

The capital aforesaid, shall be the aggregate sum of the purchases made within the year preceding the first day of April, and this tax shall be paid in addition to any State tax which such individuals may pay.

Mr. J. W. Neal submitted the following amendment, which was rejected:

To the 7th section add,

And provided further, That the tax under this section, shall
be levied and collected only where the heirs or legatees shall at the time of such devise or bequest, be now residents of this State.

The said bill as amended, now passed its second reading.

On motion by Mr. S. A. Williams, the rule was suspended, and the bill put upon its third reading; and

On motion by Mr. Outlaw, the further consideration of said bill was postponed and made the special order of the day for Monday next at 11 o'clock, A. M.

The Speaker laid before the House messages from the Senate transmitting the following engrossed bills, in which they ask the concurrence of the House:
A bill concerning widows;
A bill concerning sheriffs;
A bill concerning University;
A bill concerning limitations;
A bill concerning registers;
A bill concerning processioning;
A bill concerning secretary of State;
A bill concerning treasurer;
A bill concerning pilots;
A bill concerning the completion of the N. C. Railroad;
A bill concerning militia;
A bill concerning justices of the peace;
A bill concerning oaths;
A bill concerning insolvent debtors;
A bill concerning roads, ferries and bridges; and
A bill concerning slaves and free persons of color.

The Speaker also laid before the House a message from the Senate, informing that they have agreed to the amendment proposed by the House to the bill concerning mines, and thereupon it was ordered that said bill be enrolled.

The following engrossed bills were severally read the first time and passed; the rule being suspended, they were read the second and third time, passed, and ordered to be enrolled.
A bill concerning justices of the peace;
A bill concerning slaves and free persons of color;
A bill concerning roads, ferries and bridges;
A bill concerning University;
A bill concerning secretary of State;
A bill concerning treasurer;  
A bill concerning widows; and  
A bill concerning sheriffs.  

The engrossed bill concerning militia, was read the first time and passed; the rule being suspended, the same was read the second time, when Mr. Singeltary moved to strike out all after the enacting clause, and insert "that the militia system of this State be, and the same is hereby abolished."

Which was rejected; yeas 28, nays 46.

The yeas and nays demanded by Mr. Dargan.

Those who voted in the affirmative, were,

- Messrs. Baxter, Blow, A. H. Caldwell, D. F. Caldwell, Gil- 
- liam, G. Green, M. Green, A. D. Headen, Humphrey, Jarvis, 
- Jenkins, Love, McDuffie, Mann, Myers, S. J. Neal, Oglesby, 
- Parks, Patton, Roland, Shaw, Sherrill, Simmons, Singeltary, 

Those who voted in the negative, were,

- Messrs. Amis, Barringer, Bogle, Bryson, J. B. Bynum, Caun- 
- sler, Chadwick, Craven, Daniel, Dargan, Davenport, Dunn, 
- Flynt, Furr, Garland, Gentry, Gorrell, J. H. Headen, Hill, Hol- 
- land, Horton, Houston, H. Leach, McKesson, March, Martin, 
- J. W. Neal, Norment, Patterson, Phillips, Regan, Russell, Selby, 
- Settle, Sharpe, Shepherd, Smallwood, Thornburg, Turner, J. H. 
- White, Whitlock, Wilkins, C. W. Williams, Winston, Wright 
- and Yancey—46.

On motion by Mr. Geo. Green, the House adjourned to Mon- 
- day morning, 10 o'clock.

MONDAY, JANUARY 29, 1855.

Mr. Steele, from the committee on corporations, reported favor- 
- ably a bill to incorporate the Randolph and Thomasville Turn- 
- pike or Plankroad company;  
Also, a bill to incorporate the Sulphur Spring and Paint Rock Turnpike Company;  
And also, a bill to extend the corporate limits of the town of Beaufort.

And unfavorably a bill to incorporate the Salem Society for 
- the protection of property;
Which latter report and bill were, on motion of Mr. Waugh, laid upon the table.

Mr. A. H. Caldwell, from the same committee, to whom was referred a bill to incorporate the Excelsior Gold Mining Company, in Cabarrus county, reported the same back to the House, with an amendment, and recommended its passage.

Mr. T. H. Williams, from the committee on education, to whom was referred a bill to establish State Agricultural Normal Schools in each Congressional district in North Carolina, reported the same back to the House, and recommended that it do not pass.

Mr. Houston introduced a bill to establish the town of Magnolia, in the county of Duplin, and to incorporate the commissioners thereof;

Which was read the first time and passed; the rule being suspended, the same was read the second and third time, passed and ordered to be engrossed.

The Chair announced the following committee on enrolled bills, to wit: Messrs. Barringer, Long, Stubbs, Steele and Gentry.

Mr. Patton introduced a bill to correct errors committed in making entries of land assigned to the use of the Western Turnpike road;

Which was read the first time, passed, and referred to the committee on propositions and grievances.

Mr. T. H. Williams, a bill concerning the board of literature;
Which was read the first time, passed and referred to the committee on education.

Mr. Patterson, a bill to appoint commissioners to lay off and improve the public road leading from Brown's ford on the Yadkin, in Wilkes county, to Witherspoon's ford in Caldwell county.

The same was read the first time and passed.

Mr. Shipp, a bill to authorize M. H. Kilpatrick, sheriff of Rutherford county, to collect arrears of taxes due him;
Which was read the first time and passed.

Mr. Houston, a bill to incorporate the trustees of the Warsaw Male High School, in Duplin county;
Which was read the first time, passed and referred to the committee on corporations.
Mr. Love submitted the following resolution, which was read and adopted:

Resolved, That his Excellency, the Governor, be requested to communicate to this House, all the information which he may have in his possession, in relation to the Western Turnpike Road, its cost per mile, the amount of revenue it produces, and the amount of funds still on hand, not required for the completion of said road, the manner in which it is kept up, and by what authority toll gatherers are appointed.

Mr. J. B. Bynum moved that the rule be suspended, so as to take up the engrossed bill to amend the constitution of the State, upon which he demanded the yeas and nays, which were ordered, and resulted as follows; yeas 53, nays 51.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Two-thirds of the members present not voting in the affirmative, the motion to suspend the rule was lost.

The hour having now arrived, under the special order, the House proceeded to the consideration of the bill to increase the revenue of the State, which was read the third time, and

Mr. Singeltary moved to amend the 2d section, 3d line, by stri-
king out the word "twelve," and inserting "twenty-five," and asked for a division of the question; the question being first taken upon striking out, it was determined in the negative; yeas 3, nays 107.

The yeas and nays demanded by Mr. Cook.

Those who voted in the affirmative, were,
Messrs. Daughtry, Gilliam and Singeltary—3.

Those who voted in the negative, were,

Mr. J. M. Leach submitted the following amendment:
In 3rd line, 2nd section, strike out "twelve" and insert "ten."

Mr. McKesson called for a division of the question—and the question first being taken upon striking out, the House refused to strike out; yeas 26, nays 77.

The yeas and nays demanded by Mr. Daughtry.

Those who voted in the affirmative were,

Those who voted in the negative, were,
Messrs. Amis, Badham, Barringer, Baxter, Black, Blow, Bo-
The hour having now arrived under the rule, the House took a recess until three o'clock, P. M.

Three o'clock, P. M.

The House now resumed the consideration of the bill to increase the revenue of the State.

Mr. J. B. Bynum submitted the following amendment:
After the word "columns" in the 9th line, section 77, insert "specifying separately the amount of the State and county tax for which he is liable."

Mr. J. G. Bynum offered the following as a substitute; which was accepted:
In section 77, strike out in lines 5 and 6, "which tax list shall also contain a list of the county and poor taxes," and insert "which tax list shall contain the public tax, or tax payable to the public treasurer, and the taxes imposed by the justices of the county court, separate and distinct from each other."

Mr. Barringer offered the following amendment to the pending amendment:
And that the Treasurer of the State cause to be sent to the clerks of the several courts of pleas and quarter sessions of the different counties in this State, duplicate printed copies of such statements, to be by said clerks posted in some safe and public place in his office.

Which was accepted, and the amendment, as amended, was adopted.

Mr. Jones submitted the following amendment:
Section 4th, line 3d, strike out the word "forty," as amended and insert "thirty-five."

Which was rejected; yeas 34, nays 64.

The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Jones offered the following amendment:

In section 20th, in the 4th line, strike out after the word "capital," to the word "on" in the 8th line.

Which was rejected; yeas 37, nays 70.

The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Badham, Barringer, Baxter, Black, Blow, Bogle, Bryant, J. B. Bynum, J. G. Bynum, A. H. Caldwell, D. F. Caldwell, Carmichael, Chadwick, Cook, Craven, Daughtry, Dortch,

Mr. Bryson submitted the following amendment: Insert in the 6th line of the 20th section after the word "cordials," "not of the manufacture of this State."

The Speaker ruled the same out of order, and Mr. Bryson appealed from the decision of the chair, and the House decided that the decision of the chair should stand as the decision of the House; yeas 84, nays 17.

The yeas and nays demanded by Mr. Bryson.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. J. M. Leach submitted the following amendment, proviso to the 20th section: Provided, That no spirituous liquors, wines or cordials of the manufacture of this State shall be taxed.

Which was rejected; yeas 40, nays 69.
The yeas and nays demanded by Mr. J. M. Leach.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. J. G. Bynum submitted the following amendments, which were severally adopted:

Insert after 13th section—

Be it further enacted, That the Governor shall appoint in each judicial circuit, one or more commissioners, whose duty it shall be to institute and attend to all suits brought to enforce the collection of the tax laid in section seventh of this act, and to bring suits and take such other steps as may be necessary to enforce the collection of all taxes due and unpaid, which have heretofore been laid on property real and personal, descended or devised to collaterals, by acts of the General Assembly, which said commissioners shall receive such compensation for their services as the Governor may allow.

Be it further enacted, That, in all cases where estates descend or are devised to collaterals or strangers in blood, and where the same shall be divided or settled, or where an attempt is made to divide or settle them, without any lawful administration being had on such estates, shall forfeit and pay the sum of five hundred dol-
lars, to be sued for and recovered in the name of the State, in the superior court of the county where the testator or intestate of such estate shall have had his domicil at the time of his death, said penalty to be accounted for, when collected, as other public taxes.

Be it further enacted, That, whenever any person shall die leaving no lineal descendants, and leaving property liable to the tax imposed by the seventh section of this act, and no administration shall be had on the estate within three months after such death, it shall be the duty of the county court, upon being informed of the fact, to grant administration of the same to the clerk of the county court, who shall administer the same according to the laws of the land, and return an account for the tax according to the preceding sections of this act.

Be it further enacted, That it shall be the duty of the commissioners, heretofore directed to be appointed, to institute suit for all penalties incurred by clerks for failures to collect and account for the tax on collateral descents imposed by this act, and any preceding acts, which penalties shall be accounted for as other of the public taxes.

And in section 12, line 4, strike out "county solicitor," and insert "commissioner for the judicial circuit."

Mr. Jones submitted the following amendment, which was rejected:

Section 20, line 8, after the word "seller," insert, Provided, said amount, so employed at any one time, shall not exceed one hundred dollars.

On motion by Mr. Singeltary, the bill was laid upon the table, and the resolution heretofore introduced by him relating to the rules of parliamentary practice, as laid down in Jefferson's Manual, including the previous question, was taken from the table.

After some discussion, on motion by Mr. Settle, the resolution was again laid upon the table.

On motion by Mr. Baxter, the bill to increase the revenue of the State was taken from the table.

Mr. Bullock submitted the following amendment, which was rejected:

In section 35 and in line 3, after the word "excepted," strike out the remaining part of the section, and insert, "shall pay an annual tax of ten dollars."
Mr. Daniel submitted the following amendment, which was rejected:

Strike out after the enacting clause, "first line, of 20th section," and insert, "that on every merchant, jeweller and merchant tailor, who shall sell goods, wares and merchandize, a tax of one-eighth of one per cent. upon his capital; on every druggist, consignee or agent, selling at wholesale or retail, spirituous liquors, wines, cordials and segars, not of the manufacture of this State, five per cent. upon the capital so employed, to be paid by the seller; on all spirituous liquors distilled in this State for the purpose of sale, two and a half cents per gallon; on all spirits turpentine distilled, one-fourth cent per gallon, to be paid by the makers thereof."

Mr. Martin submitted the following amendment, which was rejected:

To the 20th section, "of less quantity than one quart."

Mr. C. W. Williams submitted the following amendment:

After the word "seller," in section 20th line 11th, insert, "and that all distillers of spirits of turpentine, shall pay an annual tax of two dollars and fifty cents on every distillery of a capacity of ten barrels and under; and on every distillery of a capacity between ten and fifteen barrels, an annual tax of three dollars and fifty cents; on every distillery of a capacity between fifteen and twenty barrels, an annual tax of five dollars; and on every one of a larger capacity than twenty barrels, an annual tax of ten dollars."

Which amendment was adopted; yeas 67 nays 33.

The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,

lock, B. F. Williams, C. W. Williams, S. A. Williams, Win-
ton, Wright and Yancey—67.

Those who voted in the negative, were,

Messrs. Amis, A. H. Caldwell, Cansler, Chadwick, Dargan, 
Daughtry, Dunn, G. Green, Humphrey, Jones, H. Leach, Mc-
Duffie, McMillan, Martin, Meares, Mordecai, Myers, J. W. Neal, 
S. J. Neal, Norment, Patterson, Regan, Shaw, Sherrill, Sim-
mons, Singeltary, Steele, Stubbs, G. M. White, J. H. White, L. 
Whitfield, N. B. Whitfield and Wilkins—33.

Mr. J. G. Bynum submitted the following amendment, which 
was adopted:

Section 20th, in line 15th, after the words "per cent," insert, 
"upon every auctioneer, one-fourth of one per cent. upon the 
value of the goods sold by him: Provided, That no tax shall be 
levied upon sales made under an execution or order issuing from 
any court, or from a justice of the peace, or by any executor, 
administrator or trustee."

Mr. Settle submitted the following amendment, which was re-
jected:

To the 25th section, strike out all after the word "State," in 
the 5th line.

Mr. S. A. Williams submitted the following amendment:

Sec. ——. And on all livery stables, an annual tax of ten dol-
lars; which was adopted.

Mr. Barringer moved to reconsider the vote by which was 
adopted the amendment submitted by Mr. C. W. Williams, tax-
ing turpentine distilleries; which motion was lost.

Mr. Thornburg submitted the following amendment to the bill; 
which was rejected:

"Clerks of county and superior courts, clerks and masters in 
equity, and sheriffs."

Mr. G. M. White submitted the following amendment; which 
was rejected:

Strike out all after the enacting clause, and insert the follow-
ing:

"That the following property and estate are hereby exempted 
from taxation:—1st. All such and the profits thereof, as may be-
long to the State; 2d. All such and the profits thereof, as have 
been set apart for the university and colleges, institutes, academies
and schools, for the education of youth, or for the support of the poor or afflicted, or specially appropriated to divine worship; 3d. One hundred dollars worth of land to every voter, if he shall own so much, if not, so much as he may own; all dwelling houses under the value of two hundred dollars; household and kitchen furniture of less value than one hundred dollars; farming and other utensils necessary to carry on the operations of agriculture; all horses, mules, cattle, hogs, poultry, and all other animals, provisions, and other things used by the owner upon his farm; all tools and instruments in use, and necessary to carry on the profession, trade, or handicraft of the owner.

Be it further enacted, That on all estates, and property of every kind, whether real, personal or mixed, that may descend, be devised, bequeathed, or in any manner transferred, and which has not been heretofore exempted, a tax ad-valorem of one-eighth of one per cent. per annum shall be levied and raised in the same manner as public taxes have heretofore been levied and raised: Provided, nothing herein shall affect the poll tax as now raised."

Mr. Davenport submitted the following amendment; which was rejected—to come in at the close of the 20th section:

Be it further enacted, That every single man of the age of 30 years, who shall be worth five thousand dollars, shall pay an annual tax of ten dollars to the State.

The question now recurring upon the passage of the bill, as amended, its third reading; it was passed; yeas 82, nays 24.

The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,

lock, Wilkins, B. F. Williams, C. W. Williams, S. A. Williams and Yancey—82.

Those who voted in the negative, were,

Mr. J. G. Bynum now moved to reconsider the vote by which said bill was passed; which was not carried.

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

TUESDAY, January 30, 1855.

Mr. Bogle presented a memorial from citizens of Alexander county, praying an amendment to the charter of the town of Taylorsville;

Which was referred to the committee on propositions and grievances.

Mr. Gorrell, from the joint select committee appointed to report a time for adjournment, reported that the committee was unable to fix upon a day certain, and submitted the following resolution, which was adopted:

Resolved, That this House will take a recess from 5½ o'clock till 7 o'clock P. M. from this time till the end of the session, commencing with this day.

Mr. Amis moved to suspend the rule so as to take up the bill to incorporate the Dan River and Yadkin Railroad Company, and make it the special order for a day certain.

Mr. Outlaw moved to amend the motion so as to take up engrossed bills on their third reading; and

Mr. Singeltary moved to amend so as to take up all bills asking appropriations.

The question being first taken upon suspending the rule, it was determined in the negative; yeas 50, nays 60.

The yeas and nays demanded by Mr. B. F. Williams.

Those who voted in the affirmative, were,
Messrs. Amis, A. Barnes, J. Barnes, Blow, Bullock, J. B. Bynum, D. F. Caldwell, Daniel, Davenport, Dunn, Eure, Flynt, Gentry, M. Green, A. D. Headen, J. H. Headen, Hill, Houston, Humphrey,

Those who voted in the negative, were,


Mr. Jenkins, from the committee on education, to whom was referred a bill concerning the board of literature, reported the same back to the House, and recommended its passage.

On motion of Mr. J. G. Bynum, the bill and report were ordered to be printed.

Mr. Jones submitted the following resolution, which, on motion by Mr. Cook, was laid upon the table:

Resolved, That the finance committee be requested to report a bill supplementary to an act to increase the revenue of the State, declaring the principles upon which said revenue is to be raised, explaining the provisions and operations of the same, as auxiliary to the relief and assistance of the magistrates of the several counties, in taking a list of the same.

Mr. J. G. Bynum submitted the following resolution, which was read and adopted:

Resolved, That the committee on the judiciary be instructed to examine into the expediency of providing by law, that no conveyance, or instrument of writing purporting to convey title, shall operate as color of title, except from the date of its registration; and that they have leave to report by bill or otherwise.

Mr. Humphrey submitted the following resolution, which, under the rule, lies over one day:
Resolved, That the evening sessions be set apart for the reading of bills upon their first reading, and private bills.

Mr. Phillips introduced a bill to incorporate the Chapel Hill and Durhamville Plankroad and Turnpike Company, which was read the first time and passed.

Mr. Cook, a bill to amend an act, entitled an act appointing commissioners to lay off a road from Salisbury to the Virginia public road at the mouth of Wilson, which was read the first time, passed, and referred to the committee on propositions and grievances.

Mr. L. Whitfield, a bill to incorporate the town of White Hall, in the county of Wayne, which was read the first time, passed, and referred to the committee on corporations.

Mr. Badham, a bill to amend an act, entitled an act to incorporate the town of Edenton, which was read the first time and passed.

Mr. J. H. White, a bill to alter the time of holding the courts in the sixth judicial circuit, which was read the first time and passed.

Mr. T. H. Williams submitted the following resolution, which was read, and

On motion by Mr. Regan, laid upon the table.

Resolved, That the committee of the whole House be discharged from the further consideration of the subject of banks and banking.

Mr. T. H. Williams moved that the House resolve itself into committee of the whole on the subject of banks and banking; which motion Mr. A. H. Caldwell moved to lay upon the table, and the latter motion was carried; yeas 93, nays 16.

The yeas and nays demanded by Mr. T. H. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


On motion by Mr. Waugh, the bill to amend the Constitution of the State, was taken up, and made the special order for this evening at a quarter-past 3 o'clock.

The House now proceeded to the consideration of the special order of the day, being the engrossed bill to incorporate the North Carolina and Western Railroad Company.

Mr. Singeltary moved to lay said bill upon the table, and take up appropriation bills from the Senate, upon their first reading; which motion was lost; yeas 32, nays 77.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The said bill was now read the second time, when Mr. J. M. Leach submitted the following amendment:

In section 11, line 9, strike out “Salisbury,” and insert “Lexington, through the county of Davie.”

Pending the discussion thereon, the hour arrived, under the rule, and the House took a recess.

Three o’clock, P. M.

On motion by Mr. Outlaw, the bill to amend the constitution of the State, (being the special order for this evening,) was postponed, and made the special order for to-morrow, at 11 o’clock, A. M.

The House now resumed the consideration of the bill to incorporate the Western North Carolina Railroad Company; and

The question being taken upon the pending amendment, it was rejected; yeas 33, nays 66.

The yeas and nays demanded by Mr. Cook.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Mr. Patterson submitted the following amendment; which was adopted—to the end of section 30:

*And provided further,* That nothing contained in this act shall be so construed as to prevent the intersection of any other railroad authorized by the General Assembly, with the said Western North Carolina Railroad, or the crossing thereof at such point or points as may be deemed most proper, by the authorities of such connecting road, and at such point or points to erect the necessary buildings for receiving and forwarding produce, merchandize, passengers, &c., to be transported on such intersecting road or roads.

Mr. A. H. Caldwell submitted the following amendments; which were severally adopted.

In section 1, line 7, strike out "six millions," and insert "one million two hundred thousand."

In section 25, strike out all after "Road," in line three, and insert "in such amount as may be subscribed by individuals and the State, according to the provisions of this act, in the progressive construction."

In the 3rd section, strike out the name of "Sam'l F. Patterson," and insert that of "Wm. A. Lenoir."

Mr. Patterson submitted the following amendments; which were severally adopted—to come in at the end of section 41, as section 42:

42. *Be it further enacted,* That it shall be the duty of the public treasurer to enter in a book to be kept for that purpose, a memorandum of such bonds as may be issued by virtue of this act, the numbers, date of issue, when and where payable, to whom issued, or to whom sold, and at what premium, if any, the same was sold by him.

Strike out section 41, and insert the following:

*Be it further enacted,* That the bonds hereby authorized to be issued shall have coupons attached to them, expressing on the face of them the amount of the semi-annual interest due on such bond, and the said bonds shall and may be transferable by the holders thereof, by delivery only.

At the end of the 3rd section, insert "At Lenoir, under the direction of C. C. Jones, R. B. Bogle, E. P. Miller, W. W. Lenoir and James Harper, or any three of them. At Boone,"
under the direction of Jonathan Horton, Jordan Council, George N. Foulks, John Horton and E. F. Clewell, or any three of them."

After the word "appropriate," last line of 3d section, insert the word "generally."

After the recital of the names of the general commissioners add the following:

And books for receiving subscriptions for the capital stock aforesaid, shall be opened at the following places, and under the direction of the following persons, to wit:

Mr. J. M. Leach submitted the following amendment; which was adopted:

After the word Salisbury, insert "by or as near as practicable to Statesville, in the county of Iredell."

Mr. Bogle submitted the following amendment:

In section 2d, line 4th, after the word "by" insert "or as near as practicable to the town of Taylorsville, in the county of Alexander;" which was rejected: yeas 38, nays 63.

The yeas and nays demanded by Mr. Bogle.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltary submitted the following amendment:
Provided, That the capital stock shall not be increased without the consent of a future legislature,

Pending the consideration of which,

Mr. Outlaw moved that the House adjourn to to-morrow morning, 10 o'clock; and

Mr. B. F. Williams demanded the yeas and nays, which were ordered and taken; yeas 62, nays 42.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The Speaker now declared the House adjourned to to-morrow morning, 10 o'clock.

WEDNESDAY, January 31, 1855.

Mr. T. H. Williams presented a memorial from the President and Directors of the Wilmington and Manchester Railroad Company, praying an amendment to the charter of said company;

Which was referred to the committee on the judiciary.

Mr. Holland, a memorial from citizens of Cleveland county, praying for a new county out of portions of the counties of Cleveland, Rutherford, Burke, Lincoln and Catawba;
The same was referred to the committee on propositions and grievances.

Mr. Barringer, from the committee on the judiciary, reported unfavorably a bill to punish the fraudulent issue of stock of incorporated companies, and recommended the bill be postponed until the 3d Monday of November, 1856.

Mr. Dortch, from the same committee, to whom was referred a bill to cede to the United States a tract of land near Wilmington, reported the same back to the House, and recommended its passage.

Mr. T. H. Williams, from the committee on education, reported sundry amendments to the engrossed bill concerning the literary fund and common schools, and recommended their adoption.

Said bill was taken up, the same having been heretofore read in the House the second time, and the amendments recommended by the committee were severally adopted.

Mr. Phillips offered the following amendment:
Section 22d, line 2d—Strike out "federal population," and insert "white children between the ages of five and twenty."

On motion by Mr. Singeltary, the bill and amendment were laid upon the table.

Mr. Singeltary submitted the following resolution:
Resolved, That the bill concerning the public revenue, which has passed this House, will, if it becomes a law, impose an enormous and unjust burthen on the people of the State; and if such an increase of taxation has become necessary, in order to preserve the credit of the State, it is the legitimate result of reckless and unwise legislation on the subject of internal improvement.

On motion by Mr. Dortch, the resolution was laid upon the table; yeas 78, nays 25.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the negative, were,


Mr. Singeltary now moved that the resolution be taken from the table, and Mr. Dortch moved to lay the motion upon the table, and the motion to lay upon the table was carried; yeas 76, nays 26.

The yeas and nays demanded by Mr. Cook.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Vance introduced a resolution in favor of N. W. Woodfin and R. V. Blackstock, which was read the first time and passed; the rule being suspended, the same was read the second and third time, passed, and ordered to be engrossed.
Mr. Perkins, the following resolution, which lies over:
Resolved, That from and after Thursday the 8th February, there shall not be any bills introduced for the consideration of this House.

Mr. Hill presented the following resolution, which lies over:
Resolved, That no member shall speak longer than 15 minutes on any one subject, except by consent of the House.

The resolution submitted by Mr. Humphrey on yesterday, was taken up and amended so as to read, "that the night sessions be set apart for the reading of bills upon their first reading, and private bills."

Received from the Senate a message, proposing that this General Assembly do adjourn sine die on the 12th day of February next; which,
On motion by Mr. Baxter, was laid upon the table.

On motion by Mr. Jenkins, the special order of the day, being the engrossed bill to amend the Constitution of the State of North Carolina, was taken up and read the second time, when Mr. Outlaw submitted the following amendment: Strike out all after the enacting clause and insert:

WHEREAS, It is believed the people of this State desire a change in the constitution in some respects, leaving the basis of representation in the Senate and the House of Commons unchanged; and whereas, the present General Assembly are anxious to carry into effect their wishes,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same: That the court of pleas and quarter sessions of each and every county in the State, at the first term which shall be held after the first Monday in March next, shall appoint two inspectors to superintend the polls, to be opened at each and every election precinct in said counties, for ascertaining by ballot, the will of the free white men of North Carolina, relative to a meeting of a State convention, and if any court or courts should fail to make such appointment, or any inspector so appointed, shall fail to act, it shall be the duty of the sheriff, or the person acting as his deputy on such occasion, with the advice of one justice of the peace, or if none be present, with the advice of three free-holders to appoint an inspector or inspectors in the place of him or them, who failed
to act, which inspectors when duly sworn by some justice of the peace or freeholder, to perform his duties with fidelity, shall have the same authority as if appointed by the court.

Be it further enacted, That it shall be the duty of the sheriff of the respective counties in this State, to open polls at the several election precincts in said counties, on the first Thursday of August next, when and where all persons qualified by the constitution of this State to vote for members of the House of Commons, may vote for or against a convention, those who may wish for a convention, voting with a written or printed ticket "convention," and those who do not want a convention, voting "no convention."

Be it further enacted, That it shall be the duty of the sheriffs to make duplicate statements of the polls in their respective counties, sworn to before the clerk of the county court, one copy of which shall be deposited in said clerk's office, and the other copy transmitted to the Governor of the State immediately after the election.

Be it further enacted, That it shall be the duty of the Governor as soon as he shall receive the returns of sheriffs in the presence of the secretary of State, public treasurer and comptroller, to compare the number of votes for and against a convention, and if it shall appear that a majority of the votes polled are in favor of it, he shall forthwith issue his proclamation announcing the result in such of the papers of the State, as he shall think proper, and shall issue a writ of election to every sheriff of the different counties, requiring him to open polls for the election of delegates to the convention at the same places and under the same rules as are now prescribed by law for other State elections, on the 15th day of October next.

Be it further enacted, That the same persons who may be appointed to hold the polls in taking the vote on convention, shall hold them for delegates: Provided, That if any such inspectors shall fail to attend or act, the sheriffs or their deputies shall supply their places in the manner heretofore provided.

Be it further enacted, That the several county courts shall allow the sheriffs the same compensation for holding said elections, that they usually allow for holding other State elections. And if any sheriff or other officer appointed to hold said elections shall
fail to comply with the requisitions of this act, he shall be liable to a fine of one thousand dollars, recoverable before any competent jurisdiction, to the use of the county whose officer he is; and it shall be the duty of the county solicitor to prosecute such suits.

Be it further enacted, That all persons qualified by the constitution to vote for members of the House of Commons, shall be entitled to vote for delegates to the convention, and all naturalized citizens of the United States, who shall have resided in the State for five years, shall be eligible as delegates to said convention; provided, that he shall have resided in the county from which he is chosen, at least twelve months immediately preceding the day of the election.

Be it further enacted, That each county shall be entitled to the same number of delegates that it is entitled to members of the House of Commons.

Be it further enacted, That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ of election to fill such vacancy. And the delegates shall convene in the city of Raleigh on the first Monday of November next, and provided a quorum does not attend on that day, the delegates may adjourn from day to day until a quorum is present, and a majority of the whole number of delegates shall be necessary to constitute a quorum to do business.

Be it further enacted, That no delegate elect shall be permitted to take a seat as a member of the convention, until he shall have taken and subscribed the following oath or affirmation:—"I, A. B, do solemnly swear or affirm, (as the case may be) that I will support the constitution of the United States, and that I will not directly or indirectly evade or disregard the limits fixed to this convention by the people of North Carolina, as set forth in an act entitled 'an act concerning a convention to consider of amendments to the constitution,' passed by the General Assembly at its session, begun and held in the city of Raleigh, on the third Monday of November, 1854, which was ratified by the people; and that I will faithfully discharge my duty according to the best of my skill and ability, so help me God."

Be it further enacted, That the public treasurer be, and he is hereby authorized to pay, upon the warrant of the Governor,
such sums of money as may be necessary for the contingent charges of the convention, and also to pay to each member of the convention two dollars a day during his attendance thereon, and five cents per mile for every mile he may travel by the most usual route, to and from the convention.

Be it further enacted, That it shall be the duty of the Governor, immediately after the ratification of this act, to transmit a copy to each county court clerk in the State, and to cause it to be published in the newspapers of the State for two months preceding the voting for, and against, the convention.

Be it further enacted, That it shall be submitted to the people for their assent or dissent, the former of which shall be understood as expressed by the votes "Convention," and the latter "No Convention," at the time and in the mode hereinbefore provided, whether they desire a convention to consider of all amendments to the constitution, with the exception that no change shall be made in the basis of representation, either of the Senate or House of Commons, as fixed by the Convention of 1835: And provided further, That, if any change shall be made in the present mode of taxation, they shall so frame the constitution that no slaves, except those between the ages of 12 and 50 years, shall be subject to taxation, and that no higher taxes shall be imposed on slaves than upon other property. And the said Convention shall adopt ordinances for carrying into effect the amendments which may be made, and shall submit such amendments to the determination of all the qualified voters of the State; but they shall not alter the basis of representation, either in the Senate or House of Commons, nor propose any amendment thereof.

Be it further enacted, That, if a majority of voters at the first election directed to be held by this act, shall be found for "Convention," it shall be considered and understood that the people, by their vote as aforesaid, have conferred on the delegates to said convention the power to consider and make alterations and amendments, except in particulars herein provided, and with limitations and restrictions by this act imposed.

Be it further enacted, That the said convention, after having adopted amendments to the constitution, shall prescribe some mode for the ratification thereof by the people, and shall prescribe all
necessary ordinances and regulations for the purpose of giving full operation and effect to the constitution as amended and altered.

Mr. Winston offered the following amendment to the said amendment:

Two-thirds of the whole number of each House concurring.
Which was adopted; yeas 77, nays 34.

The yeas and nays demanded by Mr. Winston.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Carmichael offered the following amendment to the bill, as amended:

Strike out the words in the preamble, "leaving the basis of representation in the House of Commons and the Senate unchanged," and the words, "with the exception that no change shall be made in the basis of representation in the Senate and House of Commons," contained in the amendment; which amendment was rejected; yeas 32, nays 68.

The yeas and nays demanded by Mr. Carmichael.

Those who voted in the affirmative, were,

Messrs. Baxter, Bogle, Bryson, J. G. Bynum, A. H. Cald-

Those who voted in the negative, were,


The question now recurring upon the amendment submitted by Mr. Outlaw, as amended, it was rejected; yeas 40, nays 70.

The yeas and nays demanded by Mr. Winston.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Cook submitted the following amendment:

No person who has been convicted of any felonious or infamous crime in any foreign country, or in this State, or in any State in this Union, and who has become a fugitive from justice from such country or State on account of the commission of such crime, shall be permitted to vote for Senator or member of the House of Commons in this State.

Which amendment was rejected; yeas 46, nays 62.

The yeas and nays demanded by Mr. Cook.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Jones submitted the following amendment:

Provided, That nothing herein contained shall be so construed as to authorize any foreigner not naturalized according to the laws of the United States, to vote for members of the House of Commons.

Which amendment was rejected; yeas 52, nays 58.

The yeas and nays demanded by Mr. Barringer.
Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question now recurring upon the passage of the bill its second reading, the same was passed by more than the constitutional majority of three-fifths of the House; yes 93, nays 15.

The yeas and nays demanded by Mr. Jarvis.

Those who voted in the affirmative, were,

Wilkins, B. F. Williams, C. W. Williams, S. A. Williams, Winston, T. H. Williams, Wright and Yancey—93.

Those who voted in the negative, were,


On motion by Mr. Singeltary, the said bill was put upon its third reading.

The same was read the third time, passed by the constitutional majority of three-fifths, and ordered to be enrolled.

The House now took a recess until 3 o'clock, P. M.

Three o'clock, P. M.

The House now proceeded to the consideration of the unfinished business of yesterday, being the bill to incorporate the Western North Carolina Railroad Company, and the pending amendment:

Mr. Outlaw moved to refer the bill to the committee on internal improvements, with instructions to report such amendments as will perfect the same and make it acceptable to the House; he subsequently withdrew his motion.

The hour having now arrived, the House took a recess until 7 o'clock.

Seven o'clock, P. M.

The following engrossed bills from the Senate were severally read the first time and passed:

A bill to charter the Fayetteville and Greensboro' Railroad Company;

A bill to incorporate a company to construct a ship canal to unite the waters of Albemarle, Currituck and Pamlico Sounds with Chesapeake Bay, and for other purposes;

A bill to incorporate the New River Navigation Company;

A bill to re-charter the Bank of Cape Fear;

A bill for the completion of the North Carolina Railroad;

A bill to incorporate the Dan River and Yadkin Railroad Company;

A bill to aid the erection of a monument commemorative of the Declaration of American Independence;
A bill to incorporate a Plankroad from Mocksville to Wilkesboro', and to provide for a subscription of stock on the part of the State;
A bill to incorporate the Bank of Clarendon, at Fayetteville;
A bill for completing, furnishing and enclosing the buildings and grounds of the Lunatic Asylum;
A bill concerning the Fayetteville and Centre Plankroad Company;
A bill to authorize the Cape Fear and Deep River Navigation Company to issue bonds, and for other purposes;
A bill to authorize the building of a toll bridge over Roanoke River, at the town of Halifax, and to incorporate a company for that purpose;
A bill to incorporate the Newbern Mutual Insurance Company;
A bill to incorporate the Thomasville and Clemmonsville Turnpike and Plankroad Company;
A bill to incorporate the trustees of the New Institute in Iredell county:
A bill to incorporate Clinton Lodge, No. 107, of Ancient York Masons, in the county of Caswell;
A resolution in favor of Walter Gwynn, Chief Engineer;
A resolution directing the Literary Board to loan money to the Clinton Female Institute, and for other purposes.
The following engrossed bills from the Senate were severally read the first time and passed; the rule being suspended, they were read the second and third time and passed, and ordered to be enrolled:
A bill concerning entries and grants;
A bill concerning wills and testaments;
A bill concerning registers;
A bill concerning oaths;
A bill concerning repeal and construction of statutes;
A bill concerning processioning;
A bill concerning insolvent debtors; and
A bill concerning limitations.
The Speaker laid before the House a message from the Senate, disagreeing to the amendment proposed by the House to the engrossed bill concerning usury; whereupon, the House receded from its amendment: yeas 52, nays 18.
The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

The said bill was ordered to be enrolled.

Also, a message from the Senate agreeing to the amendment proposed by the House to the engrossed bill concerning evidence, and said bill was ordered to be enrolled.

Also, a message agreeing to the substitute proposed by the House for the engrossed bill to cede to the United States of America, sites for lighthouse purposes, and said bill was ordered to be enrolled.

Also, messages informing the House that they have passed the following engrossed bills from the House, with the amendments to each attached, to wit:

A bill to amend an act entitled an act to define the duties and powers of turnpike and plankroad companies;
A bill for the relief of the citizens of Iredell county;
A bill to incorporate the Chapel Hill and Morrisville Plankroad and Turnpike Company;
A bill to amend an act entitled an act to prevent the obstruction to the passage of fish in the waters of Blount's creek and its tributary streams: and
A bill to amend an act entitled an act for the better regulation of the town of Wilson, in the county of Edgecombe;
Which amendments were severally agreed to, and the said bills ordered to be enrolled.
The House now adjourned to to-morrow morning, 10 o'clock.

THURSDAY, FEBRUARY 1, 1855.

On motion by Mr. J. H. Headen, the engrossed bill to authorize the Cape Fear and Deep River Navigation Company to issue bonds, and for other purposes, was made the special order of the day for Friday next, at 12 o'clock.

On motion by Mr. Dortch, the engrossed bill for the completion of the North Carolina Railroad was made the special order for this day at three o'clock, P. M.

On motion by Mr. Shepherd, the engrossed bill concerning the Fayetteville and Centre Plankroad Company was made the special order of the day for Saturday next, at 3 o'clock, P. M.

On motion by Mr. Humphrey, the engrossed bill to incorporate the New River Navigation Company was made the special order of the day for Friday next, at 11½ o'clock, A. M.

On motion by Mr. Carmichael, the engrossed bill to incorporate a Plankroad from Mocksville to Wilkesboro', and provide for a subscription on the part of the State, was made the special order of the day for Monday next, at 11½ o'clock, A. M.

On motion by Mr. Smith, the engrossed bill to incorporate a company to construct a ship canal to unite the waters of Albermarle, Currituck and Pamlico Sounds with Chesapeake Bay, and for other purposes, was made the special order of the day for Saturday next, at 11 o'clock, A. M.

Mr. G. Green asked the unanimous consent of the House to record his vote in favor of the free suffrage bill, which was refused.

Mr. Amis moved that the bill to incorporate the Dan River and Yadkin Railroad Company, be made the special order for this day, at 11½ o'clock; which was carried; yeas 63, nays 47.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltary moved to refer the engrossed bill from the Senate, to recharter the bank of Cape Fear, and to incorporate the bank of Clarendon, at Fayetteville, to the committee of the whole House; and

Mr. Myers moved to lay the motion upon the table; the motion to lay upon the table was lost: yeas 42, nays 67.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

ton, Phillips, Roland, Rose, Russell, Shaw, Shepherd, Shipp, 
Simmons, Singeltary, Steele, Stubbs, Thornburg, Tomlinson, 
Whitaker, N. B. Whitfield, Whitlock, Wilkins, B. F. Williams, 
D. Williams, S. A. Williams, T. H. Williams and Winston—67.

The question now recurring upon the motion to refer said bills, 
it was carried.

The Speaker laid before the House, communications from the 
public treasurer, in compliance with resolutions of this House, 
giving information as to the amount paid for the geological survey 
of the State up to this date, and the manner in which the liabili-
ties of the State were in New York, on the 31st of December last.

Mr. Waugh, from the committee on propositions and grievan-
ces, reported unfavorably, a bill to correct errors, committed in 
making entries of land, assigned to the use of the Western Turn-
pike Road; and

Also, reported back sundry memorials from citizens of Madison 
county, praying this General Assembly to locate the site for the 
county town of said county, and asked to be discharged from the 
further consideration of the same, and reported favorably upon 
the bill to authorize S. W. Chadwick to collect arrears of taxes.

Mr. Whitaker, from the committee on claims, to whom was re-
committed a resolution in favor of Jno. B. Debnam, reported 
a substitute therefor, and recommended its passage.

Mr. Jordan, from the committee on swamp lands, to whom was 
referred a bill to authorize suits and prosecutions for trespasses 
and other offences committed upon swamp lands lying in certain 
counties, or some of them, to be commenced by the President and 
Directors of the literary fund of the State of North Carolina, in 
the superior court of law of Washington and Beaufort counties, 
reported the same back to the House and recommended its pas-
sage.

Mr. Steele, from the committee on corporations, reported un-
favorably a bill to incorporate the trustees of the Warsaw Male 
High School in Duplin county; and

A bill to incorporate the town of White Hall in the county of 
Wayne.

Mr. Singeltary presented the following resolution, which was 
read and rejected:

Resolved, That the chairman of the committee of the whole
House on banking, be instructed to report back to the House the various bills referred to said committee.

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

Resolved, That the committee of finance enquire into the expediency and necessity of regulating by law, the fees of comptroller for making searches and other examinations of the records and papers in his office, so as to fix some just and uniform rate for the same, and that they report by bill or otherwise.

Mr. McMillan submitted the following resolution, which was read and adopted:

Resolved, That the judiciary committee be instructed to enquire into the propriety of altering the law against the secreting of slaves on vessels, so as to subject said vessels to the owners of said slaves, and that the committee report by bill or otherwise.

Mr. McMillan introduced a bill concerning the sale of rice in the town of Wilmington;
Which was read the first time and passed, and referred to the committee on the judiciary.

Mr. Sharpe, a bill to enable the county court of Iredell county to collect the State and county taxes for the year 1855.
The same was read the first time and passed.

Mr. Turner, a bill to amend Letters Patent, granted to Wm. H. Wilder and others;
Which was read the first time and passed.

The resolution submitted by Mr. Perkins on yesterday, limiting the introduction of bills into this House, having laid over one day, was taken up and adopted.

The resolution presented by Mr. Hill on yesterday, limiting the time members may speak, having laid over one day, was taken up and adopted.

On motion by Mr. Jenkins, the vote by which the said resolution was adopted, was re-considered, and the resolution was laid upon the table.

The House now proceeded to the consideration of the unfinished business of yesterday, being the bill to incorporate the Western North Carolina Railroad Company, and the pending amendment submitted by Mr. Singeltery.
Mr. Singeltary moved to refer the bill to the committee on the judiciary, which motion was lost.

The question now being taken upon the pending amendment, it was rejected; yeas 51, nays 60.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Jones submitted the following amendment, which was read and adopted:

8th section, in the 6th line, after the words "subscribed for and taken," add the words "by solvent and responsible persons."

The question now recurring upon the passage of the bill as amended, its second reading, its was passed; yeas 71, nays 38.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,

Those who voted in the negative, were,


The House now proceeded to the consideration of the special order of the day, being a bill to create a scientific and military school and a State arsenal in this State; the same was read the second time and passed.

The engrossed bill to incorporate the Dan River and Yadkin Railroad Company, having been made the special order for this day at 11½ o'clock, was now taken up, and read the second time.

Pending the discussion thereon, the hour arrived, under the rule, and the House took a recess.

Three o'clock, P. M.

On motion by Mr. Humphrey, the engrossed bill to charter the Fayetteville and Greensboro' Railroad Company was made the special order of the day for to-morrow, at 1 o'clock, P. M.

The House now resumed the consideration of the bill to incorporate the Dan River and Yadkin Railroad Company.

Mr. Outlaw moved the bill be indefinitely postponed, and subsequently withdrew his motion.

The question being, shall the bill pass its second reading, it was determined in the negative; yeas 38, nays 63.

The yeas and nays demanded by Mr. Dortch.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

ker, G. M. White, J. H. White, L. Whitfield, N. B. Whitfield, Whitlock, B. F. Williams, S. A. Williams, T. H. Williams and
Winston—63.

So the bill was rejected.

The engrossed bill for the completion of the North Carolina Railroad having been made the special order for 3 o’clock this
day, was now taken up and read the second time.

Mr. Stubbs submitted the following amendment:

Sec. 6. Be it further enacted, That the sum of fifteen thou-
sand dollars, to be raised by the State, in the same manner as
other moneys are raised by the provisions of this act, be and the
same is hereby appropriated for the purpose of cleaning out and
improving the navigation of Tar river, between the town of Wash-
ington and the falls of said river; and that his Excellency, the
Governor, is hereby empowered and required to appoint suitable
commissioners to carry into effect the requirements of this section.

Pending the consideration of which the hour arrived, under
the rule, and the House took a recess.

Seven o’clock, P. M.

On motion by Mr. Roland, a bill supplemental to and amend-
atory of an act passed at the session of 1852–53, entitled an act
to bring into market the lands pledged for the completion of the
Western Turnpike Road, was taken up and read the second time;
and

Mr. Bryson moved to amend the same, by striking out “Jack-
son county;” which was lost: the bill then passed its second
reading; and
On motion by Mr. Roland, the same was referred to Mr. Baxter, to report suitable amendments.

On motion by Mr. Sharpe, the bill to enable the county court of Iredell county to collect the State and county taxes for the year 1855, was taken up, and read the second time and passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

A bill to incorporate the Randolph and Thomasville Turnpike or Plankroad Company, was read the second time and passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

A bill to incorporate the Centre Gold and Copper Mining Company of North Carolina was read the second time, and the amendment reported by the committee on corporations was adopted, and the bill, as amended, passed its second reading; the rule being suspended, it was read the third time and passed, and ordered to be engrossed.

A bill to regulate the inspection of flour in the town of Fayville, was read the second time and passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

A bill to amend the charter of the Milton Savings Institution, was read the second time and passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

A bill to authorize Lewis S. Startley, late sheriff of Caldwell county, to collect arrears of taxes due him, was read the second time and passed; the rule being suspended, the same was read the third time and rejected: yeas 33, nays 41.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Amis, A. Barnes, J. Barnes, Blow, Bryant, J. G. By-
On motion by Mr. Mebane, leave of absence was granted to Mr. Thornburg for ten days.

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

FRIDAY, February 2, 1855.

Mr. Jenkins, from the committee on private bills, to whom was referred a bill to prevent obstructions to the passage of fish in Shooting creek in the county of Cherokee; and

A bill to amend an act passed in the year 1836, entitled an act to incorporate the town of Greensboro in the county of Guilford, reported the same back to the House and recommended their passage.

Mr. McMillan, from the committee on printing, reported a bill in relation to the public printing;

Which was read the first time and passed.

Mr. Yancey introduced a bill to alter the line between the counties of Buncombe and Madison;

Which was read the first time and passed, and referred to the committee on propositions and grievances.

Mr. Selby, a bill to incorporate the town of Nebraska;

Which was read the first time and passed, the rule being suspended, the same was read the second and third time and passed, and ordered to be engrossed.

Mr. Houston, a bill to amend an act passed in the year 1852, entitled an act, to incorporate the town of Kenansville;

Which was read the first time and passed, and referred to the committee on propositions and grievances.

Mr. Love submitted the following resolution, which was read and adopted:

Resolved, That the bill for the western extension of the North Carolina Railroad, be referred to Messrs. Baxter, Shepherd, Outlaw, Gorrell and Patterson, with instructions that they make such amendments to it as may be necessary, and report the same to this House as early as practicable.
Mr. J. G. Bynum presented the following resolution, which was read and adopted:

Resolved, That the committee on finance be instructed to inquire whether any legislation is necessary to enforce the collection of the tax on collateral descents, imposed by former acts of the General Assembly, and that they have leave to report by bill or otherwise.

Mr. Roland submitted the following resolution, which was read and rejected:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of appointing three additional judges, whose duty it shall be to hold the extra courts of this State, and that they report by bill or otherwise.

Mr. Myers moved that the communication from the public treasurer on the subject of meeting the liabilities of the State in New York, on the 31st December last, be printed.

On motion of Mr. J. G. Bynum, the motion to print was laid upon the table.

Mr. Whitlock moved to reconsider the vote by which was rejected the bill to incorporate the Dan River and Yadkin Railroad Company.

Which motion was carried; yeas 71, nays 36.

The yeas and nays demanded by Mr. Gilliam.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Badham, A. Barnes, Blow, Bryant, J. B. Bynum, D. F. Caldwell, Craven, Daniel, Daughtery, Dortch, Furr, Gilliam,
The said bill was now taken up, the same having been before read in this House the second time.

Mr. Shepherd submitted the following amendment to the bill, which was read and adopted:

Strike out the clauses making the State’s subscription, and insert the following:

Sec. — That whenever fifteen miles thereof shall be graded, and the road-bed shall be ready to receive iron and superstructure, the public treasurer is hereby authorized and required, upon being thereof certified by the president and directors, to endorse the bonds of the company to the amount of one hundred and fifty thousand dollars, and so toties quoties, as often as any further fifteen miles shall be so graded.

Sec. — That the bonds of the company, so required to be endorsed by the State, shall be payable at a period of time not longer than twenty-five years, and may be made payable to bearer, with coupons attached, at such places as the president and directors may determine, and at a rate of interest not exceeding six per centum, payable semi-annually; and the same shall be endorsed by the public treasurer in the name of the State, as bonds in like cases have been or are now required to be endorsed; and the faith of the State is hereby pledged for their redemption: and the State shall have a lien on the road, its branches, and all its property, for the payment of said bonds, when issued, with the interest thereon; and in case of failure to pay the said bonds, or the interest due thereon, the State may enter upon, and take possession of the whole property of the company, and apply the same to the liquidation of the debts for which the State shall be liable.

Mr. D. F. Caldwell submitted the following amendment, which was rejected:

And be it further enacted, That it shall and may be lawful for John Wilson, Stephen Dodson, Samuel Watkins, Ezra Wilson, Peter Adams and W. H. Cumings, or any three of them, to revive an act granted to them and others in the year 1835, by the legislature of North Carolina, for the purpose of constructing a
railroad from Salisbury to Milton in this State, and they are hereby authorized and empowered to open books at such time and place, and under such restrictions as they may think proper or necessary, to make subscriptions to the amount required to complete the road.

Mr. Myers submitted the following amendment, which was read and adopted:

Provided always, That the bonds hereby authorized to be raised, shall in no event be sold for less than their par value.

Mr. Amis submitted the following amendment, which was read and adopted:

Be it further enacted, That each section of fifteen miles, shall be put in running order before the next section is graded.

The question now recurring upon the passage of the bill as amended, its second reading, it was rejected, yeas 45, nays 60.

The yeas and nays demanded by Mr. Winston.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The House now resumed the consideration of the unfinished business of yesterday, being the bill for the completion of the North Carolina Railroad, and the question now being taken upon the pending amendment submitted by Mr. Stubbs;
Which was adopted; yeas 52, nays 52.

There being a tie, the Speaker voted in the affirmative.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltary submitted the following amendment; which was read and adopted:

Section 2d, line 5th, strike out "three per cent. semi-annually," and insert "six per cent. per annum."

Mr. Myers submitted the following amendment; which was rejected:

Provided always, That the bonds hereby authorized to be sold, shall in no event, be disposed of for less than their par value.

Mr. Singeltary moved to amend the bill, by striking out the proviso to the 2d section; which amendment was lost.

The hour having now arrived, under the rule, the House took a recess until 3 o'clock, P. M.

Three o'clock, P. M.

The House now resumed the consideration of the bill for the
completion of the North Carolina Railroad, and Mr. C. W. Williams submitted the following amendment:

Be it further enacted, That the sum of fifty thousand dollars be appropriated to the improvement of the Yadkin river, from the point where the North Carolina Railroad crosses the said river, up to the Bean Shoals; the said fifty thousand dollars to be raised in the same way that is provided for the one million of dollars to be raised for the completion of the North Carolina Railroad; and the said fifty thousand dollars shall be expended on said river under the direction of a skillful engineer, to be appointed by the board of internal improvements, and shall be under such rules and restrictions as they may think best; and the said river shall be used by the State as a public improvement for the benefit of said State.

Which amendment was lost.

Mr. Singeltary submitted the following amendment, which was adopted:

To section 2d add—Provided further, That said stock may be transferred to any other work of internal improvement by a future Legislature.

Mr. Singeltary now moved to amend the bill by striking out the whole of the proviso as amended to section 2d, which was lost; yeas 42, nays 66.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Amis, Barringer, Baxter, Bogle, Bryson, D. F. Caldwell, Carmichael, Chadwick, Cofield, Cook, Craven, Daniel, Dortch, Eure, Furr, Gilliam, Gorrell, G. Green, Grist, Harrison, J. H. Headen, Horton, Houston, Humphrey, Johnson, Jones, H. Leach, McDuffie, McKesson, McMillan, Mann, March, Meares, Mebane, Mordecai, S. J. Neal, Norment, Oglesby, Out-

Mr. Singeltary presented the following as a substitute for the bill:

Strike out all after the enacting clause and insert, "that the capital stock of the North Carolina Railroad Company shall be increased one million of dollars on the same terms and conditions between the State and individuals as are prescribed in the original charter, and that the treasurer make provision for paying the additional subscription on the part of the State to the stock of said company according to the directions laid down in the original act of incorporation."

The same was rejected; yeas 42, nays 64.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. G. M. White submitted the following amendment:

Be it further enacted, That twenty thousand dollars be appro-
appropriated for the improvement of Black River and South River, to be expended under the supervision of Luther Cromartie, William Beattie, Calvin Dixon and James Meredith, for the exclusive benefit of persons who carry produce down said rivers, (to come in before the concluding clause) which was rejected; yeas 16, nays 89.

The yeas and nays demanded by Mr. G. M. White.

Those who voted in the affirmative, were,

Messrs. J. G. Bynum, Daughtry, Eure, G. Green, Jarvis, Jones, McDuffie, Meares, Regan, Roland, Selby, Shaw, Steele, G. M. White, T. H. Williams and Yancey—16.

Those who voted in the negative, were,


Mr. Meares submitted the following amendment:

Resolved, That one million of dollars be appropriated out of the public treasury, for internal improvements in the State, to be distributed among the several counties, in proportion to the amount of taxes paid into the public treasury by them respectively; to which amendment Mr. Love offered the following: Strike out all after "the," in 7th line, and insert "white population." The question being first taken upon the latter amendment, it was rejected; yeas 15, nays 76.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,

Messrs. Bryson, J. G. Bynum, Carmichael, Craven, Garland,
Gentry, Horton, Love, Patterson, Patton, Roland, C. W. Williams, Whitlock, Wright and Yancey—15.

Those who voted in the negative, were,

The question now recurring upon the amendment submitted by Mr. Meares, and the same was rejected; yeas 23, nays 51.

The yeas and nays demanded by Mr. Love.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. McDuffie submitted the following amendment:
Provided, That no person be employed as chief engineer on said work but native North Carolini ans;
Which was rejected; yeas 19, nays 85.
The yeas and nays demanded by Mr. McDuffie.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

The question now recurring upon the passage of the bill as amended, its second reading, it was passed; yeas 88, nays 19.

The yeas and nays demanded by Mr. Singletary.

Those who voted in the affirmative, were,
Those who voted in the negative, were,

On motion by Mr. J. G. Bynum, the rule was suspended, and the bill was read the third time; and
Mr. Tomlinson submitted the following amendment:
Strike out the appropriation of fifteen thousand dollars to the improvement of Tar river;
Which was rejected; yeas 48, nays 58.
The yeas and nays demanded by Mr. Tomlinson.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Baxter submitted the following amendment; which was read and adopted:
Strike out of the 1st section the following words:—“According to the directions of the act of said company, entitled an act to incorporate the North Carolina Railroad Company, ratified the 27th day of January, 1849.”
The question now recurring upon the passage of the bill, as amended its third reading, it was passed.

Mr. Barringer moved to reconsider the vote by which said bill was passed; which motion was lost.

The special order of the day, being the engrossed bill to incorporate the New River Navigation Company, was now taken up and read the second time and passed.

On motion by Mr. J. G. Bynum, the rule was suspended, and the same was read the third time; and

Mr. B. F. Williams submitted the following amendment:

*Be it further enacted,* That the sum of ten thousand dollars be, and the same is hereby appropriated, to clean out and improve the navigation of Contentnea Creek; and that the same shall be paid by the public treasurer to three commissioners, to be appointed by a majority of the justices of the county court of Greene county, and said money shall be paid out of any money in the treasury not otherwise appropriated; which was rejected: yeas 7, nays 67.

The yeas and nays demanded by Mr. B. F. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question now recurring upon the passage of the bill, its third reading, it was passed, and ordered to be enrolled.

The hour having now arrived, the House took a recess.
Seven o'clock, P. M.

The following bills were severally read the second time and passed; the rule being suspended, they were read the third time, passed, and ordered to be engrossed:

A bill to incorporate the town of Snow Hill, in Greene county;
A bill to amend an act, entitled an act to provide for the better government of the town of Lincolnton, and to amend the existing laws of said town, passed at the session of 1852;
A bill to incorporate Yadkin Lodge of Free Masons, in the town of Yadkinville;
A bill to incorporate the Fayetteville Female High School;
A bill to lay off a public road in the county of Ashe;
A bill to incorporate the Alexandriana Plankroad Company;
A bill to increase the compensation of jurors and witnesses, in the county of Washington;
A bill to incorporate the Wilmington Savings Bank;
A bill to amend an act, entitled an act to enlarge the powers of the commissioners of the town of Newbern;
A bill to incorporate the Holtsburg Manufacturing Company;
A bill to incorporate the Stokes Iron Mining Company;
A bill to incorporate the Yadkin Institute, in the county of Yadkin;
A bill to incorporate the Columbia and Charlotte Magnetic Telegraph Company;
A bill to prevent the felling timber, &c., in Big and Little Ivy;
A bill to prevent obstructing the passage of fish up New river, in the counties of Ashe and Watauga;
A bill to amend an act, entitled an act to incorporate the town of Graham, in the county of Alamance, passed at the session of 1850-'51;
A bill to incorporate a female institute, in the town of Rockford;
A bill to establish a public road from William Phillips' to the stage road, at or near Jonas Brunket's, in Ashe county;
A bill to authorize the construction of a toll bridge across the Yadkin river, near Jonesville;
A bill to incorporate the United Baptist Institute, in the town of Taylorsville, N. C.
A bill to incorporate the Newbern and Neuse River Bridge Company, in the county of Craven;
A bill to incorporate the Sprinfield Institute, in Wake county; and
A resolution in favor of Abner Walker.
The following engrossed bills from the Senate, were severally read the first time and passed; the rule being suspended, they were read the second and third time, passed, and ordered to be enrolled:
A bill concerning the General Assembly;
A bill concerning towns;
A bill to incorporate the McIver Coal Mining Company;
A bill to lay off and establish a public road in the county of Ashe;
A bill to incorporate Glen Anna Female Seminary, in the county of Davidson; and
A bill to incorporate the Gardner Hill Mining Company.
The engrossed bill to incorporate the McCullock Copper and Gold Mining Company, was read the first time and passed; the rule being suspended, it was read the second time, and
On motion by Mr. Johnson, amended in the 7th section, by striking out "thirty," and inserting "fifty;" and the bill, as amended, passed its second and third reading, and was ordered to be enrolled.
The following bills were severally read the second time, amended and passed; the rule being suspended, they were read the third time and passed, and ordered to be engrossed:
A bill for the better regulation of Elizabethtown;
A bill to incorporate the New River, Wilmington and Topsail Sound Plankroad Company;
A bill to incorporate the Snow Hill and Atlantic Plankroad Company;
A bill to incorporate the Chatham and Randolph Plankroad Company;
A bill to incorporate the Jacksonville and Trent River Plankroad Company;
A bill to incorporate the Salem, Winston and Virginia Turnpike and Plankroad Company;
A bill to incorporate the Hillsboro' and Chapel Hill Plankroad Company;
A bill to incorporate the Hillsboro' and Milton Plankroad Company.

Received from the Senate a message, informing that they have passed the engrossed bill from the House to incorporate the town of Lenoir, in Caldwell county; and the engrossed bill for the better regulation of the town of Louisburg, in Franklin county, with an amendment; in which they ask the agreement of the House.

The House agreed to the amendments, and the Senate was informed by message.

A bill to pay regular and taxes jurors in the county of Nash, was read the second time and passed, and laid upon the table.

A bill to amend an act passed at the session of the General Assembly in 1848-'9, entitled an act to open a road from the town of Newton to the town of Morganton, was taken up and laid upon the table.

A bill in favor of Thomas N. Alexander, late sheriff of Mecklenburg county, was read the second time, and, on motion, indefinitely postponed.

A bill to authorize Louis S. Hartley, late sheriff of Mecklenburg County, to collect the arrears of taxes due him, was read the second time and passed; the rule being suspended, the same was read the third time and rejected.

A bill concerning the free passage of fish up Neuse river, was read the second time, and made the special order for Monday next at 9 o'clock, P. M.

Also, a bill to repeal an act passed at the session of 1850-51, authorizing Josiah O. Watson to construct a dam on Neuse river, was taken up, and made the special order for the same hour.

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

SATURDAY, FEBRUARY 3, 1855.

Mr. Jenkins presented the following resolution, which was read and referred to the committee on education:

Resolved, That the literary board be authorized and required to invest in the purchase of State bonds, the whole of the literary fund not otherwise invested.
Mr. Amis introduced a bill to incorporate the trustees of Granville Institute, which was read the first time and passed.

Mr. Mebane, a bill supplemental to an act passed at the present session of the General Assembly, entitled an act to incorporate the Caswell and Alamance Plankroad Company, which was read the first time and passed; the rule being suspended the same was read the second time.

Mr. Jenkins submitted the following amendment, which was rejected:

*Be it enacted,* That three thousand dollars be, and the same is hereby appropriated to construct a plankroad from Warrenton to the Warrenton depot, in the county of Warren, and that the treasurer be authorized to pay over the same to the commissioners to be appointed, whenever private individuals, shall subscribe, pay in and expend the sum of fifteen hundred dollars.

Mr. Jordan submitted the following amendment:

*Be it further enacted,* That five thousand dollars be, and the same is hereby appropriated to construct a plankroad from Elizabeth city in Pasquotank county, and that the treasurer be authorized to pay over the same to the commissioners hereafter to be appointed, whenever private individuals pay in and expend two thousand dollars.

Mr. S. A. Williams moved to lay the bill and amendment upon the table, which was carried; yeas 68, nays 36.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative were,


Those who voted in the negative were,

Messrs. Barringer, Black, J. G. Bynum, Carmichael, Cook, 49

On motion by Mr. Mebane, the motion heretofore made and laid upon the table, to reconsider the vote by which was rejected, the bill to improve the road from John Kenedie’s, to the top of the Blue Ridge, was taken up and carried.

The said bill having been before read the second time, was now passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

On motion by Mr. Humphrey, the vote by which the engrossed bill to incorporate the New River Navigation Company was passed its third reading was reconsidered, and amended by striking out in the 12th line of the 11th section, "Seventy-five thousand," and inserting "Twenty thousand," and in the 6th line of the same section, by striking out "Twenty-five thousand," and inserting "Ten thousand;" the bill as amended, now passed its third reading, and the Senate was informed by message.

Mr. Singeltary introduced a bill to provide for a survey, for a railroad from Beaufort to Ashville, which was read the first time and passed.

The engrossed bill to authorize the Cape Fear and Deep River Navigation Company, to issue bonds, and for other purposes, was taken up and read the second time and passed.

On motion by Mr. Cotton, the rule was suspended, and the bill was read the third time, passed and ordered to be enrolled.

The engrossed bill to charter the Fayetteville and Greensboro’ Railroad Company, was now taken up and read the second time; pending the consideration of which the hour arrived, and the House took a recess.

Three o’clock; P. M.

The House now resumed the consideration of the bill to charter the Fayetteville and Greensboro’ Railroad Company, and Mr. Singeltary submitted the following amendment: In the first section strike out "Greensboro’," and insert "Coal Fields;" which was adopted: yeas 51, nays 36.
The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The engrossed bill from the Senate to incorporate a company to construct a ship canal to unite the waters of Albemarle, Currituck and Pamlico Sounds with Chesapeake Bay, and for other purposes, was now taken up and read the second time and passed; yeas 72, nays 14.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. A. Barnes, Bullock, Craven, Daughtry, Flynt, M.
On motion by Mr. S. A. Williams, the rule was suspended, and the bill was read the third time, passed, and ordered to be enrolled.

On motion by Mr. Singeltary, leave of absence was granted to Mr. Whitlock for one week from and after Monday next.

On motion by Mr. Steele, leave of absence was granted to Mr. Myers for the remainder of the session from and after this day.

The House now adjourned to Monday morning 10 o'clock.

MONDAY, February 5, 1855.

The Speaker announced the following committee on enrolled bills:


Mr. Settle, from the committee on claims, to whom was referred a resolution in favor of D. D. Baker and others, reported a substitute therefor, and recommended its passage.

Mr. Carmichael, from the committee on internal improvements, to whom was referred a bill to incorporate the Pasquotank and Perquimons Plankroad Company, reported the same back to the House and recommended its passage.

Mr. Steele, from the committee on private bills, to whom was referred a bill to authorize Alexander M. Booe, sheriff of Davie county, to collect arrears of taxes due him, and the same extended to the collection of taxes due to W. B. March, reported the same back to the House and recommended that it do not pass.

Mr. Baxter, from the select committee, to whom was referred an engrossed bill to incorporate the Western North Carolina Railroad Company, reported the same back to the House with sundry amendments, and on his motion, the bill was made the special order for this day, at 12 o'clock.

Mr. Amis introduced a bill to incorporate the Union Agricultural Society of Virginia and North Carolina;

Which was read the first time and passed, and referred to the committee on agriculture.

Mr. George Green, a bill to provide for an arsenal in the town of Newbern;

Which was read the first time and passed.
Mr. Vance, a bill to authorize county and town subscriptions to French Broad and Greenville Railroad company; Which was read the first time and passed, and referred to the committee on the judiciary.

Mr. John G. Bynum, a bill to require solicitors of the several circuits, to attend the session of the General Assembly; Which was read the first time and passed, and referred to the committee on the judiciary.

Mr. C. W. Williams, a bill to repeal the incorporation of the town of Jonesville, in the county of Yadkin; Which was read the first time and passed, and referred to the committee on propositions and grievances.

On motion by Mr. Amis, the bill to amend the charter for the better regulation of the town of Henderson in the county of Granville, was taken from the table, the same having been read the second time.

The amendment recommended by the committee on corporations, "to strike out the 18th section," was adopted; and Mr. Amis moved to amend, by inserting in place of said section, the following:

The county court shall not grant to any person, license to retail spirituous liquors within the limits of the corporation hereby created, unless such person, at the time of making application for the same, shall produce a certificate, under the hand and seal of the magistrate of police of the corporation, setting forth that a majority of the commissioners have consented for the application to be made; nor shall it be lawful for any person to sell, within the limits aforesaid, any spirituous liquors, in quantities less than a gallon, unless he shall first obtain from the commissioners aforesaid, a license to do so; which license, when granted, shall be in force one year, and no longer: and any person selling contrary to the provisions of this section, shall forfeit to the commissioners, twenty-five dollars for the first, and fifty dollars for every new offense, to be recovered by warrant, before any justice of the peace for the county, with the same right of appeal as is provided in section 4th of this act.

Which was rejected; yeas 46, nays 47.

The yeas and nays demanded by Mr. Bullock.

Those who voted in the affirmative, were,
Those who voted in the negative, were,


The bill, as amended, passed its second reading.

The engrossed bill concerning the Fayetteville and Central Plankroad Company, was taken up and read the second time; when

Mr. Winston submitted the following amendments:

The directors of said company shall declare a semi-annual dividend of profits, to wit: on the 15th June and 15th December of each year,” to come in as a second proviso to section 6.

Which amendment was adopted.

Also, add the following section:

Be it further enacted, That the State shall be entitled to have a number of directors in said company, to be appointed by the Governor, in proportion to the stock owned by the State.

Which was adopted.

Mr. J. W. Neal submitted the following amendment:

Be it further enacted, That the treasurer of the State be hereby authorized and required to subscribe twenty-five thousand dollars to the capital stock of the Greensboro' and Madison Plankroad Company.

To which amendment Mr. Singeltary offered the following:

And to any plankroad in this State, on the same terms and conditions as herein prescribed, a sum equal to one thousand dol-
lars per mile for so much of the same as may be already completed.

The question being first taken upon the latter amendment, it was rejected.

Mr. Singeltary moved that the bill and pending amendments be indefinitely postponed.

Which was disagreed to; yeas 18, nays 79.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question recurring upon the pending amendment, submitted by Mr. J. W. Neal, it was rejected.

Mr. Flynt, submitted the following amendment:

Be it further enacted, That the treasurer be authorized to subscribe, on the part of the State, twenty-five thousand dollars for the building and completion of the Salem, Winston and Virginia Plankroad Company.

Which was rejected.

The bill as amended, then passed its second reading; yeas 65, nays 38.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,

Those who voted in the negative, were,


A bill to provide for draining swamp lands, in the county of Pitt, was taken up and read the second time; and

Mr. Blow offered a substitute for the same, which was adopted; and the bill, as amended, was rejected: yeas 33, nays 55.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The House now proceeded to the consideration of the special order of the day, being the engrossed bill to incorporate a plank-road from Mocksville to Wilkesboro', and to provide a subscription of stock on the part of the State.

The same was read the second time, when Mr. Jenkins moved the indefinite postponement of the bill;

Which was disagreed to; yeas 17, nays 72.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question recurring upon the passage of the bill on its second reading, it was determined in the affirmative; yeas 57, nays 32.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


So the bill passed its second reading; and

On motion by Mr. Dortch, the rule was suspended, and the same was read the third time, passed and ordered to be engrossed.

The engrossed bill to incorporate the Western North Carolina Railroad Company, being the special order for this day, at 12 o'clock, was now taken up, and pending the reading thereof, the hour arrived under the rule, and the House took a recess.

Three o'clock, P. M.

The House now resumed the consideration of the bill under consideration at the time of taking a recess; the same was read the third time, and the following amendments reported by the committee, were adopted:

1st. Strike out of the first section the following words: "with a capital stock of one million two hundred thousand dollars."

2nd. Add to the 3rd section as amended, "and at such other places and under the direction of such other persons as the general commissioners heretofore mentioned may appoint."

3rd. Strike out of the 5th section from the word "company," in the 8th line, to the word "and" in the 13th line.

4th. Strike out all of the 5th section after the word "State" in the 19th line.

5th. Strike out the 10th section.

6th. Strike out of the 11th section in the 2d and 3d lines the following words, "survey aforesaid shall have been completed," and insert "company shall be organized as aforesaid."

7th. Strike out of the 11th section all after the word "aforesaid" in the 52d line, and insert "provided the State shall not be
required to subscribe as aforesaid until five per centum of the individual stock is paid, nor pay more than $400,000 in any one year.

8th. Insert between the words "and" and "shall," in the 49th line of the 11th section, "when the same;" and between the words "be" and "in," insert the word "put."

9th. Add to the 13th section, "and the bona fide owner of at least five shares of stock in said company."

10th. Strike out all after the word "elected," in the 6th line of the 14th section.

11th. Strike out the 21st section.

12th. Strike out the amendment made in this House to the 30th section, and insert, "and other roads may hereafter connect with or cross the same upon such terms as the General Assembly may prescribe."

13th. Strike out of the 31st section from the word "road" in the 20th line, so as to include the words "no longer" in the 28th line, and insert, "and in the absence of any contract or contracts in relation to lands through which said road may pass, it shall be presumed that the land over which said road may be constructed, together with one hundred feet on each side thereof, has been granted by the owner or owners to the company, and the said company shall have good right and title thereto, and shall have, hold, and enjoy the same so long as it shall be used for the purposes of said road and no longer, unless the owner or owners shall apply for an assessment of the value of said land as herein before directed, within two years next after that part of said road has been located; and in case the owner or owners of such lands, or those claiming under him, her or them shall not apply within two years from the time aforesaid, he, she or they shall be forever barred from recovering the same, or having an assessment or compensation thereof: Provided, That nothing herein contained shall affect the rights of infants, feme coverts, persons non compos, or beyond seas, until two years after the removal of their respective disabilities."

14th. Insert in the 3d line from the bottom, in the 33d section, after the word "servant," "of the owner."

15th. Strike out of the 9th line of the 38th section "as," and insert "which."
16th. Strike the following words out of the 43d section: "The division of said railway, upon the construction of which, after the survey aforesaid in section ten of this act, with its equipments;" and insert "the first division of said road."

17th. Insert in the same section, after the word "belonging," in the 8th line, the word "and"

18th. Strike out the words "has been," in the 10th line of said section.

Mr. Singeltyary submitted the following amendment:

Provided, That the State of North Carolina shall not be called on to pay a greater amount than eight hundred thousand dollars, without the consent and authority of the next or a succeeding legislature.

Which was rejected; yeas 28; nays 72.

The yeas and nays demanded by Mr. Singeltyary,

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltyary then submitted the following amendment:

Provided, That the State shall not be hereby committed to the subscription of stock for extending the road farther west than the base of the Blue Ridge, without the consent of the next or a succeeding legislature.
Which amendment was rejected; yeas 24, nays 70.
The yeas and nays demanded by Mr. Singeltary.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Whitaker submitted the following amendment:
And be it further enacted, That the directors on the part of the State, shall be appointed immediately after the organization of said company, and before any contracts for work shall be made for said road; which amendment was rejected.

Mr. Garland submitted the following amendment:
Strike out Swananoa Gap, and insert "the head of the Mile Creek," and after the word "French Broad," insert "or to the Tennessee line, in the direction of Jonesborough, Tennessee;" which amendment was rejected.

Mr. G. M. White presented the following amendment:
Strike out "at or near Statesville;" which was rejected.
The following remaining amendments, reported by the committee, were now adopted; to wit:
Strike out A. H. Caldwell's amendment, in the 25th section, and insert after the word "road," in the third line, "not to exceed six millions of dollars."

Strike out of the 46th section the word "may," in the 7th line, and insert "shall."
The said bill, as amended, now passed its third reading; yeas 66, nays 35.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The House now took a recess.

Seven o'clock, P. M.

Received from the Senate a message, informing the House that they have disagreed to the amendment proposed by the House, to the engrossed bill concerning agriculture and geology.

Whereupon, the House receded from its amendment; yeas 54, nays 40.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,

Smith, Steele, Stubbs, Sutton, Vance, Whitaker, J. H. White, N. B. Whitfield and Wilkins—54.

Those who voted in the negative, were,


And the bill was ordered to be enrolled.

The engrossed bill concerning Idiots and Lunatics was read the first time and passed; the rule being suspended, the same was read the second and third time, passed, and ordered to be enrolled.

The engrossed bill concerning pilots was read the first time and passed; the rule being suspended, the same was read the second time; when

Mr. Stubbs submitted the following amendment:

Amend the 32nd section, by striking out the words, "the same sum" in the 3d line, and insert "half the sum."

Which amendment was rejected, and the bill passed its second reading.

A bill authorizing the commissioners of the town of Salisbury to subscribe for stock in the Western Railroad Company, and in the Salisbury and Mocksville Plankroad Company, was read the second time, and the amendments reported by the committee on corporations adopted, and the bill, as amended, passed its second reading; the rule being suspended, the same was read the third time, passed, and ordered to be engrossed.

Mr. Phillips presented the following resolution, and the rule being suspended, it was read and adopted:

Resolved, That rule 31st of this House, so far as it prevents bills, &c., from being sent to the Senate, until a day shall have elapsed after their passage, be and the same is hereby repealed.

Received from the Senate a message, accompanied by the following resolution passed by that body, in which they ask the agreement of the House, viz.

Resolved, That the following proviso be added to the 6th joint rule of the two Houses, to wit:
Provided, however, That where a private bill has passed both Houses, and the engrossed bill has not been amended or modified in its passage, then such engrossed bill, having no interlineations or erasures, may be used as the enrolled bill; and upon being duly examined and certified, shall be presented for ratification.

Which amendment was agreed to.

The hour having now arrived, the House proceeded to the consideration of the special order, being

A bill to repeal an act passed at the session of 1850-'51, authorizing Josiah O. Watson to construct a dam on Neuse river; the same was read the second time, when

Mr. Mordecai offered the following resolution as a substitute; which was adopted, and ordered to be engrossed:

Whereas, the act authorizing Josiah O. Watson, of Johnston county, to construct a dam on Neuse river, passed at the session of 1850-'51, required in the second section thereof, that the said Watson should construct the said dam with a slope fifteen feet wide, so as not to obstruct the passage of fish up said river, and whereas there is much complaint amongst the good citizens of the counties of Johnston and Wake, residing above and near the point at which said dam has been constructed, that the provisions of the above recited act have been most grossly disregarded and violated by the erection of a dam at the point, not in accordance with the requisition of the said act, and which actually obstructs the passage of fish up said river Neuse, much to the injury of all persons concerned, and in violation of assurances given when the said act was passed; as well as in direct violation of the express provisions of the said act:

Resolved, That the Attorney General of the State enquire into the facts connected with the aforesaid alleged grievance of the good citizens residing above and near the place at which said dam is constructed; and that, should he find the facts above set forth be true, or the existence of any such grievances as are complained of, that he institute such proceedings in the superior court of law of Johnston county, as the law points out in cases of this kind; so that such grievance may be remedied, and such nuisance abated.

The House now adjourned to to-morrow morning, 10 o'clock.
TUESDAY, February 6, 1855.

On motion by Mr. J. M. Leach, leave of absence was granted to Mr. R. H. Parks, from and after to-day.

Mr. J. M. Neal, presented a memorial from citizens of McDowell county, opposing the erection of a new county called Golden Valley; which was laid upon the table.

Mr. Walser presented a resolution in favor of J. D. Harris;
Which was read the first time and passed.

Mr. Smith submitted a resolution authorizing the librarian to have erected in the engrossing clerk's room, suitable shelves for the preservation of geological, mineralogical and agricultural specimens;
Which was read the first time and passed;
The rule being suspended, the same was read the second and third time, passed and ordered to be engrossed.

Mr. J. M. Leach introduced a bill to incorporate the Female Normal Institute in the county of Carteret;
Which was read the first time and passed.

Mr. Jones, a bill to amend an act passed at the session of 1852-'53, entitled an act concerning the place of trial for civil process, returnable before justices of the peace;
Which was read the first time and passed.

Mr. Love, a bill to establish the county seat of Madison;
Which was read the first time and passed, and referred to the committee on the judiciary.

Mr. McMillan, a bill supplemental to an act passed at the session of 1850-'51, entitled an act to enlarge the powers of the commissioners of the town of Wilmington;
Which was read the first time, passed and referred to the committee on the judiciary.

Mr. Patton, a bill to incorporate the Haywood Mining and Manufacturing Company;
Which was read the first time and passed.

Mr. Houston, a bill to incorporate Magnolia Male Institute;
Which was read the first time and passed.

The engrossed resolution in favor of Bryant R. Hinnant, was read the first time and passed.

The rule being suspended, the same was read the second and third time, passed and ordered to be enrolled.
Mr. Waugh, from the committee on propositions and grievances, reported favorably the bill to alter the county line of Watauga county.

Also, a bill to amend an act passed in 1852, entitled an act to incorporate the town of Kenansville; and

Also, a bill to alter the line between the counties of Madison and Buncombe.

And unfavorably, a bill to amend an act, appointing commissioners to lay off a road from Salisbury to the Virginia line.

Received from the Senate a message agreeing to the proposed amendment to the engrossed bill from the Senate to incorporate the New River Navigation Company, and a bill to incorporate the McCulloch Copper and Gold Mining Company, and the said bills were ordered to be enrolled.

Also, a message informing the House that they have passed the following engrossed bills from the House, with amendments thereto, in which they ask the concurrence of the House, to wit:

A bill to establish the town of Magnolia, in the county of Duplin, and to incorporate the commissioners of said town;

A bill to amend an act entitled an act to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company;

A bill to lay off and establish a county by the name of Wilson;

A bill for the protection of sheep;

A bill concerning the Wilmington and Raleigh Railroad Company;

A bill to incorporate Columbia and Charlotte Magnetic Telegraph Company;

A bill for the better regulation of the town of Franklinsville, in the county of Randolph;

A bill in favor of Wm. N. Brooks, of the county of Hyde; and

A resolution in favor of Robert Martin, of Cherokee county.

Which amendments were severally agreed to, and the Senate informed thereof by message.

Received from the Senate a message proposing to raise a committee of two on the part of each House, to examine into the expediency of appointing a State Engineer to superintend all the public improvements, and to inquire into the economy of such appointment:
Which was concurred in; and the Chair appointed Messrs. Singeltary and J. G. Bynum said committee, and the Senate was informed thereof by message.

On motion by Mr. Winston, the engrossed bill concerning the Fayetteville and Centre Plankroad Company was taken up, and read the third time; when

Mr. Furr submitted the following amendment:

_Be it further enacted_, That ten thousand dollars of the subscription herein authorized on the part of the State, be expended in the construction and continuation of the said plankroad, on the west side of the Pee Dee river, to the town of Albemarle.

To which amendment, Mr. D. F. Caldwell presented the following amendment:

_Be it further enacted_, That the public treasurer be and he is hereby authorized to subscribe fifty thousand dollars to the capital stock of the Greensboro' and Madison Plankroad Company, and that the president of said road be authorized and required to issue certificates of stock in said road to the full amount of said subscription, and deliver the same to the Treasurer of the State, so soon as the subscription of the State is paid.

Which amendment was rejected.

The question now recurring upon the amendment submitted by Mr. Furr, it was adopted.

Mr. Waugh presented the following amendment:

_Be it further enacted_, That the treasurer be authorized to subscribe, on the part of the State, ten thousand dollars, to the Clemmonsville and Salem Plankroad; also, a like sum of ten thousand dollars, to connect by a Plankroad the navigable waters of the Yadkin river with the Fayetteville and Western Plankroad, at a point 2\(\frac{1}{2}\) miles east of Salem;

Which amendment was rejected.

The bill, as amended, now passed its third reading; yeas 59, nays 36.

The yeas and nays demanded by Mr. Bullock.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

On motion by Mr. Cofield, the bill to lay off and establish a new county by the name of Cape Fear, was taken up and read the third time; when

Mr. Steele moved to amend the bill, by striking out "Cape Fear," and inserting "Harnett;" which was adopted.

Mr. Shepherd submitted the following amendment:
Beginning at the intersection of the lines of Johnston and Sampson counties, on Black Mingo; thence a direct line to the mouth of Lower Little river; thence up said river to the bridge at Elliott's Mills; thence a straight line to the place on the Murchison road, where Hector's creek crosses; thence with said road to the Moore county line; thence with said line to the Chatham county line; then with that to the Wake county line; then with that to the Johnston county line; then with that to the beginning;

Which amendment was adopted.

The bill, as amended, then passed its third reading, and was ordered to be engrossed.

On motion by Mr. Humphrey, the engrossed bill to charter the Fayetteville and Greensboro' Railroad Company, was made the special order of this day at 3 o'clock.

On motion by Mr. Gilliam, the House resolved itself into committee of the whole, upon the subject of banks and banking, Mr. Shepherd in the chair; after some time spent in committee of the whole, the committee rose, the Speaker resumed the chair, and Mr. Shepherd reported progress, and asked leave to sit again.
The hour having now arrived, the House proceeded to the consideration of the special order made this morning for this hour, being the bill to charter the Fayetteville and Greensboro' Railroad Company; the same was read the third time, when Mr. Humphrey presented the following amendment to the 44th section:

Provided, That the bonds of said company so endorsed by the treasurer of the State, shall in no case be sold for less than their par value;

Which was read and adopted.

Mr. McDuffie submitted the following amendment:

Provided, That nothing herein contained shall be so construed as to mean that the treasurer of the State shall endorse the bonds of said company east of Fayetteville for more than eight thousand dollars per mile;

Which was adopted.

Mr. George Green submitted the following amendment:

Be it further enacted, That the company in extending said road east, may construct the same through to Beaufort Harbor, or to some point on the Atlantic and North Carolina Railroad, at or near Trenton, in the county of Jones;

To which amendment, Mr. Humphrey offered the following:

Amend by striking out “at or near Trenton, in the county of Jones;”

Which latter amendment was adopted.

The question recurring upon the amendment submitted by Mr. Green, it was adopted; yeas 66, nays 29.

The yeas and nays demanded by Mr. George Green.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. J. G. Bynum submitted the following amendment, to come in after the proviso offered by Mr. McDuffie:

Provided further, That no endorsement of the bonds of said company shall be made by the public treasurer until 15 miles of said road shall be completed and equipped, and until a mortgage shall be executed to the Governor of the State of North Carolina for said road and equipments, according to the rules and regulations, and upon the same terms and conditions, and with the same provisions as are contained in the act passed at the present session of the General Assembly, entitled an act to incorporate the Wilmington and Charlotte Railroad Company, directing the endorsement of the bonds of said company, nor shall any further endorsements be made until the said company shall expend the money derived from said bonds upon said road, and another section of fifteen miles shall be completed by individual subscription, and the whole shall be conveyed by mortgage as heretofore prescribed;

Which was adopted.

Mr. Winston submitted the following amendment:

"Strike out the 41st and 42d sections of the bill;" which amendment was rejected; yeas 45, nays 52.

The yeas and nays demanded by M. Winston.

Those who voted in the affirmative, were,

Those who voted in the negative, were,
Messrs. J. Barnes, Baxter, Black, Blow, Bogle, J. G. Bynum, A. H. Caldwell, Cansler, Carmichael, Chadwick, Cofield, Cook,

The hour having now arrived under the rule, the House took a recess.

Seven o'clock, P. M.

A bill to amend the charter of the town of Salisbury was read the second time, and Mr. A. H. Caldwell submitted the following amendment:

*Be it further amended, That no one shall sell spirituous liquors within the corporate limits of the town of Salisbury, without a license from the board of commissioners, in a less quantity than five gallons, except for sacramental, medicinal and mechanical purposes, and that no one shall have a license to sell spirituous liquors within the corporate limits of said town, unless a majority of the voters of the town shall so decide, at an election to be held for that purpose under the control of the commissioners of said town; and that the commissioners of said town, shall have power to levy and collect from all persons retailing or selling spirituous liquors in said town, a tax of not less than fifty dollars, or more than one thousand dollars, for such purposes as said commissioners may deem right and best for the interest of said town; which amendment was adopted: yeas 42, nays 31.*

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

The bill as amended passed its second reading; and the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

Mr. Barringer moved to reconsider the vote by which said bill was passed, with a view to amend the amendment submitted by Mr. A. H. Caldwell; which motion was disagreed to.

The following bills were read the second time and passed; the rule being suspended, the same were severally read the third time and passed, without amendment, and ordered to be engrossed:

- A bill to prevent obstructions to the free passage of fish in Shooting creek, in the county of Cherokee;
- A bill to incorporate the Wacamaw and Shallotte Plankroad Company;
- A bill to cede to the United States a tract of land near Wilmington;
- A bill to authorize the corporation of the town of Charlotte to subscribe to certain railroads;
- A bill to confirm a grant in favor of Wm. J. Potter and Joseph P. Robertson;
- A bill to establish a toll bridge across Black river, in New Hanover county;
- A bill to incorporate the Charlotte Gas Light Company;
- A bill to amend an act, entitled an act to incorporate the town of Edenton;
- A bill to incorporate the Laurel Turnpike Company;
- A bill to incorporate the Kinston Female College;
- A bill to increase the pay of witnesses in the county of Onslow;
- A bill to incorporate the Chapel Hill and Durhamsville Plankroad Company;
- A resolution in favor of J. W. Erwin, Adm’r, and
- A resolution in favor of John W. Garland.

The following bills were read the second time, amended and
passed; the rule being suspended, they were severally read the third time and passed, and ordered to be engrossed:

A bill to incorporate the Camden and Pasquotank New Cut Canal;
A bill to incorporate the Richland and New River Plankroad Company;
A bill to incorporate the Salem, Winston and Virginia Turnpike and Plankroad Company;
A bill to amend the charter of the Charlotte and South Carolina Railroad Company;
A bill to prevent the felling of timber in the North East River in Duplin county;
A bill for the relief of Solomon Newton;
A bill to prevent the felling of timber in Big Brush Creek, in Randolph county;
A bill to extend the limits of Ashborough, and repeal all former acts of incorporation;
A bill to incorporate the Ashville Mutual Insurance Company;
A bill to incorporate the Trenton and Hallsville Plankroad Company;
A bill to incorporate the Gold Hill Mining Company; and
A resolution in favor of Reuben Watts.
A bill to alter the county line between Caldwell and Watauga counties, was read the second time, and laid upon the table.
A bill to establish a public road in the county of Yancey, was read the second time; and
On motion by Mr. S. A. Williams, indefinitely postponed.
A bill to annex a part of Edgecombe county to Nash, was taken up and laid upon the table.
The House now adjourned to to-morrow morning 10 o'clock.

WEDNESDAY, FEBRUARY 7, 1855.

On motion by Mr. Dortch,

Ordered, That a message be sent to the Senate proposing to go into an election for commissioners of the Lunatic Asylum, this day at one o'clock.

Mr. George Green on behalf of Mr. Dargan, chairman of the committee on military affairs, submitted a report in regard to the public arms in the town of Newbern, and recommended the pas-
sage of the bill now on the table upon that subject, with an amend-
ment.

Mr. Dortch, from the committee on the judiciary, to whom was referred a bill to authorize county and town subscriptions to French Broad and Greenville Railroad Company; and

A bill concerning the sale of rice in the town of Wilmington, reported the same back to the House and recommended that they do not pass.

Mr. Dortch, from the same committee, to whom was referred a memorial from the Wilmington and Manchester Railroad Company, praying the legislature to pass an act reducing the vote of the State, and of other stockholders in the meetings of said company, reported the same back to the House; and that it is inexpedient to reduce the vote of the State, and asked to be discharged.

Mr. J. G. Bynum, from the same committee, to whom was referred a bill to require the solicitors of the several circuits, to attend the sessions of the General Assembly, reported the same back to the House and recommended its passage.

Mr. Norment, from the committee on agriculture, to whom was referred a bill to incorporate the Union Agricultural Society of Virginia and North Carolina, reported the same back to the House and recommended that it do not pass.

Mr. Steele, from the committee on claims, to whom was referred a resolution in relation to Jacob Siler, reported the same back to the House with an amendment, and recommended its passage.

Mr. Outlaw introduced a bill concerning the treasury department;

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

Mr. Outlaw, from said committee, subsequently reported said bill back to the House and recommended its passage.

Mr. Bogle introduced a bill to authorize certain counties to subscribe stock to the Western North Carolina Railroad Company;

Which was read the first time and passed.

Mr. Vance, a bill to incorporate the Young Men's Literary Association, in Asheville, North Carolina; the same was read the first time and passed.

Mr. McKesson, a bill to enlarge the powers of the commissioners of Morganton; which was read the first time and passed.
Mr. Craven submitted the following resolution, which lies over one day, under the rule:

*Resolved,* That on any motion made to resolve this House into committee of the whole, or any motion to take up any bill out of committee, or any proposition for the committee to rise and report progress or otherwise, the vote shall be taken without debate.

The House now proceeded to the consideration of the unfinished business of yesterday, being the engrossed bill to charter the Fayetteville and Greensboro’ Railroad Company.

On motion by Mr. J. G. Bynum, the vote by which was adopted the amendment submitted by him on yesterday to said bill, was reconsidered; whereupon he withdrew the amendment.

On motion by Mr. McDuffie, the vote by which was adopted the amendment submitted by him on yesterday, was reconsidered; whereupon he withdrew the amendment.

Mr. Sutton submitted the following amendment:

Strike out the words “Beaufort, or some other point on the Atlantic and North Carolina Railroad,” and insert “Kinston, in Lenoir county;” which amendment was rejected.

Mr. Turner submitted the following amendment:

Strike out all that portion of the bill which contemplates constructing the road beyond Warsaw.

Pending the consideration of which, the hour arrived under the rule, and the House took a recess.

*Three o’clock, P. M.*

The House now resumed the consideration of the bill to charter the Fayetteville and Greensboro’ Railroad Company, the question being on the amendment submitted by Mr. Turner, which amendment was rejected; yeas 34, nays 53.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Mr. Baxter submitted the following amendment:

Strike out of the 41st section the following: "Shall be commenced at the several points of Fayetteville, Beaufort harbor and Warsaw; and whenever a section of fifteen miles thereof shall be graded and ready to receive the superstructure, at either of the points adjacent to Fayetteville, Warsaw and Beaufort harbor," and insert:

"May be commenced at one or more points; and whenever fifteen consecutive miles of said road shall be completed, with iron weighing not less than 60 lbs. to the yard, with all necessary stations, warehouses, turnouts, cars, and motive power for the transportation of passengers and freight."

And after the words "one hundred and fifty thousand dollars" in the same section "for the section west of Fayetteville, and one hundred and twenty dollars for the section east of that point."

Which amendment was adopted.

Mr. Baxter submitted the following amendment, to be added to the bill:

Sec. 46. Be it further enacted, That the lien hereby created in favor of the State, shall have preference over all other liens or mortgages, and the bonds of the company endorsed by the State, as aforesaid shall not be sold for less than par, and the funds realized therefrom shall be faithfully applied to the construction and equipment of said road, and for no other purpose whatever;

Which was adopted.

Mr. J. G. Bynum again offered the amendment, which was reconsidered and withdrawn by him this morning; which amendment was adopted.

The question now being taken upon the passage of the bill, as amended, its third reading, it was rejected; yeas 35, nays 62.
The yeas and nays demanded by Mr. S. A. Williams.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Dortch moved that the vote by which said bill was rejected be reconsidered; which was carried; and
Mr. Outlaw then moved that the bill be indefinitely postponed; and the question thereon was determined in the affirmative: yeas 51, nays 45.

The yeas and nays demanded by Mr. Outlaw.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

So the said bill was indefinitely postponed.

Mr. Outlaw asked to be excused from serving on the committee on enrolled bills, which was granted.

Mr. McKesson asked for and obtained leave of absence for Mr. A. H. Caldwell, from and after to-morrow.

The House, under the joint order of the two Houses, now proceeded to ballot for nine directors of the Lunatic Asylum, under the superintendence of Messrs. Stubbs and Yancey, Messrs. N. G. Rand, S. A. Williams, W. C. Doub, G. W. Mordecai, G. H. Wilder, C. L. Hinton, A. T. Jenkins, J. A. Gilmer, John Walker and Curtis H. Brogden, being in nomination.

The Speaker laid before the House, messages from the Senate, informing that they have passed the following engrossed bills from the House, with amendments, in which they ask the agreement of the House:

A bill to regulate the floating of timber on the Roanoke river;
A bill to incorporate the Jacksonville and Trent River Plank-road Company;
A bill to incorporate the Newbern and Neuse River Bridge Company, in the county of Craven; and
A resolution in favor of John Craus;
Which amendments were severally agreed to.
Also a message, informing that they have passed the engrossed bill from the House, to incorporate the Chatham Railroad Company, with sundry amendments, in which they ask the agreement of the House.
Whereupon, the House agreed to the amendments, except the one authorizing counties to subscribe for stock, &c.

The following bills were read the second time and passed; the rule being suspended, they were severally read the third time, passed, and ordered to be engrossed:
A bill to incorporate the trustees of Granville Institute;
A bill to revive and continue in force an act, entitled an act to
appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same;

A bill to incorporate the town of Jefferson, in the county of Ashe;

A bill for the better regulation of seamen, in the town of Wilmington;

A bill to prevent the obstruction of the passage of fish in the waters of South River and Adam’s creek;

A bill to extend the corporate limits of the town of Beaufort;

A resolution in favor of C. C. Stone;

A resolution in favor of James M. Carroll;

A resolution in favor of Bartlet Upchurch;

A resolution in favor of Neal M. Colvard;

A resolution in relation to Jacob Siler.

The following bills were read the second time, amended, and passed; the rule being suspended, they were severally read the third time, passed, and ordered to be engrossed:

A bill to incorporate the Sulphur Spring and Paint Rock Turnpike company, in Madison and Buncombe counties;

A bill to incorporate the Lenoir and Duplin Plankroad Company;

A bill to incorporate a plankroad from Statesville to Wilkesboro;

and

A bill to incorporate Excelsior Gold Mining Company, in Cabarrus county.

A bill to incorporate the Davidson College Volunteer Company was read the second time, the amendment adopted and passed, and laid upon the table.

The following bills were severally read the second time, and indefinitely postponed:

A bill in favor of E. C. Bartlett, late sheriff of Ashe county;

A bill to authorize James P. Stempson to collect taxes;

A bill to confirm a grant in favor of Wm. F. Bell, Sr., and Belcher Fuller;

A bill to authorize M. H. Kilpatrick, sheriff of Rutherford county, to collect arrears of taxes due him;

A bill to alter the county line between Ashe and Surry counties.

The engrossed bill concerning county and superior courts, was read the first time and passed; the rule being suspended, the
same was read the second and third time, passed, and ordered to be enrolled.

A bill concerning literary fund and common schools, was taken from the table, and the same having been before read the second time, Mr. T. H. Williams submitted the following amendment, which was adopted:

In the sixth and seventh lines of the 3rd section, insert "marsh and" before "Swamp."

Mr. Phillips submitted the following amendment:

Strike out "federal population," and insert "white children between the ages of five and twenty."

Which amendment was rejected; yeas 32, nays 50.

The yeas and nays demanded by Mr. Phillips.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill as amended passed its second reading; the rule being suspended, it was read the third time and passed.

A bill concerning salaries and fees, was read the first time and passed;

The rule being suspended, the same was read the second time and made the special order of the day for to-morrow, at 12 o'clock.

A bill concerning the revised code, was read the first time and passed;

The rule being suspended, the same was read the second time and passed.
A bill concerning militia, having before been read in this House the second time, was taken up; and

Mr. Singeltary offered the following amendment:

*Be it further enacted,* That any person may be exempt from the performance of military duty for the space of twelve months, by paying the sheriff of his county the sum of fifty cents; and any person may be exempt from the performance of military duty for the space of five years, by paying to the sheriff of his county the sum of two dollars; and the sheriffs of the different counties in the State, shall include the amounts received under the provisions of this section, in their settlements with the comptroller for public taxes;

Which amendment was rejected.

Mr. Jenkins submitted the following amendment:

*Provided further,* That the following tax shall be imposed upon every acting general $5, colonel $4, major $3, captain $2, lieutenant $1, corporals 50 cents; to be paid over to the chairman of the common schools in the several counties;

Which was rejected.

Mr. A. H. Caldwell submitted the following amendment:

*Be it further enacted,* That the militia system in North Carolina be, and the same is hereby abolished;

Which amendment was rejected.

Mr. Daughtry offered the following amendment:

*Be it further enacted,* That all free white men between the age of eighteen and forty-five years of age, (ministers of the Gospel excepted,) shall muster at least twice every year;

Which was rejected.

Mr. Singeltary submitted the following amendment, which was adopted:

In section 51, strike out the word "three" and insert "twelve."

The bill as amended, then passed its second reading.

The rule being suspended, the same was read the third time and passed.

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

**THURSDAY, FEBRUARY 8, 1855.**

Mr. Carmichael asked and obtained leave of absence for Mr. J. M. Leach, from and after Saturday next.
Mr. Barringer asked and obtained leave of absence for Mr. Jas. A. Dunn, from and after this day.

Mr. Gorrell asked and obtained leave of absence for Mr. Steele, from and after Saturday next.

Mr. Dortch, from the committee on the Judiciary reported favorably, "A bill to establish the county seat of Madison," also, reported back, "A resolution in relation to Judges of the superior courts," and asked to be discharged.

Mr. J. G. Byntum, from the same committee, to whom was referred the resolution, instructing them to inquire into "the expediency of providing by law, that no conveyance or instrument of writing purporting to convey title shall operate as color of title, except from the date of its registration;" reported "A bill concerning color of title," and recommended its passage; the same was read the first time and passed.

Mr. Carmichael, from the committee on internal improvements, to whom was referred A bill for the draining of Mattamuskeet Lake, reported the same back to the House and recommended its rejection.

Mr. Stubbs, from the committee to superintend the balloting for Commissioners of the Lunatic Asylum, reported that neither of the persons in nomination had received a majority of the votes given, and consequently there was no election; which report was concurred in.

Mr. Dortch submitted the following resolution, which was read and adopted:

Resolved, (both Houses of the General Assembly concurring,) That the following gentlemen be appointed Directors of the Lunatic Asylum, viz.

John M. Morehead, Calvin Graves and George W. Mordecai, for two years;

Dr. S. A. Williams, Charles L. Hinton and Nath’l. G. Rand, for four years;

David T. Taylor, W. W. Holden and John Everett, for six years.

The same was ordered to be engrossed and sent to the Senate.

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

Resolved, That all patients of the Deaf, Dumb and Blind Asy-
lum in this city, be allowed to pass free of charge, to and from their respective residences in this State, over all railroads in which the State is interested, either by subscription, endorsement of bonds, or other liability: Provided, That the said railroad companies concur in the grant of said privilege.

Which was ordered to be engrossed and sent to the Senate.

Mr. B. F. Williams submitted the following resolution:

Resolved, That a message be sent to the Senate, proposing to adjourn both Houses of the General Assembly sine die, on Wednesday next, the 14th instant.

Mr. Singeltary moved that the resolution be laid upon the table, which was disagreed to; yeas 28, nays 68.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question recuring upon the passage of the resolution, it was adopted.

Mr. J. G. Bynum introduced a resolution, authorizing the Gov- ernor to supply the Governors of the States and Territories, with a copy of "Jones' Digest;" the same was read the first time and passed.

Mr. Holland introduced a bill to pay talis jurors, in the county of Cleaveland, which was read the first time and passed; and
On motion by Mr. Singeltary, the same was laid upon the table.

Mr. J. G. Bynum, a bill concerning the town of Rutherford; the same was read the first time and passed.

Mr. Geo. Green, a bill to incorporate the Lawrence Hotel; which was read the first time and passed.

Mr. Whitaker, a bill to incorporate the Raleigh and Cape Fear Plankroad Company; the same was read the first time and passed.

Mr. McDuffie, a bill to amend an act, entitled an act to incorporate the Fayetteville and Raleigh Plankroad Company, passed at the session of the General Assembly of 1852; which was read the first time, passed, and referred to the committee on internal improvement.

Mr. J. G. Bynum, a bill to incorporate the Rutherford and McDowell Plankroad and Turnpike Company; which was read the first time and passed.

Received from the Senate a message, disagreeing to the amendment proposed by the House, to the bill for the completion of the North Carolina Railroad as section 6, to come in after section 5; and agreeing to the other amendments.

Mr. Singeltary moved to lay the message and bill upon the table; which motion was disagreed to: yeas 20, nays 77.

The yeas and nays demanded by Mr. Dortch.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Bullock now moved that the House do recede from its amendment; which was disagreed to, yeas 45, nays 51.

The yeas and nays demanded by Mr. Bullock.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House refused to recede, and informed the Senate thereof.

The House now proceeded to consider the special order of the day, being the engrossed bill concerning salaries and fees, the same having been read the second time.

Mr. Singeltary offered the following amendment:

In section 1st, line 2d, strike out "and no other compensation;" which amendment was adopted.

On motion by Mr. Barringer, the vote by which the said amendment was adopted was reconsidered, and the amendment withdrawn.

The hour having now arrived under the rule, the House took a recess.
Three o'clock, P. M.

Mr. Mordecai, by leave, introduced a bill to incorporate Morning Sun Academy, in the county of Wake.

The same was read the first time and passed; the rule being suspended, it was read the second and third time, passed and ordered to be engrossed.

Mr. J. G. Bynum asked and obtained leave of absence for Mr. Regan, from and after Sunday next.

The House now resumed the consideration of the engrossed bill concerning salaries and fees.

Mr. B. F. Williams moved the bill be indefinitely postponed, which motion was disagreed to.

Mr. Phillips moved to lay the bill upon the table, which motion was disagreed to, yeas 46, nays 49.

The yeas and nays demanded by Mr. Bullock.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Lyon submitted the following amendment:

In section 1st, line 2d, strike out "three thousand," and insert "twenty-five hundred."

Mr. Singeltary asked for a division of the question, and the question being first taken upon striking out, it was determined in the affirmative; yeas 52, nays 43.
The yeas and nays demanded by Mr. Lyon.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Outlaw moved that the bill and pending amendment be laid upon the table;

Which was carried; yeas 51, nays 45.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


A bill to incorporate the Atlantic, Tennessee and Ohio Railroad Company, was read the second time, when Mr. Patterson offered a substitute for the original bill, which was adopted; the bill as amended, passed its second reading, and the rule being suspended, the same was read the third time, passed, and ordered to be engrossed.

A bill to permit the exportation of oysters under certain circumstances, and to authorize the use of drags, scoops, rakes or other instruments in private oyster grounds; also,

A bill to correct errors committed in making entries of land assigned to the use of the Western Turnpike Road, were read the second time and passed; the rule being suspended, they were read the third time, passed, and ordered to be engrossed.

A resolution authorizing the literary board to loan one thousand dollars to Robeson Institute, was read the second time, amended, and passed; the rule being suspended, it was read the third time, passed, and ordered to be engrossed.

A bill to secure to architects and mechanics compensation for labor and materials, in the county of New Hanover, was read the second time, and a substitute for the same adopted; the bill as amended, passed its second reading.

Mr. Outlaw moved that the bill be indefinitely postponed, which was disagreed to; yeas 41, nays 49.

The yeas and nays demanded by Mr. T. H. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Barringer, Baxter, Badham, Blow, Bryson, Bullock, Cansler, Cofield, Daughtry, Flynt, Garland, Gentry, M. Green, Grist, Hill, Jenkins, Jones, Jordan, H. Leach, Long, Love, Mar-
The rule being suspended, the bill was read the third time.

Mr. T. H. Williams submitted the following amendment:

Be it further enacted, That this act shall be applicable only to the county of New Hanover;

To which, on motion by Mr. Singeltary, the county of Pitt was added, and the amendment was adopted.

On motion by Mr. McDuffie, the county of Cumberland was added;

On motion by Mr. Norment, the county of Robeson was added;

On motion by Mr. Jenkins, the county of Warren was added;

On motion by Mr. Daughtry, the county of Sampson was added.

The bill, as amended, then passed its third reading, and was ordered to be engrossed.

Received from the Senate a message, disagreeing to the amendment proposed by the House, to the engrossed bill concerning militia, to section 55.

Whereupon, the House receded from the amendment, and ordered the bill to be enrolled.

Also a message concerning the proposition of the House to adjourn sine die on Wednesday next, at 12 o'clock M.; and concurring in the proposition to appoint directors of the Lunatic Asylum by joint resolution; and informing that the Senate branch of the committee concerning a State engineer, are Messrs. Thomas of Davidson, and Thomas of Jackson.

Also a message, agreeing to all the amendments proposed by the House to the engrossed bill to incorporate the Western North Carolina Railroad Company; and the said bill was ordered to be enrolled.

The hour having now arrived under the rule, the House took a recess.

Seven o'clock, P. M.

Mr. McMillan, by leave, introduced a bill to prescribe and re-
quire an oath of office for the town magistrate of the town of Wilmington, and for other purposes, which was read the first time and passed; the rule being suspended, it was read the second and third time, passed, and ordered to be engrossed.

Mr. Phillips, a bill to incorporate the Newhope Academy, in the county of Chatham, which was read the first time and passed; the rule being suspended, it was read the second and third time, passed, and ordered to be engrossed.

Mr. Meares, a bill to incorporate the Cape Fear Iron Mining and Manufacturing Company, which was read the first time and passed; the rule being suspended, the same was read the second and third time, passed, and ordered to be engrossed.

Mr. J. H. White, a bill supplementary to an act passed at the present session of the General Assembly, entitled an act to incorporate the Wilmington and Charlotte Railroad Company, which was read the first time and passed; the rule being suspended, the same was read the second time and passed.

The following engrossed bills, were read the first time and passed; the rule being suspended, they were severally read the second and third time, passed and ordered to be enrolled (to wit):

A bill to authorize Robert L. Steele to establish a ferry on the Pedee river in the counties of Anson and Richmond;
A bill to give jury trials at two of the county courts of Stanly county;
A bill supplemental to an act incorporating Roxboro' in Parson county;
A bill to appoint commissioners to view and alter the public road between Wilkesboro' and Trap Hill in Wilkes county;
A resolution in favor of Wm. Thompson, and
A resolution concerning executive mansion.

The following engrossed bills were read the second time and passed; the rule being suspended they were severally read the third time, passed and ordered to be enrolled (to wit):
A bill to incorporate Clinton Lodge No. 107 of ancient York masons in the county of Caswell;
A bill to incorporate the trustees of the New Institute in Iredell county;
A bill to incorporate the Thomasville and Clemons ville Turnpike or Plankroad Company;
A bill supplementary to an act entitled an act, to establish Polk county; and
A resolution directing the Literary Board to loan money to the Clinton Female Institute and for other purposes.

The engrossed bill to incorporate the Yadkin Navigation Company was read the first time, passed and made the special order of the day at 11 o'clock A. M.

The engrossed bill to increase the capital stock of the Fayetteville and Western Plankroad Company, was read the first time and passed.

A bill to emancipate Betty a slave, was read the third time, passed and ordered to be engrossed.

A bill to emancipate Albert a slave; and
A bill to authorize the Governor to furnish weights and measures to Yadkin county were read the second time and passed, the rule being suspended, they were severally read the third time, passed and ordered to be engrossed.

A bill to remodel the county courts in the county of Cumberland, was read the second time and passed; the rule being suspended, the same was read the third time, and on motion by Mr. T. H. Williams, amended by adding "New Hanover," wherever the word Cumberland occurs; the bill as amended passed its third reading and was ordered to be engrossed.

A bill to authorize Alex'r. M. Booe, sheriff of Davie county, to collect arrears of taxes due him, and the same to extend to the collection of taxes due to W. B. March, was indefinitely postponed.

The engrossed bill to repeal an act of the General Assembly, passed at its session of 1848-49, chapter 143, was read the first time and indefinitely postponed.

Received from the Senate a message, agreeing to the amendments proposed by the House, to the engrossed bill to authorize W. S. Ballinger, his associates and assigns, to construct a dam across Neuse river; and said bill was ordered to be enrolled.

The engrossed bill to incorporate the Washington Savings Institute, in Beaufort county, was read the first time and passed; the rule being suspended, it was read the second time, and referred to the committee of the whole House.

A bill to amend the charter for the better regulation of the town of Henderson, in the county Granville, was read the third time.
Mr. Turner submitted the following amendment:

Sec. 18. It shall not be lawful for the county court to grant any person license to retail spirituous liquors within the corporate limits aforesaid, unless such person, at the time of making the application, shall exhibit to the court a certificate, under the hand and seal of the chairman of police of the town, setting forth that the commissioners of the town have consented for the application to be made: and any person offending against this section, shall forfeit to the commissioners twenty-five dollars for the first offence, and fifty dollars for every new offence, to be recovered by warrant before any justice of the peace for the county, with the same right of appeal as is provided in the 4th section of this act.

Which amendment was adopted; yeas 42, nays 33.

The yeas and nays demanded by Mr. Turner.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill was then laid upon the table.

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

FRIDAY, February 9, 1855.

Mr. Cofield, by the consent of the House, introduced a bill to incorporate the Carolina Hotel Company;

Which was read the first time and passed.

The rule being suspended, the same was read the second and third time and passed, and ordered to be engrossed.
Mr. J. G. Bynum, from the select committee, to whom was referred the resolution in regard to the State’s interest in the Clubfoot and Harlow Creek Canal Company, reported a bill to revive and continue in force an act, chapter 10, passed by the General Assembly at its session in 1848, entitled an act to provide for the improvement of Clubfoot and Harlow Creek Canal, and for other purposes, and to amend the same;

Which bill was read the first time and passed.

Mr. Waugh, from the committee on propositions and grievances, to whom was referred sundry memorials, praying the passage of a law to abolish the traffic in intoxicating liquors, made a report;

Which was ordered to be printed.

Mr. Cansler, from the committee on internal improvements, to whom was referred a bill to amend an act to incorporate the Fayetteville and Raleigh Plankroad Company, reported the same back to the House and recommended its passage.

Mr. Settle, from the committee on claims, to whom was referred a resolution in favor of Wilson Atwater, reported the same back to the House and recommended its passage.

Mr. Bryson presented a resolution in favor of Andrew Cope; Which was read the first time and passed.

Received from the Senate a message, informing that they have passed the engrossed resolution from the House, in favor of W. H. Winder, with an amendment, in which they ask the agreement of the House.

The House disagreed to the amendment and the Senate was informed thereof.

Also a message, informing that they have receded from their amendment to the engrossed bill from the House, to incorporate the Chatham Railroad Company, authorizing towns and counties to subscribe for stock, and have ordered the bill enrolled.

Mr. Baxter asked for, and obtained leave of absence for Mr. Norment.

Mr. Barringer asked for, and obtained leave of absence for Mr. Cansler.

On motion by Mr. T. H. Williams, the rule was suspended, and the engrossed bill to incorporate the Bank of Wilmington, was read the first time and passed.
The hour having now arrived, the House proceeded to the consideration of the special order of the day, being the engrossed bill to incorporate the Yadkin Navigation Company.

The same was read the second time and passed; yeaş 58, nays 41.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The rule being suspended, the bill was read the third time, and Mr. Smith presented the following amendment:

*Be it further enacted*, That, in order to meet the subscription, herein authorized to be made by the State, the public treasurer is authorized to issue bonds, with coupons attached, payable at the end of twenty years;

Which was adopted; and the bill as amended passed its third reading; yeaş 60, nays 38.

The yeas and nays demanded by Mr. Daughtry.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Ordered that said bill be enrolled.

On motion by Mr. Singeltary, the engrossed bill concerning salaries and fees was taken from the table; and

On motion by Mr. T. H. Williams, the vote by by which was stricken out from the original bill the words "three thousand," was reconsidered.

The question then being taken upon striking out, the House refused, and Mr. J. G. Bynum submitted the following amendment:

In section 29, strike out the words "and, two and a half per cent, on the amount collected;" which was adopted: yeas 80, nays 13.

The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,

Williams, S. A. Williams, Winston, Wright and Yancey—50.

Those who voted in the negative, were,

Mr. Bullock submitted the following amendment:

Strike out of the 1st section the words “the superintendent of common schools for the State fifteen hundred dollars, to be paid out of the literary fund;” which was adopted: yeas 54, nays 27.

The yeas and nays demanded by Mr. Bullock.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Dargan submitted the following amendment:

Strike out increase of salaries, all but “Governor, Treasurer, and Treasurer’s clerk;” which was adopted: yeas 72, nays 21.

The yeas and nays demanded by Mr. Dargan.

Those who voted in the affirmative, were,
Messrs. A. Barnes, J. Barnes, Black, Blow, Bryant, Bryson, Bullock, J. G. Bynum, Cansler, Carmichael, Chadwick, Cofield, Cook, Craven, Daniel, Dargan, Daughtry, Davenport, Fynt, Furr, Garland, Gentry, G. Green, M. Green, Harrison, J. H. Headen, Holland, Houston, Jarvis, Jenkins, Johnson, Jordan, H. Leach, Long, Lyon, McDuffie, McKesson, March, Martin, Meares, Mebane, Mordecai, Outlaw, Perkins, Rand, Rose, Russell, Shaw, Sherrill, Shipp, Simmons, Smallwood, Stubbs, Sut-

Those who voted in the negative, were,

On motion by Mr. Singeltary, the bill was laid upon the table.
Mr. Singeltary, by leave of the House, introduced a bill to provide adequate compensation to certain officers of the State, which was read the first time and passed; the rule being suspended, the bill was read the second time, and Mr. Gorrell moved to amend the bill by striking out all that portion of the bill relating "to the Governor's salary;" which was rejected; yeas 39, nays 56.

The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

The hour having arrived under the rule, the House took a recess.
The House resumed the consideration of the bill under consideration at the time of taking a recess.

Mr. Gilliam offered the following amendment: To the Comptroller, twelve hundred and fifty dollars besides the fees of his office, which was rejected.

Mr. Whitaker offered the following amendment: The Secretary of State, twelve hundred dollars, which was rejected; yeas 22, nays 61.

The yeas and nays demanded by Mr. Yancey.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Martin moved that the bill be indefinitely postponed which was disagreed to; yeas 26, nays 57.

The yeas and nays demanded by Mr. Martin.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Barringer, Baxter, Black, Bryant, Bryson, A. H. Caldwell, Cansler, Cofield, Dargan, Davenport, Flynt, Garland, Gilliam, Gorrell, M. Green, Grist, A. D. Headen, J. H. Headen,

Mr. Winston offered the following amendment: And the said three officers shall receive no other compensation whatever, which was adopted; yeas 64, nays 20.

The yeas and nays demanded by Mr. Winston.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Jenkins offered the following amendment: "Unless the Legislature shall determine otherwise;" which was rejected.

The question recurring upon the passage of the bill, its second reading, as amended, it was determined in the affirmative; yeas 50, nays 44.

The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,
Messrs. J. Barnes, Barringer, Baxter, Black, Bryant, A. H. Caldwell, Cansler, Chadwick, Cofield, Daniel, Dargan, Davenport, Gorrell, Grist, A. D. Headen, J. H. Headen, Hill, Jarvis, Jenkins, Jordan, Long, McMillan, Mann, Meares, Mebane, Norment, Outlaw, Patterson, Patton, Perkins, Rand, Roland, Rose,

Those who voted in the negative, were,

The rule being suspended, the bill was read the third time; and
Mr. Patterson moved to amend, by striking out the words, "or clerks," which was adopted; and the bill, as amended, passed its third reading, and was ordered to be engrossed.

On motion by Mr. Humphrey, the bill to incorporate a company to construct a Railroad from some point on the waters of Beaufort Harbor, (to be hereafter determined,) to the town of Fayetteville, was taken up and read the second time, and amended, and passed.

Mr. T. H. Williams submitted the following resolution, which was read and adopted:

Resolved, That the chairman of the committee of the whole House be required to report back to the House all bank bills referred to the same, and ask to be discharged from the further consideration of the subject.

Whereupon, Mr. Shepherd, chairman of the committee of the committee of the whole, reported back to the House the several bills referred to said committee, to recharter and establish banks, and asked to be discharged from their further consideration, which report was concurred in.

On motion by Mr. T. H. Williams, the engrossed bill to incorporate the bank of Wilmington was taken up and read the second time.

Mr. Baxter offered an amendment; pending the consideration of which, the House took a recess.
Seven o'clock, P. M.

Received from the Senate a message disagreeing to the amendment proposed by the House to the engrossed bill concerning the literary fund and common schools, in relation to the marsh lands, and agreeing to the other amendments.

Whereupon, the House receded from its amendment.

Also, a message receding from their disagreement to the amendment proposed by the House to the engrossed bill for the completion of the North Carolina Railroad, relative to the Tar river appropriation.

Ordered, that the said bill be enrolled.

A bill to establish the county seat of Madison county was read the second time and passed; the rule being suspended, the same was read the third time.

Mr. Yancey offered a substitute, which was read, adopted and laid on the table.

The engrossed resolution in favor of B. F. Moore and Asa Biggs was read the first time and passed; the rule being suspended, it was read the second time and passed; yea 40, nay 31.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The rule being suspended, the resolution was read the third time and passed, and ordered to be enrolled.

The following engrossed bills from the Senate were read the first time and passed; the rule being suspended, they were sever-
ally read the second and third time and passed, and ordered to be enrolled, to wit:

A bill to amend an act, entitled an act to incorporate the town of Madison, in the county of Rockingham;

A bill concerning the towns of Fayetteville and Wilmington;

A bill to incorporate the Silver Hill Mining Company, in the county of Davidson;

A bill for the better regulation of the town of Hillsboro'; and

A bill to alter the name of the town of Jamestown, in the county of Martin.

The engrossed bill to incorporate the Newbern Mutual Fire Insurance Company, was read the second time, amended and passed; the rule being suspended, the same was read the third time and passed.

The engrossed resolution concerning the engrossing clerks was read the first time and passed; the rule being suspended, the same was read the second time, amended and passed; the rule was again suspended, and the resolution read the third time and passed.

A resolution in favor of W. A. Winborne; and

A resolution in favor of A. H. Sanders, were read the second time and passed; the rule being suspended, they were severally read the third time and passed, and ordered to be engrossed.

A resolution in favor of John B. Debnam, was read the second time, and laid upon the table.

A bill to alter the time of holding the courts in the sixth judicial circuit was read the second time, amended and passed, and ordered to be engrossed.

A resolution authorizing the literary fund to loan Laurenburg High School, in Richmond county, the sum of two thousand dollars was read the second time, and amended and passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

Received from the Senate a message, refusing to recede from their amendment to the engrossed resolution from the House in favor of W. H. Winder; and thereupon the House agreed to the Senate's amendment.

Also a message, informing that they have passed the engrossed bill from the House to incorporate the Wilmington Savings' Bank,
with an amendment, in which they ask the agreement of the House; and the House agreed to the amendment proposed.

Also a message agreeing to the amendments proposed by the House to the engrossed bill to incorporate the Yadkin Navigation Company; and

A bill concerning the Fayetteville and Centre Plankroad Company.

Said bills were ordered to be enrolled.

Also a message, informing the House that they have rejected the joint resolution appointing nine directors to the Lunatic Asylum.

A bill concerning public printing, was read the second time and a substitute adopted; and

Mr. Settle offered the following amendment:

Section 10, the Governor, Secretary of State, Treasurer, Comptroller and Adjutant General, may have printed for their several officers, such blanks and other necessary printing, as may be suitable and proper, to enable them to discharge their duties; the charges for which printing, shall be reasonable and just, to be adjudged of and allowed by the board, composed of the Governor, Secretary of State, Treasurer and Comptroller.

Which amendment was adopted.

Mr. Mann submitted the following amendment:

Strike out that portion of the bill providing for the election of public printer, and insert, "the Secretary of State shall on the first Monday of September, one thousand eight hundred and fifty-six, and every two years thereafter, let out to the lowest bidder, (after giving thirty days notice in two newspapers published in the city of Raleigh,) the public printing that may be ordered by either or both Houses of the General Assembly, jointly or separately, during the ensuing session.

Mr. Singeltary called for a division of the question, and the question being first taken upon striking out, it resulted in a tie, and the Speaker voted in the negative.

So the House refused to strike out and the amendment was lost.

The yeas and nays demanded by Mr. Mann.

Those who voted in the affirmative, were,

Messrs. Barringer, Baxter, Bogle, Bryson, J. G. Bynum, D. F. Caldwell, Carmichael, Chadwick, Cook, Craven, Dargan,

Those who voted in the negative, were,


Mr. Mann submitted the following amendment, to come in after the words "General Assembly," in the 6th line of the first section:

"On the second day of the session;" which was adopted: yeas 45, nays 40.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill as amended, passed its second reading; the rule being suspended, the same was read the third time, passed, and ordered to be engrossed.

The House now adjourned to to-morrow morning 10 o'clock.
SATURDAY, FEBRUARY 10, 1855.

Mr. Settle, from the committee on claims, to whom was referred a resolution in relation to the purchase of indices to revolutionary records in the comptroller’s office, reported the same back to the House, and asked to be discharged from its further consideration.

On motion by Mr. Hill, the resolution heretofore introduced by him, limiting the time for members to speak, was taken from the table and amended, so as to read as follows:

Resolved, That no member shall speak longer than ten minutes at a time, nor more than twice on any one subject.

Mr. Baxter moved to lay the resolution on the table, which was disagreed to; yeas 23, nays 55.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question recurring upon the passage of the resolution, it was adopted.

Mr. D. F. Coldwell submitted the following resolution:

Whereas, The subject of banks and currency has been referred to the committee of the whole House, and there retained until the session is about to close, and large numbers of the people’s representatives have gone home, and many others are preparing to leave; and the subject of banks and currency being complicated and difficult, and not a subject for hurry and inconsiderate legislation: And whereas, the charters of the bank of the
State and the Cape Fear bank, have five years yet to run, and three years after the termination of said charters being allowed for the settlement of their business, and said banks being in a condition to accommodate the wants of the public for several years to come; and whereas, there is other important business to occupy the whole time of the Legislature, until the day fixed on for the adjournment: therefore

Resolved, That the whole subject of banks and currency, be postponed for the deliberate and mature consideration of the next Legislature.

Mr. Jenkins moved to lay the resolution on the table; which motion was carried: yeas 83, nays 11.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Shepherd presented the following resolution:

Resolved, That the present commissioners of the Lunatic Asylum shall continue in office until the next meeting of the General Assembly, or until their successors are appointed, which was adopted, engrossed and transmitted to the Senate for their concurrence.

Mr. Winston presented the following resolution:

Resolved, That this House will, at 12 o’clock this day, proceed
to the consideration of the bill to re-charter the Bank of the State, and then to the bill to re-charter the Cape Fear Bank, and will consider no other business, night sessions excepted, until said two bills are disposed of; which, on motion of Mr. J. H. White, was laid upon the table; yeas 54, nays 42.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Bryson presented a resolution in favor of Ebenezer Newton, which was read the first time, passed and referred to the committee on claims.

Mr. S. A. Williams, a resolution in favor of Drury King, which was read the first time and passed.

Mr. Barringer asked and obtained leave of absence for Mr. Cook, and

Mr. Gorrell, for Mr. Johnson.

The House now resumed the consideration of the unfinished business of yesterday, being the engrossed bill to incorporate the Bank of Wilmington and the pending amendment submitted by Mr Baxter.

Mr. Phillips moved to suspend the rule which limits the time members shall speak, and the House refused to suspend; yeas 33, nays 63.
The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question now recurring upon the amendment submitted by Mr. Baxter on yesterday, it was rejected; yeas 6, nays 91.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

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Williams, T. H. Williams, Winston, Wright and Yancey—91.
The hour having arrived under the rule, the House took a recess.

Three o'clock, P. M.
The House resumed the consideration of the bill pending at the time of taking a recess.

Mr. Baxter offered the following amendment:

*Be it further enacted,* That the State shall be entitled, in consideration of the franchise hereby granted, to have as a bonus from the corporation, one share of the capital stock for every twenty shares owned by individuals, and to receive thereon, as other stockholders, her due proportion of dividends and profits; and upon the dissolution of the corporation, a like proportion of the capital stock: and the governor may, from time to time, appoint a proxy to represent the State in all general or occasional meetings of the stockholders.

To which amendment, Mr. S. A. Williams offered the following: Strike out "twenty" and insert "forty."

Which amendment was adopted; yeas 48, nays 42.
The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question recurring upon the amendment offered by Mr.
Baxter as amended, it was rejected; yeas 41, nays 49.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Outlaw submitted the following amendment, which was read and adopted:

Provided, That nothing herein contained shall be so construed as to restrain any future General Assembly from taxing dividends belonging to individuals or corporations; said tax not to exceed that which may be imposed on interest received from money loaned.

The hour having now arrived under the rule, the House took a recess.

Seven o'clock, P. M.

Mr. ———, by the consent of the House, introduced a bill to incorporate the Carolina City Company, which was read the first time and passed; the rule being suspended, the same was read the second and third time, passed, and ordered to be engrossed.

The following bills were read the second time and passed; the rule being suspended, the same were severally read the third time, passed, and ordered to be engrossed, to wit:

A bill to authorize Samuel W. Chadwick, late sheriff of Craven county, to collect arrears of taxes;
A bill to aid in the completion of the road from Vanoy's mill, through Ashe to the Virginia line;
A bill to incorporate the trustees of the Warsaw Male High School, in Duplin county;
A bill to lay off and improve a public road from the forks of Ivy, to the top of the dividing ridge in Madison county;
A bill to amend an act passed in the year 1836, entitled an act to incorporate the town of Greensboro, in the county of Guilford;
A bill to emancipate Louis Dunn, a slave;
A bill concerning the town of Rutherfordton;
A bill to incorporate the Rutherford and McDowell Plankroad and Turnpike Company;
A bill to fix and settle the dividing line between the counties of Chatham and Alamance;
A bill to amend an act passed at the session of 1852, entitled an act concerning the place of trial for civil process returnable before justices of the peace;
A bill to appoint commissioners to lay off and improve the public road leading from Brown's Ford on the Yadkin, in Wilkes county, to Witherspoon's Ford, in Caldwell county;
A bill to incorporate the Raleigh and Cape Fear Plankroad Company;
A bill to incorporate the Holston Conference Female College, in the town of Asheville;
A bill to incorporate the Lawrence Hotel, in the city of Raleigh;
and
A bill to incorporate the Haywood Mining and Manufacturing Company.
A bill in favor of Geo. Wortham and John Galloway of the county of Brunswick, having been read the second time, was taken from the table, and Mr. S. A. Williams offered a substitute for the bill, which was adopted, and the same passed its second reading; the rule being suspended, it was read the third time, passed, and was ordered to be engrossed.

A resolution in favor of Holston Conference Female College, was read the second time, amended, and passed; the rule being suspended, the same was read the third time, passed, and ordered to be engrossed.
A bill to regulate the weight of salt sold by the sack, was read the second time and laid upon the table.

The following engrossed bills from the Senate were read the first time and passed; the rule being suspended, they were severally read the second and third time and passed, and ordered to be enrolled:

A bill to incorporate the Anson Institute;
A bill to incorporate the Warrenton Plankroad Company;
A bill supplemental to an act, entitled an act to lay off and establish a new county by the name of Wilson; and
A resolution in favor of James McKimmon.

The following engrossed bills were read the second time and passed; the rule being suspended, the same were severally read the third time and passed, and ordered to be enrolled:

A bill for completing, furnishing and enclosing the buildings and grounds of the Lunatic Asylum;
A bill to authorize the building of a toll bridge over the Roanoke river, at the town of Halifax, and to incorporate a company for that purpose; and
A resolution in favor of Walter Gwynn, chief engineer.
A bill to incorporate the Pasquotank and Perquimons Plankroad Company was read the second time, amended and passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

On motion by Mr. Yancey, the bill to establish the county seat of Madison was taken from the table; having been before read the third time, now passed its third reading, and was ordered to be engrossed.

Received from the Senate a message, informing that they have passed the engrossed bill from the House to amend the charter of the town of Salisbury;

The resolution in favor of N. W. Woodfin and R. V. Blackstock; and

The resolution in favor of Henry D. Turner, with amendments thereto; in which they ask the concurrence of the House: the House agreed to the amendments, and the Senate was informed by Message.

A bill to pay talis jurors was read the second time and amended,
Mr. Geo. Green moved that the bill be indefinitely postponed; which motion was lost: yeas 37, nays 39.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill was then, on motion, laid upon the table.

The engrossed bill relating to the Fayetteville and Warsaw Plankroad Company was read the first time and passed; the rule being suspended, the same was read the second time; and

Mr. S. A. Williams moved to lay the bill upon the table; which motion was lost: Yeas 21, nays 44.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The House now adjourned to to-morrow morning, 10 o’clock.
MONDAY, FEBRUARY 12, 1855.

Mr. Jenkins asked for, and obtained leave of absence for Mr. Bryant.

Mr. Mebane, from the committee on finance, to whom was referred a message from his excellency the Governor, transmitting a communication from Wm. J. Clarke, commissioner to settle the account of the State with the Raleigh and Gaston Railroad Company, and accompanying documents, reported that it is a proper subject for judicial investigation, and that it is inexpedient to legislate thereon;

Which report was concurred in.

On motion by Mr. Phillips, the engrossed bill concerning salaries and fees was taken up, the same having been before read in this House the second time.

Mr. Phillips submitted the following amendment:

Strike out all amendments except those affecting comptroller and constables, "two and a half per cent."; to which amendment,

Mr. Martin offered the following amendment:

Strike out "the salary of the superintendent of common schools;" The question being first taken on the latter amendment, it was rejected; yeas 44, nays 46.

The yeas and nays demanded by Mr. Lyon.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question now recurring upon the amendment submitted by Mr. Phillips, it was adopted, and the bill, as amended, passed its second reading; the rule being suspended, the same was read the third time and passed.

The engrossed bill concerning Revised Code, was taken up and read the third time, amended, and passed.

The engrossed bill concerning pilots, was taken up and read the third time; and

Mr. Gilliam submitted the following amendment:
In section 32, line 3, strike out the words, “the same sum,” and insert “one half the sum.”

Which amendment was lost; yeas 28, nays 62.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Stubbs submitted the following amendment, as a substitute for 32d section:
If any pilot shall go off to any vessel, (three-fourths of which shall be owned by citizens of this State,) and offer to pilot her over Ocracock bar, the master or commander, if he refuses to take such pilot, and has not been previously furnished with one, or spoken
by one, shall pay half the sum as is now allowed by law, to be recovered before a justice of the peace, if the same be within his jurisdiction.

Which amendment was rejected; yeas 30, nays 64.

The yeas and nays demanded by Mr. Meares.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill was then passed its third reading, and was ordered to be enrolled.

Mr. Patterson submitted the following resolution, which was read and laid upon the table:

Resolved, That a message be sent to the Senate proposing to rescind the joint resolution of the two Houses to adjourn sine die on Wednesday next at 12 o'clock, M.

Received from the Senate a message informing that they have passed the engrossed bill from the House, supplemental to and amendatory of an act passed at the session of 1852-'53, entitled an act to bring into market the lands pledged for the completion of the Western Turnpike Road, with amendments, in which they ask the concurrence of the House.

The House agreed to the amendments, and the Senate was informed by message.

Also, a message informing that they have agreed to the amend-
ments proposed by the House to the engrossed bill concerning salaries and fees; and the said bill was ordered to be enrolled.

The House now resumed the consideration of the unfinished business of yesterday, being the engrossed bill to incorporate the bank of Wilmington.

Mr. D. F. Caldwell submitted the following amendment:

*Be it further enacted,* That the legislature shall have the power at any time to increase the capital stock of said bank, and authorize the public treasurer to subscribe for such amount of the stock as the legislature may direct: *Provided,* That the stock thus subscribed on the part of the State shall not exceed one-half of the capital of said bank, and that the State in no event is to have more than one director where the individual stockholders have two.

Which was rejected; yeas 23, nays 74.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Singeltary submitted the following amendment:

*Be it further enacted,* That no loan shall be made to any subscriber for stock in said bank, until one-half of the capital stock shall be actually paid in: and no loan or loans shall be made to
any director or officer of the bank, exceeding, in the aggregate, at any time, the sum of five thousand dollars.

Mr. Barringer called for a division of the amendment; and the question being first taken upon the first clause of the amendment, it was adopted; yeas 62, nays 29.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question now being taken upon the latter clause of the amendment submitted by Mr. Singeltary, it was rejected; yeas 32, nays 57.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Amis, Barringer, Black, Bogle, Bryson, Bullock, J. G. Bynum, Cansler, Carmichael, Dargan, Grist, A. D. Headen, J. H. Headen, Houston, Humphrey, Jarvis, Jenkins, Jones, Long,

Mr. Singeltary now moved to amend the bill, by limiting the amount to be loaned to any officer or director, to the sum of ten thousand dollars; which was lost.

Mr. Baxter offered the following amendment, which was adopted:

*Be it further enacted, That no director, or other officer of the said bank, shall directly or indirectly receive any compensation for any agency;* for negotiating any business with the bank, or its agencies in procuring discounts, renewing notes, or receiving monies for individuals or notes discounted; and any such director or other officer thus receiving compensation, shall be removed from office and be disqualified from thereafter holding any office in said bank or any of its agencies.

Mr. Baxter submitted the following amendment:

Strike out, of the 4th line in the 11th section, the word “thirty,” and insert “fifty,” which was rejected; yeas 35, nays 57.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Amis, J. Barnes, Barringer, Black, Blow, Bryant, Bryson, Bullock, J. G. Bynum, Cansler, Dargan, Daughtry, Davenport, Eure, Flynt, Furr, Gentry, Gorrell, M. Green, Grist, A. D. Headen, J. H. Headen, Hill, Holland, Houston, Jarvis, Jenkins, Jones, Jordan, Long, Lyon, McDuffie, McMillan, Mann, Meares, Mordecai, Outlaw, Patterson, Patton, Perkins, Phillips,

Mr. Baxter submitted the following amendment:

Strike out of the 10th line of the 11th section, the words “fifty cents,” and insert “one dollar;”

To which amendment, Mr. Winston offered the following:

Provided, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding General Assembly; which was adopted.

The question now recurring upon the amendment as amended, it was adopted; yeas 79, nays 20.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Martin submitted the following amendment, which was adopted:

Strike out the words “or other equivalent,” wherever they appear in the bill.

The bill as amended, now passed its second reading; the rule being suspended, the same was read the third time and passed.
Mr. Meares moved to suspend the rule, and to take up the engrossed bill to re-charter the Bank of Cape Fear.

It requiring an affirmative vote of two-thirds to suspend the rule, the motion was lost; yeas 60, nays 31.

The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Winston moved to take up the bill to recharter the Bank of the State of North Carolina.

Mr. Baxter moved to amend, by taking up the Peoples’ Bank of the State of North Carolina.

Mr. Roland moved to lay the motion and amendments upon the table, and the motion to lay on the table was lost; yeas 22, nays 69.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Amis, Barringer, Blow, Bogle, Bryant, Bullock, J. B. Bynum, Cansler, Daniel, Dargan, Daoughtry, Eure, Flynt, Furr,
The question now being taken upon Mr. Baxter’s amendment, it was lost; yeas 34, nays 60.

The yeas and nays demanded by Mr. D. F. Caldwell.


Mr. Bynum, of Rutherford, now moved to amend the original motion by taking up the bill to increase the capital stock of the Bank of Charlotte; and Mr. Amis moved to lay the amendment upon the table; Which motion was lost; yeas 46, nays 49.

The yeas and nays demanded by Mr. Winston.

Those who voted in the affirmative, were, Messrs. Amis, Badham, J. Barnes, Baxter, Blow, Bogle, J.

Those who voted in the negative, were,


The Speaker laid before the House a communication from his excellency the Governor, transmitting a communication from Wm. A. Wright, the State’s director in the Wilmington and Raleigh Railroad, on the subject of releasing certain wharf property, heretofore conveyed to the State for certain purposes; and

Mr. Shepherd introduced the following resolution:

Resolved, That the Governor or the literary board, be authorized to release the lien of the State, upon the wharf property of the Wilmington and Raleigh Railroad Company, or their assigns.

The same was read the first time and passed.

The rule being suspended, it was read the second time; and

Mr. Phillips offered a substitute, which was adopted; and the resolution as amended passed its second reading.

The same was read the third time and passed, and ordered to be engrossed.

The hour having now arrived, the House took a recess.

Three o’clock, P. M.

Mr. Outlaw presented the following resolution:

Resolved, That the bill to extend the charter of the State Bank, and to increase its capital stock, be made the special order, immediately after the adoption of this resolution, and that it continue so until finally disposed of.
Mr. Singeltary offered the following as a substitute:

*That* the different bills, private and public, now before the House, shall be taken up immediately after the adoption of this resolution, and each made the special order in its time, as it stands on the file, until finally disposed of;

Which was rejected; yeas 44, nays 51.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Geo. Green submitted the following amendment; which was rejected:

Strike out the "Bank of the State," and insert "Union Bank."

Mr. Whitaker submitted the following amendment:

Strike out "the bill to re-charter the Bank of the State," and insert, "a bill concerning the State Agricultural Society."

Which amendment was lost; yeas 22, nays 72.

The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Baxter offered the following as a substitute for the original resolution:

Whereas, There is no necessity for the re-charter, at this session, of the Bank of the State, and the Bank of Cape Fear, inasmuch as five years of their charters remain unexpired, and they have ample time thereafter to wind up their business, and can afford as much accommodation to the public for the next two years, without as with an extension of their corporate powers: And whereas, there are other important bills pending before this General Assembly, which must fail for the want of time, if the bills first aforesaid are made, contrary to the rules of this House, to take precedence of them: be it therefore

Resolved, That the House will take up and consider all the other applications for the establishment of banks, and for the increase of the capital stock of the Commercial Bank of Wilmington, and the Bank of Charlotte, before considering the two bills first above named.

Which was rejected; yeas 34, nays 56.
The yeas and nays demanded by Mr. Baxter.
Those who voted in the affirmative, were,
Those who voted in the negative, were,


Mr. Hill offered the following as a substitute:

Resolved, That the consideration of all the bank bills, be postponed until all the other bills on the table are disposed of;

Which was rejected; yeas 39, nays 56.

The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Amis moved to lay the original resolution upon the table; which motion was lost; yeas 47, nays 48.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, are,

Messrs. Amis, Badham, J. Barnes, Baxter, Black, Bogle, Bryant, J. B. Bynum, J. G. Bynum, A. H. Caldwell, D. F. Cald-

These who voted in the negative, were,

Mr. Davenport submitted the following amendment:
Amend by striking out “the State Bank of North Carolina,” and insert “the Bank of Plymouth,” which was rejected; yeas 25, nays 69.

The yeas and nays demanded by Mr Davenport.
Those who voted in the affirmative, were,

Those who voted in the negative, were,
Mr. D. F. Caldwell offered the following as a substitute:

Whereas, There has been direct and specific charges made, of misconduct on the part of some of the prominent officers of the Bank of the State in this Hall:

Therefore resolved, That all action be suspended on the bill now before the Legislature to re-charter the said bank, until the aforesaid charges be substantiated or disproved by a full and thorough investigation into this subject, by a committee appointed by this Legislature to report to the next Assembly.

Pending the consideration of which, the hour arrived, and the House took a recess.

Seven o'clock, P. M.

Mr. Bogle asked for and obtained leave of absence for Mr. Horton.

Mr. G. M. White, for Mr. Eure from and after to night;

Mr. Winston, for Mr. Daniel; and

Mr. Barringer, for Mr. Craven from and after Wednesday next.

The following bills were read the second time and passed; the rule being suspended, they were severally read the third time, passed, and ordered to be engrossed, to wit:

A bill to pay talis jurors;

A bill to establish a toll bridge across Neuse River;

A bill to repeal the 4th section of an act passed at the session of 1850-'51, entitled an act to amend an act to incorporate the Caldwell and Ashe Turnpike Company, passed by the General Assembly of 1846-'7, and for other purposes;

A bill to prohibit the sale of spirituous liquors within two miles of Richland Academy;

A bill supplemental to an act passed by the General Assembly at the session of 1850-'51, entitled an act to enlarge the powers of the commissioners of the town of Wilmington; and

A bill to incorporate the Locksville and Cumberland Plankroad Company.

A bill to increase the pay of jurors in New Hanover county, was read the third time, and amended by adding the counties of Brunswick, Pasquotank, Rowan and Cleveland; and the bill as
amended, passed its third reading, and was ordered to be engross-

Received from the Senate a message, proposing to raise a joint select committee of two on the part of each House, to inquire and report whether the business before the two Houses can be accompl-
ished by Wednesday next at 12, M.

The House concurred in the proposition; yeas 57, nays 38.

The yeas and nays demanded by Mr. Yancey.

Those who voted in the affirmative, were,

Messrs. Badham, Barringer, Black, Bogle, Bryson, J. G. By-
num, A. H. Caldwell, Cansler, Coefield, Dargan, Daughtry, Da-

The House concurred in the proposition; yeas 57, nays 38.

The yeas and nays demanded by Mr. Yancey.

Those who voted in the affirmative, were,

Messrs. Badham, Barringer, Black, Bogle, Bryson, J. G. By-
num, A. H. Caldwell, Cansler, Coefield, Dargan, Daughtry, Da-

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The yeas and nays demanded by Mr. Yancey.

Those who voted in the affirmative, were,

Messrs. Badham, Barringer, Black, Bogle, Bryson, J. G. By-
num, A. H. Caldwell, Cansler, Coefield, Dargan, Daughtry, Da-

The House concurred in the proposition; yeas 57, nays 38.
A bill to alter the county line of Watauga county; and
A bill to incorporate the Union Agricultural Society of Virginia and North Carolina.

Mr. Mordecai presented a resolution in favor of W. H. & R. S. Tucker;
Which was read the first time and passed.
The rule being suspended, the same was read the second and third time and passed, and ordered to be engrossed.
Mr. Phillips presented a resolution in favor of W. L. Pomeroy;
Which was read the first time and passed.
The rule being suspended, the same was read the second and third time and passed, and ordered to be engrossed.
The engrossed bill to incorporate the Greensboro' Mining and Manufacturing Company; and
The engrossed bill to incorporate the Indian Grave Gap Turnpike Company, were read the first time and passed.
The rule being suspended, the same were severally read the second and third time and passed, and ordered to be enrolled.
A bill more effectually to prevent the sale of spirituous liquors to slaves, was read the second time; and
Mr. Singeltary submitted an amendment, which was adopted.
Mr. Baxter moved that the bill be indefinitely postponed;
Which motion was lost; yeas 25, nays 46.
The yeas and nays demanded by Mr. S. A. Williams.
Those who voted in the affirmative, were,
Those who voted in the negative, were,
Mr. Outlaw, from the joint select committee, appointed to examine into the business before the two Houses, reported that there was a large number of bills still before the General Assembly to be acted upon, and that in the opinion of the committee, the two Houses could not adjourn on Wednesday next.

Which report was concurred in.

Received from the Senate a message accompanied by the following engrossed resolution, in which they ask the concurrence of the House, viz:

Resolved, That the joint resolution of the two Houses proposing to adjourn on Monday the 14th instant, at 12 M., be rescinded; and that this General Assembly will adjourn sine die, on Saturday the 17th instant, at 12 o’clock, M.

Mr. Baxter moved to lay the message and resolution upon the table;

Which motion was lost; yeas 30, nays 54.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The House now concurred in the resolution from the Senate, and a message was sent informing them of the same.

Received from the Senate a message, informing that they have passed the engrossed bill from the House, to incorporate the Alamance and Caswell Plankroad Company, with amendments, in
which they ask the concurrence of the House; the House agreed to the amendments, and informed the Senate by message.

On motion by Mr. McDuffie, the House now adjourned to tomorrow morning, 10 o'clock.

TUESDAY, FEBRUARY 13, 1855.

On motion by Mr. Humphrey, the rule was suspended and the bill to incorporate a company to construct a railroad from some point on the waters of Beaufort Harbor, hereafter to be determined, to the town of Fayetteville, was taken up and read the third time, and laid upon the table.

On motion by Mr. Stubbs, the rule was suspended, and the bill to incorporate the Washington Savings Institution, in Beaufort county, was taken up and read the second and third time and passed, and ordered to be enrolled.

The House now resumed the consideration of the unfinished business of yesterday, being the resolution presented by Mr. Outlaw, to take up the bill to re-charter the Bank of the State, and make it the special order, and to continue until disposed of; and the pending amendment submitted by Mr. D. F. Caldwell.

Mr. Roland submitted the following amendment to the pending amendments, which was rejected:

Resolved, 1st, That a joint committee of conference consisting of three, on the part of the House, and three on the part of the Senate, shall be raised, who shall take into consideration what banks it is necessary to charter and re-charter; and that they be required to report during the day the same, and amendments thereto.

Resolved, 2d, That when said report is made, the House shall proceed to read the bills in their order, and pass upon them without debate.

Mr. Barringer submitted the following amendment to the pending amendment, which was rejected:

And be it further resolved, That said committee have power to send for persons and papers, and present, by report or otherwise, the specific charges against the said bank or their officers, with the names of the persons implicated, and all the circumstances connected with the said charges against said banks and their officers.
The question now recurring upon the amendment submitted by Mr. Caldwell, it was rejected; yeas 16, nays 74.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The question now recurring upon the original resolution, it was adopted, and the engrossed bill to charter the Bank of the State of North Carolina was accordingly taken up, and read the first time and passed; the rule being suspended, the same was read the second time; and

Mr. Baxter submitted the following amendment:

Strike out of the 1st section the words "eighty-five" and insert "seventy;" which amendment was lost; yeas 42, nays 47.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Mr. Baxter submitted the following amendment:
Strike out the words, "eighty-five" in the first section, and insert, "seventy-five."

Mr. Outlaw moved to amend the amendment, by striking out "seventy-five," and inserting "eighty;" and Mr. Smith called for a division of the question.
The question being first taken upon striking out, it was determined in the negative; yeas 36, nays 55.
The yeas and nays demanded by Mr. Baxter.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

So the House refused to strike out; and Mr. J. G. Bynum moved to amend, by striking out the second section of the bill;
Which amendment was lost; yeas 19, nays 72.
The yeas and nays demanded by Mr. J. G. Bynum.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Baxter submitted the following amendment, which was adopted: Strike out "or their equivalent," in the 5th section.

Mr. Gilliam submitted the following amendment, to come in after and form part of the 11th section:

"And that said president and directors of said bank shall be obliged to establish a branch in the town of Plymouth, with a capital of not less than two hundred thousand dollars;" which was rejected.

Mr. D. F. Caldwell submitted the following amendment, to come in at the end of the 13th section:

"And that the dividends of the profits, semi-annually divided among the stockholders of the Bank, shall not exceed three and a half per cent., and that all profits over and above seven per cent. per annum, shall be paid into the public treasury, as a tax or bonus for the charter hereby granted: Provided, no part of this section shall be so construed or interpreted as to prevent the president and directors of the bank from setting apart any portion of the seven per cent. hereby authorized to be annually declared and divided, as a contingent or sinking fund for the benefit of said institution."
Which amendment was rejected; yeas 8, nays 70.
The yeas and nays demanded by Mr. D. F. Caldwell.
Those who voted in the affirmative, were,
Those who voted in the negative, were,
The hour having arrived under the rule, the House took a recess.

Three o'clock, P. M.
Mr. J. B. Bynum asked for and obtained leave of absence for Mr. Smallwood, from and after to-morrow.
Mr. Amis asked for, and obtained leave of absence for Mr. Lyon, from and after this day.
The House now resumed the consideration of the bill to recharter the Bank of the State of North Carolina; and Mr. Patterson submitted the following amendment, which was adopted:
In section 14th, strike out "first day of May and November," and insert "15th day of June and November."
Mr. Shepherd submitted the following amendment, which was adopted:
In 21st line, 14th section, after the word "time" insert "to time."
Mr. Baxter submitted the following amendment:
Strike out of the 15th section, the word "thirty," and insert "fifty";
Which amendment was lost; yeas 18, nays 67.
The yeas and nays demanded by Mr. Baxter.
Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Baxter submitted the following amendment:
Strike out of the 1st section, the words "fifty cents," and insert "one dollar."

Mr. Winston submitted the following amendment to the amendment:
Provided, That the tax imposed in this case shall not be greater than that imposed on the shares of stock owned in other banks, created by this or subsequent legislatures;

Which was adopted; yeas 78, nays 9.
The yeas and nays demanded by Mr. Baxter.
Those who voted in the affirmative, were,
Mr. Outlaw offered the following amendment to the amendment as amended, which was adopted:

*And provided further, It shall be lawful for the General Assembly to impose a tax upon dividends belonging to individuals and corporations; said tax not to be greater than that upon money loaned.*

The question now recurring upon the original amendment as amended; it was adopted.

Mr. Baxter submitted the following amendments:

Strike out all of the 35th section, after the word “deposit,” in the 5th line, which amendment was lost; yeas 26, nays 57.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Baxter submitted the following amendment:

*Be it further enacted, That the State shall be entitled in consideration of the franchise hereby granted, to have as a bonus from*
the corporation one share of the capital stock for every twenty shares owned by individuals, and to receive thereon, as other stockholders, her due proportion of dividends and profits, and upon the dissolution of the corporation a like proportion of the capital stock; which amendment was rejected; yeas 20, nays 66.

The yeas and nays demanded by Mr. D. F. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Phillips submitted the following amendments, which were adopted:

Section 33d, add the words "actually paid in;"

Section 32d, strike out "50," and insert "20," (regarding certificates of deposit.)

Mr. Baxter submitted the following amendment; which was read and adopted:

Be it further enacted, That no director or other officer, or clerk of the said bank, shall directly or indirectly receive any compensation for any agency for negotiating any business with the bank or its branches, in procuring discounts, renewing notes, or receiving moneys for individuals or notes discounted; and any such director or other officer or clerk thus receiving compensation, shall be removed from office, and disqualified from thereafter holding any office in said bank or its branches.
Mr. Gorrell submitted the following amendment; which was read and adopted:

Be it further enacted, That if any officer or director of said bank or any of its branches, shall receive any gift, gratuity or reward from any person or persons obtaining any loan or bank accommodation, by reason or on account of the same; or if any officer or director of said bank, or any of its branches, shall discount or purchase any note or bill with his own private funds, and shall afterwards place the same in bank as the property of said bank, all persons so offending shall be deemed guilty of a misdemeanor; and, upon conviction, shall be fined and imprisoned at the discretion of the court trying said case: Provided, That the superior courts of law in this State shall have sole jurisdiction of said offence.

Mr. McKesson submitted the following amendment; which was rejected:

The president and directors of said bank shall establish a branch of said bank at the town of Salisbury, with a capital of not less than two hundred and fifty thousand dollars.

Mr. Mebane submitted the following amendment; which was adopted:

Be it further enacted, That this act shall be null and of no effect, unless the same is accepted in six months next after the rise of this General Assembly.

The question now recurring upon the passage of the bill its second reading, it was passed; yeas 85, nays 7.

The yeas and nays demanded by Mr. Geo. Green.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

The rule being suspended, the bill was read the third time.
Mr. Mebane offered the following amendment, which was rejected: In 3d section, strike out the words "at its present session."
Mr. J. G. Bynum moved to amend the bill by striking out the third section, which amendment was lost.

The question now recurring upon the passage of the bill its third reading, it was passed; yeas 83, nays 6.
The yeas and nays demanded by Mr. D. F. Caldwell.
Those who voted in the affirmative, were,

Those who voted in the negative, were,
Mr. Outlaw offered the following resolution:
Resolved, That the bill to recharter the Bank of Cape Fear, and to increase its capital stock, be made the special order immediately after the adoption of this resolution, and so continue until finally disposed of.
Which was adopted; yeas 67, nays 20.
The yeas and nays demanded by Mr. D. F. Caldwell.
Those who voted in the affirmative, were,

Those who voted in the negative, were,
The said bill was accordingly taken up, and pending the reading thereof, the hour arrived under the rule, and the House took a recess.

Seven o'clock, P. M.

The House now proceeded to the consideration of the unfinished business of last night session, being a bill more effectually to prevent the sale of spirituous liquors to slaves, and for other purposes, the question being shall the bill pass its second reading, which was determined in the negative; yeas 14, nays 56.
The yeas and nays demanded by S. A. Williams.
Those who voted in the affirmative, were,
Those who voted in the negative, were,

So the bill was rejected.

Mr. Shepherd asked for and obtained leave of absence for Mr. M. Green; Mr. Baxter, for Mr. Simmons; Mr. Gorrell, for Mr. Baxter; and Mr. Tomlinson, for Mr. A. Barnes.

Received from the Senate a message, informing that they have agreed to the amendments proposed by the House to the engrossed bill to incorporate the Bank of Wilmington; and the said bill was ordered to be enrolled.

Also a message informing that they have passed the engrossed bill from the House, to incorporate the Laurel Turnpike Company, with amendments, in which they ask the agreement of the House.

The amendments were read and agreed to, and the Senate informed by message.

The engrossed bill relating to the Fayetteville and Warsaw Plankroad Company was taken up, and the question being, shall the bill pass its second reading;

Which was determined in the affirmative; yeas 48, nays 28.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

So the bill passed its second reading, and the rule being suspended, the same was read the third time and passed, and was ordered to be enrolled.

Mr. Jordan presented a resolution in favor of Henry Brown; which was read the first time and passed, and referred to the committee on claims.

The engrossed bill to increase the capital stock of the Fayetteville and Western Plankroad Company, was read the second time; and

On motion by Mr. Jenkins, it was indefinitely postponed; yeas 41, nays 40.

The yeas and nays demanded by Mr. C. W. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The following engrossed bills from the Senate, were read the first time and passed; the rule being suspended, they were severally read the second and third time, passed, and ordered to be enrolled:

A bill supplemental to an act, entitled an act to establish a new county by the name of Harnett;

A bill further to prohibit trading with slaves, in the counties of Mecklenburg and Northampton;

A bill to incorporate the Charlotte Gold Mining Company; and
A bill to incorporate the Dan River Steam Navigation Company.

A bill to authorize certain counties to subscribe for stock in the Western North Carolina Railroad, was read the second time, and pending the consideration thereof,

On motion by Mr. Waugh, the House adjourned to to-morrow morning, 10 o’clock.

WEDNESDAY, February 14, 1855.

The Speaker laid before the House a message from the Senate, informing that they have passed the following engrossed bills from the House, with amendments, in which they ask the concurrence of the House, to wit:

A bill to prevent the felling of timber in the North-east river, in Duplin county;

A bill to incorporate the Carolinia City Company; and,

A bill to authorize the Governor to furnish weights and measures for the county of Yadkin; and the House agreed to the proposed amendments, and informed the Senate by message.

A bill to incorporate a company to construct a railroad from some point on the waters of Beaufort Harbor, hereafter to be determined, to the town of Fayetteville, was read the third time, passed and ordered to be engrossed.

The engrossed bill to re-charter the Bank of Cape Fear, was read the second time; and Mr. T. H. Williams submitted the following amendments, which were severally adopted:

Strike out of —— line, of the —— section, the words “twenty-five,” and insert “thirty,” and in line ——, strike out “fifty cents,” and insert “one dollar in the whole.”

Adds as a proviso to the —— section, the words, “Provided, That the tax in this case, shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding General Assembly; and provided further, That nothing herein contained, shall be so construed as to restrain any future General Assembly from taxing dividends belonging to individuals or corporations; said tax not to exceed that which may be imposed on interest received for money loaned.

Be it further enacted, That no director or other officer of the
said bank, shall directly or indirectly, receive any compensation for any agency in negotiating any business with the bank or its agencies, in procuring discounts, renewing notes or receiving monies for individuals, or notes discounted; and any such director or other officer thus receiving compensation, shall be removed from office and be disqualified from thereafter holding any office in said bank or any of its agencies.

Be it further enacted, That if any officer or director of said bank, or any of its branches, shall receive any gift, gratuity or reward from any person or persons obtaining any loan or bank accommodation, by reason or on account of the same; or if any officer or director of said bank or any of its branches, shall discount or purchase any note or bill with his own private funds, and shall afterwards place the same in bank as the property of said bank, all persons so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined and imprisoned at the discretion of the court trying said case: Provided, That the superior courts of law in this State shall have sole jurisdiction of said offence.

Mr. Amis submitted the following amendment; which was adopted:

Strike out all of the 10th section after the words "capital stock," in the 4th line, and insert "actually paid in," and strike out "over and above."

Mr. Smith submitted the following amendment; which was adopted:

Be it further enacted, That the additional subscription authorized by this charter shall be paid in gold and silver, or notes of specie paying banks of other States.

Mr. D. F. Caldwell offered the following amendment; which was rejected.

Be it further enacted, That the officers of the principal bank shall retain all the profits of the bank over seven per cent. per annum on the capital stock of said bank actually paid in, and pay the same into the public treasury for the benefit of the State, and as a bonus for the charter hereby granted.

Mr. Gorrell offered the following amendment: Strike out of the first section, in the 5th line, 1880, and insert 1875.

Upon which a division was called for; and the question being
first taken upon striking out, it was determined in the negative; yeas 34, nays 49.

The yeas and nays demanded by Mr. G. Green.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House refused to strike out, and the bill as amended now passed its second reading; the rule being suspended, the same was read the third time and passed; yeas 79, nays 6.

The yeas and nays demanded by Mr. Love.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

On motion by Mr. Shepherd, the engrossed bill to incorporate the Bank of Clarendon, at Fayetteville, was taken up and read the second time; and

Mr. Amis submitted the following amendment; which was adopted:

Strike out the words, "or their equivalent," wherever they occur in the bill.

Mr. Baxter submitted the following amendment:

Strike out of the third section the following words, "twenty-five thousand dollars," and insert "two hundred thousand dollars;"

Which was adopted; yeas 44, nays 32.

The yeas and nays demanded by Mr. Baxter.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Baxter submitted the following amendments, which were adopted:

Strike out the word "one" in the first line of the 4th section, and insert "four;" and strike out of the same section the words "twenty-five thousand dollars," and insert "two hundred thousand dollars."

Strike out of the 5th section, the words "over and above the sum there actually deposited in the bank for safe keeping."
Mr. Smith offered the following amendment, which was adopted: Strike out the word "allowed" in the 8th section, and insert "required."

Mr. Singeltary submitted the following amendments:

Be it further enacted, That no loan shall be made to any subscriber for stock in said bank, until one half of the capital stock has been actually paid in.

Be it further enacted, That no loan or loans shall be made to any director or officer of said bank amounting in the aggregate at any time to more than the sum of five thousand dollars.

A division of the amendment was called for by Mr. Barringer, and the question being first taken upon the 1st section of the amendment, it was adopted.

The question recurring upon the last section of the amendment, it was rejected.

Mr. Baxter submitted the following amendments, which were severally adopted:

In the 5th section, 21st line, after "cashier," insert "director."

In section 10, line 10, strike out "twenty-five," and insert "fifty."

Mr. Shepherd submitted the following amendment:

Add to the 10th section as follows,—Provided, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding General Assembly;

To which amendment, Mr. Outlaw offered the following amendment:

Provided further, That this or any future General Assembly shall have the power to tax the dividends belonging to individuals and corporations; said tax shall not exceed the tax on the interest of money loaned.

The question being first taken upon the latter amendment, it was adopted.

The question now recurring upon the amendment as amended, it was adopted.

Mr. T. H. Williams submitted the following amendments, which were severally adopted:

Be it further enacted, That no director or other officer of the said bank shall directly or indirectly receive any compensation for
any agency in negotiating any business with the bank or its agencies in procuring discounts, renewing notes, or receiving monies for individuals, or notes discounted; and any such director or other officer thus receiving compensation, shall be removed from office, and be disqualified from thereafter holding any office in said bank, or any of its agencies.

Be it further enacted, That if any officer or director of said bank or any of its branches, shall receive any gift, gratuity or reward from any person or persons, obtaining any loan or bank accommodation, by reason or on account of the same; or if any officer or director of said bank or any of its branches, shall discount or purchase any note or bill with his own private funds, and shall afterwards place the same in bank as the property of said bank, all persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined and imprisoned at the discretion of the court trying said case: Provided, that the superior court of law in this State, shall have sole jurisdiction of said offences.

Mr. Outlaw offered the following amendment, which was adopted:

Be it further enacted, That before the said bank shall commence discounting, the president and cashier shall take and subscribe an oath, that two hundred thousand dollars in gold and silver is actually and bona fide paid, and in the vaults of the bank, as provided in this charter, which oath shall be forwarded to the Governor of the State, and any president or cashier, who shall make any false oath knowingly and willingly, shall be guilty of perjury, and upon due conviction, shall suffer the pains and penalties provided by the laws of this State, for the commission of the crime of perjury.

The bill as amended now passed its second reading.

The hour having now arrived, the House took a recess.

Three o'clock, P. M.

The House now resumed the consideration of the bill to incorporate the Bank of Clarendon, at Fayetteville; the same was read the third time; and

Mr. Shepherd moved to amend the bill, by striking out the last amendment submitted by Mr. Outlaw, requiring the presi-
dent and cashier to take and subscribe an oath, &c.; which was carried; yeas 61, nays 21.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Jenkins moved to amend, by inserting at the end of line 63, section 5th, "Bank of Clarendon," and between the words "least" and "day," in the seventh line of the 4th section, the word "thirty;" which was carried.

The Bill, as amended, now passed its third reading; yeas 64, nays 21.

The yeas and nays demanded by Mr. Mebane.

Those who voted in the affirmative, were,

Those who voted in the negative, were, Messrs. Amis, J. Barnes, D. F. Caldwell, Cotton, Dargan, M. Green, Grist, Hill, Mebane, Outlaw, Patterson, Phillips, Settle, Singeltary, Smith, Stubbs, Turner, Wilkins, B. F. Williams, S. A. Williams and Yancey—21.

On motion by Mr. Gilliam, a bill to incorporate, a bank in the town of Plymouth in the county of Washington, was taken up and read the second time, and Mr. T. H. Williams submitted the following amendments, which were severally read and adopted:

Add as a proviso to the 15th section the words;

Provided, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some succeeding General Assembly.

Additional proviso to the 15th section;

Provided further, That nothing herein contained shall be so construed as to restrain any future General Assembly from taxing dividends belonging to individuals or corporations; said tax not to exceed that which may be imposed on interest received from money loaned.

Be it further enacted, That no director or other officer of the said bank shall, directly or indirectly, receive any compensation for negotiating any business with the said bank, in procuring discounts, receiving notes or receiving moneys for individuals; and any such director or other officer thus receiving compensation, shall be removed from office, and shall be thereafter disqualified from holding any office in said bank.

Mr. Jenkins submitted the following amendment; which was adopted:

Insert at the end of the 15th section, "Provided, That the said tax may be increased by any future Legislature, to the sum of one dollar.

Mr. Gorrell submitted the following amendment; which was adopted:

Be it further enacted, That no officer or director of said bank, shall receive any gift, gratuity or reward, from any person obtaining any loan or accommodation from said bank on account of, or by reason of said loan or accommodation: and no officer or director of said bank shall, at any time, purchase any bill, note or other evidence of debt, with his own private funds, and afterwards
place the same in said bank as the property of the same; and all persons, so offending, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined and imprisoned at the discretion of the court: Provided, nevertheless, That said offence shall be cognizable and triable, only in the superior courts of law in this State.

Mr. Outlaw offered the following amendment:

Be it further enacted, That before the bank shall commence discounting, the cashier and president of the bank, shall take and subscribe an oath, that the sum of one hundred thousand dollars in gold and silver, has been actually and bona fide paid, and is in the vaults of the corporation, and shall transmit the same to the Governor; and any cashier or president who shall knowingly and willingly make any false oath, shall be held and deemed guilty of perjury, and upon being duly convicted, in any court of competent jurisdiction, shall suffer the pains and penalties of perjury, as provided by the laws of this State.

Which amendment was rejected.

The bill as amended now passed its second reading; yeas 44, nays 29.

The yeas and nays demanded by Mr. Cotten.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The rule being suspended, the said bill was read the third time and passed; yeas 42, nays 31.

The yeas and nays demanded by Mr. D. F. Caldwell.
Those who voted in the affirmative, were,


Those who voted in the negative, were,


Said bill was ordered to be engrossed.

Mr. Settle submitted the following resolution:

Resolved, That a message be sent to the Senate proposing to rescind the present joint order for adjournment, and to adjourn sine die, on to-morrow, at 12 o'clock, M;

Which was laid upon the table; yeas 45, nays 32.

The yeas and nays demanded by Mr. Settle.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The hour having now arrived, the House took a recess.
Seven o'clock, P. M.

The House proceeded to the consideration of the unfinished business of last night's session, being a bill to authorize certain counties to subscribe stock in the Western North Carolina Railroad.

Mr. Jones moved to lay the bill upon the table; Which motion was carried; yeas 43, nays 22.

The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The following engrossed bills from the Senate, were read the first time and passed; the rule being suspended, they were severally read the second and third time, passed, and ordered to be enrolled, to wit:

A bill supplemental to an act passed at this session, entitled an act to incorporate the Yadkin Navigation Company;

A bill to incorporate the Gillis Copper Mining Company;

A bill to incorporate Cape Fear Academy, in the county of Bladen;

A bill to incorporate the Union Gold Mining Company;

A bill to incorporate the Consolidated Mining Company of North Carolina;

A resolution in favor of Henry D. Turner; and

A resolution in regard to Burke Square, in the city of Raleigh.

The following engrossed bills from the Senate, were read the first time and passed; the rule being suspended, they were severally read the second and third time, amended, and passed:
A bill to amend and continue in force an act to incorporate the Burrowdale Mining and Transportation Company;
A bill to incorporate the Gulf and Deep River Iron Manufacturing Company;
A resolution concerning the distribution of the Revised Code; and
A resolution concerning the debt due from the Seaboard and Roanoke Railroad Company.

Mr. D. F. Caldwell asked leave to withdraw a bill introduced by him to incorporate the Peoples' Bank of the State of North Carolina; which was granted by the unanimous consent of the House.

A bill to repeal so much of the act concerning public roads as requires persons of eighteen years of age to work on them, and for other purposes;
A bill to lay off and establish a new county by the name of Graham;
A bill to establish a new county by the name of Alleghany;
A bill to amend the common school law of North Carolina;
A bill to facilitate the decision of controversies arising at law upon sealed and other contracts;
A bill to provide for an Arsenal in the town of Newbern; and
A bill to incorporate the Valley River and Cheoowa Turnpike Company, in the county of Cherokee, were severally read the second time, and laid upon the table.

A bill to give a right of action in certain cases where death is caused by neglect, default, or wrongful act; and
A resolution in favor of D. D. Baker, were severally read the second time and passed; the rule being suspended, they were read the third time and passed, and ordered to be enrolled.

A bill to make the killing of stock by railroads prima facie evidence of negligence, was read the second time and laid upon the table; yeas 42, nays 31.

The yeas and nays demanded by Mr. S. A. Williams.

Those who voted in the affirmative, were,
Messrs. Amis, Badham, Bogle, Bryson, J. G. Bynum, D. F. Caldwell, Cansler, Dargan, Furr, Gorrell, G. Green, Holland, Jones, II. Leach, McDuffie, McMillan, Mann, Meares, Mebane, J. W. Neal, S. J. Neal, Outlaw, Patterson, Patton, Perkins,

Those who voted in the negative, were,


The following engrossed bills from the Senate were severally read the first time, and laid upon the table, to wit:

A bill to incorporate the Baptist Church Extension Society, of North Carolina;

A bill to incorporate the North Carolina Bible and Baptist Publication Society;

A bill to confirm the election of certain officers in the town of Louisburg, in Franklin county; and

A bill to incorporate the Capp's Hill Gold Mining Company.

The engrossed bill making provision for the reduction of the public debt, was read the first time and passed; the rule being suspended, the same was read the second time and passed.

It was then read the third time, and, on motion of Mr. Shepherd, the further consideration of said bill was postponed until to-morrow evening, at 7 o'clock.

Mr. Shepherd introduced a resolution in favor of the principal engrossing clerk; which was read the first time and laid upon the table.

A bill to amend the charter for the better regulation of the town of Henderson, in the county of Granville, was taken from the table, read the third time, passed, and ordered to be engrossed.

The engrossed bill from the Senate, to improve the navigation of the Roanoke river, was read the first time and passed; the rule being suspended, the same was read the second time; and

Mr. McDuffie moved the bill be indefinitely postponed.

Pending the consideration of which, the House adjourned to to-morrow morning, 10 o'clock.
THURSDAY, FEBRUARY 15, 1855.

Mr. McMillan presented the following resolution:

Resolved, That the bill to increase the capital stock of the Commercial Bank of Wilmington, be taken up and made the order of business until disposed of.

On motion by Mr. S. A. Williams, the resolution was laid upon the table.

Mr. Houston presented a memorial from citizens of the town of Stricklandsville, praying that said town may be incorporated by the name of Magnolia; which was read and laid upon the table.

Received from the Senate a message, informing that they have agreed to the several amendments proposed by the House, to the engrossed bills to re-charter the Bank of the State of North Carolina, and the bill to re-charter the Bank of Cape Fear; and the said bills were ordered to be enrolled.

Also a message informing that they have passed the engrossed bill from the House, to establish the county seat of Madison; and, a resolution in favor of J. W. Erwin, adm'’r, with amendments in which they ask the concurrence of the House.

The House agreed to the amendments proposed.

Mr. Winston presented a resolution in favor of the doorkeepers, which was read the first time and passed; the rule being suspended, the same was read the second and third time, passed and ordered to be engrossed.

Mr. J. Barnes presented the following resolution:

Resolved, That a message be sent to the Senate proposing to rescind the joint resolution in relation to adjournment, and that the two Houses adjourn sine die on Friday, next, at 12 o’clock, which was laid on the table; yeas 41, nays 31.

The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Mr. Holland, by leave, introduced a bill supplemental to an act passed at the present session of the General Assembly, to increase the pay of travels (talis) jurors in New Hanover county; read the first time and passed; the rule being suspended, the same was read the second and third time, amended, passed, and ordered to be engrossed.

The following engrossed bills from the Senate, were read the first time and passed; the rule being suspended, the same were severally read the second and third time, passed, and ordered to be enrolled, viz:

A bill explanatory and amendatory to the act passed at the present session of the General Assembly, entitled an act concerning revenue; and

A bill to incorporate the Cheoih Turnpike Company.

The engrossed bill to encourage agriculture, and for other purposes, was read the first time and passed; the rule being suspended, the bill was read the second time, and

Mr. Martin moved to lay the bill upon the table;
Which motion was disagreed to; yeas 33, nays 35.

The yeas and nays demanded by Mr. Martin.

Those who voted in the affirmative, were,


Those who voted in the negative, were,

Messrs. Barringer, Bullock, J. B. Bynum, Cofield, Davenport, Gilliam, Gorrell, Grist, J. H. Headen, Houston, Humphrey, Jenkins, H. Leach, Love, Long, McDuffie, Mann, Meares, Mordecai, Outlaw, Patterson, Perkins, Phillips, Rose, Selby, Shaw,
Mr. S. A. Williams moved to amend, by striking out "twenty-five" and inserting "fifteen;" which was adopted.

Mr. Dargan moved to lay the bill upon the table; which was disagreed to; yeas 34, nays 38.

The yeas and nays demanded by Mr. Dargan.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The bill as amended passed its second reading.

The rule being suspended, it was read the third time and passed.

The Speaker laid before the House a message from his excellency the Governor, in relation to the liabilities of the State and the public treasurer; which was read.

Whereupon, Mr. Shepherd introduced the following resolution:

Resolved, That the public treasurer be, and he is hereby authorized to borrow such sum or sums of money, not exceeding three hundred thousand dollars at any one time, as may be necessary to meet the proper liabilities of the State, until the next meeting of the General Assembly;

Which was read the first time and passed.

The rule being suspended, the same was read the second and third time and passed, and ordered to be enrolled and transmitted.
to the Senate with the message from his excellency the Governor.
A bill to increase the capital stock of the Commercial Bank of
Wilmington, was read the second time; and
Mr. McMillan offered a substitute, which was adopted, and the
bill as amended passed its second reading; yeas 55, nays 14.
The yeas and nays demanded by Mr. D. F. Caldwell.
Those who voted in the affirmative, were,
Messrs. Amis, J. Barnes, Barringer, Black, Bryson, J. G. By-
um, A. H. Caldwell, Cofield, Dargan, Furr, Garland, Gilliam,
Gorrell, G. Green, Grist, J. H. Headen, Hill, Holland, Houston,
Humphrey, Jarvis, Jones, H. Leach, McDuffie, McKesson, Mc-
Millan, Mann, March, Martin, Meares, S. J. Neal, Outlaw, Pat-
terson, Patton, Perkins, Phillips, Roland, Selby, Shaw, Shepherd,
Sherrill, Smith, Stubbs, Thornburg, Turner, Vance, G. M.
White, L. Whitfield, N. B. Whitfield, Wilkins, B. F. Williams,
D. Williams, T. H. Williams, Winston and Yancey—55.
Those who voted in the negative, were,
Messrs Bullock, J. B. Bynum, D. F. Caldwell, Cotten,
Daughtry, Jenkins, Long, Mordecai, J. W. Neal, Rand, Singel-
The rule being suspended, the bill was read the third time and
rejected; yeas 32, nays 37.
The yeas and nays demanded by Mr. D. F. Caldwell.
Those who voted in the affirmative, were,
Messrs. J. Barnes, Bryson, J. G. Bynum, A. H. Caldwell, Cof-
field, Dargan, Gilliam, G. Green, Grist, J. H. Headen, Houston,
Jones, H. Leach, Love, McDuffie, McMillan, Mann, March,
Meares, Patterson, Perkins, Russell, Selby, Shaw, Stubbs, Vance,
G. M. White, N. B. Whitfield, Wilkins, B. F. Williams, D. Wil-
liams and T. H. Williams—32.
Those who voted in the negative, were,
Messrs. Bullock, J. B. Bynum, D. F. Caldwell, Cotten,
Daughtry, Davenport, Furr, Garland, Gorrell, A. D. Headen,
Hill, Holland, Humphrey, Jarvis, Jenkins, Long, McKesson,
Martin, Mordecai, J. W. Neal, S. J. Neal, Patton, Phillips, Rand,
Roland, Rose, Shepherd, Sherrill, Singeltary, Smith, Thornburg,
Tomlinson, Turner, Waugh, L. Whitfield, S. A. Williams and
Yancey—37.
Mr. Singeltary presented the following resolution:
56
Resolved, That a message be sent to the Senate proposing that the joint resolution for adjournment on Saturday, 12 o’clock, be rescinded, and that the two Houses adjourn at 5 o’clock, A. M. on Friday.

Mr. Waugh moved to lay the resolution upon the table, which motion was lost; yeas 31, nays 41.

The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

Mr. Singeltary now withdrew his resolution.

Mr. S. A. Williams presented the following resolution, which was read and on motion laid upon the table:
Resolved, That after 3 o’clock this day, no bills shall be acted on by this House, except engrossed bills from the Senate, and bills in this House on their third reading.

On motion by Mr. Humphrey, the vote by which was rejected the bill to increase the capital of the Commercial Bank of Wilmington, was reconsidered; the said bill was then taken up, amended, passed and ordered to be engrossed.

The engrossed Bill to amend an act incorporating the Tuckasege and Keowa Turnpike Company, in the county of Jackson, was read the first time and passed; the rule being suspended the same was read the second time and passed; yeas 51, nays 14.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,
Messrs. Amis, Barringer, Black, Bryson, J. G. Bynum, A. H.

Those who voted in the negative, were,


On motion, the rule was again suspended, and the bill was read the third time, passed, and ordered to be enrolled.

The hour having now arrived under the rule, the House took a recess.

Three o'clock, P. M.

Mr. Gilliam asked for and obtained leave of absence for Mr. A. D. Headen from and after this day.

The engrossed bill to incorporate the Pamlico and Albemarle Insurance Company, was read the first time and passed; the rule being suspended, the same was read the second and third time, passed, and ordered to be enrolled.

The engrossed bill to more effectually secure a compliance with the terms of their charter by the banks chartered at the present session of the General Assembly, or that may henceforth be chartered in this State, was read the first time and passed; the rule being suspended, the same was read the second time, amended, and passed; the rule being again suspended, it was read the third time and passed.

Received from the Senate a message, informing that they have passed the engrossed bill from the House to incorporate the town of White Hall, in the county of Wayne, with amendments, in which they ask the agreement of the House.

The House agreed to the amendments, and the Senate was informed.

Also, a message agreeing to the amendments proposed by the House to the bill to encourage agriculture, and for other purposes, and the said bill was ordered to be enrolled.
Also, a message informing that they have agreed to the first amendment proposed by the House to the engrossed bill to incorporate the bank of Clarendon;

Also, agreed to the second amendment proposed to the said bill, with an amendment, to wit: in lieu of the words "two hundred thousand," insert "fifty thousand," to which amendment to the amendment they ask the concurrence of the House.

Also, agreed to the third amendment to said bill; also, to the fourth amendment, with an amendment, to wit: in lieu of the words "two hundred thousand," as proposed by the House, insert "fifty thousand," to which amendment to the amendment they ask the concurrence of the House.

The Senate also agrees to all the other amendments proposed by the House to said bill.

Mr. Singeltary offered the following amendment to the amendment proposed by the Senate, which was rejected:

Provided, That no loan shall be made by said bank until one-half of the capital stock has been actually paid in, in gold and silver.

The question now recurring upon concurring in the amendments proposed by the Senate, it was determined in the negative; yeas 31, nays 35.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the House refused to concur in the amendments proposed
by the Senate, and insists upon its amendments, and the Senate informed by message.

Mr. S. A. Williams presented a resolution in favor of Joseph Woltering, which was read the first time and passed.

Mr. Shepherd moved to take up the bill to incorporate the Bank of Salisbury; and

Mr. Singeltary moved to amend the motion, by adding, that when that bill is disposed of, to take up the bill to incorporate Union Bank.

Mr. Jenkins moved to amend by postponing all bank bills until the 4th of March next; which latter amendment was lost; yeas 23, nays 44.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. Jenkins now moved to lay Mr. Shepherd’s motion on the table; which was lost; yeas 26, nays 40.

The yeas and nays demanded by Mr. Jenkins.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Mr. J. G. Bynum now moved that the hour of recess be postponed fifteen minutes; upon which

Mr. Jenkins demanded the yeas and nays, which were ordered, andPending the call of the roll the hour arrived, and the House took a recess.

Seven o'clock, P. M.

The House now proceeded to consider the special order for this hour, being the engrossed bill making provisions for the reduction of the public debt; the same having been read in this House the third time.

Mr. Outlaw submitted the following amendment, which was adopted:

Be it further enacted, That the proceeds of any stock authorized to be sold by this act, which is pledged for the payment of specific bonds heretofore issued, shall remain so pledged, anything in this act to the contrary notwithstanding.

On motion by Mr. Singeltary, the bill was laid upon the table.

The House now proceeded to the consideration of the unfinished business of last night's session, being an engrossed bill to improve the navigation of Roanoke river.

The pending question being, shall the bill be indefinitely postponed;

Which was carried; yeas 37, nays 26.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative were;


An engrossed bill in relation to the Superior court of law of Tyrrell county, was read the first time and passed.

The rule being suspended, it was read the second time.

Mr. Outlaw moved to amend the same by striking out "the county of Tyrrell," and inserting "any county in the State," which was adopted.

The bill as amended passed its second and third reading.

The following engrossed bills were read the first time and passed, the rule being suspended, the same were severally read the second and third time, passed and ordered to be enrolled:

A bill to emancipate James G. Hostler, (a slave);
A bill to incorporate the Nantahala Gold and Copper Mining Company, of Western North Carolina;
A bill to incorporate the Capps Hill Gold Mining Company;
A bill to authorize the president and directors of the literary fund to appoint an agent for swamp lands; and
A resolution in favor of James M. McGowan.

An engrossed bill concerning the Ward Gold Mine Company, was read the first time and passed.

The rule being suspended, the same was read the second time; and

Mr. Smith moved to amend the bill by striking out all after the word "dollars," and insert "divided into such number of shares as the corporation may direct, any law to the contrary notwithstanding"; which was adopted, and the bill as amended passed its second and third reading.

The engrossed bill to aid in the erection of a monument commemorative of the declaration of American independence, was read the second time, and

Mr. Singeltary moved that the same be laid upon the table; Which motion was carried; yeas 31, nays 29.

The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

On motion by Mr. Jordan, the vote by which the said bill was laid upon the table, was reconsidered, and Mr. Singeltary offered the following as a substitute:

Strike out all after the enacting clause, and insert, “That the sum of ten thousand dollars to be expended under the direction of the Governor of this State, be, and the same is hereby appropriated for the purpose of erecting a monument in the county of Mecklenburg, as a tribute of respect to the memory of the signers of the Mecklenburg Declaration of Independence.”

Mr. Jarvis moved to lay the bill and amendment upon the table, and

Mr. B. F. Williams demanded the yeas and nays, which were accordingly ordered and taken; yeas 12, nays 41.

Those who voted in the affirmative, were,

Those who voted in the negative, were,

The Speaker announced that there was not a quorum present, only 53 members having voted.
Mr. Jenkins moved that this House do now adjourn to to-morrow morning 10 o'clock; and

Mr. B. F. Williams demanded the yeas and nays, which were ordered and taken; yeas 17, nays 38.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The Speaker again announced that there was not a quorum present, but a majority of the members present had voted against the motion to adjourn.

Mr. D. F. Caldwell moved that the House adjourn; and

Mr. Jenkins demanded the yeas and nays;

Which were ordered and taken; yeas 16, nays 38.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


The Speaker announced that there was no quorum present, but a majority of the members present had voted against the motion to adjourn.

Mr. J. H. Headen moved that the House adjourn; and

Mr. B. F. Williams demanded the yeas and nays;
Which were ordered and taken; yeas 23, nays 31.

Those who voted in the affirmative, were,

Messrs. Amis, Bullock, J. B. Bynum, D. F. Caldwell, Dar- 
gan, Furr, Gilliam, Gorrell, Grist, J. H. Headen, Hill, Jarvis, 
Jenkins, Meares, Patterson, Phillips, Rand, Russell, Thornburg, 

Those who voted in the negative, were,

Messrs. Barringer, Bryson, J. G. Bynum, Daughtry, Garland, 
Holland, Houston, Jones, Jordan, H. Leach, Long, Love, 
March, McKesson, McDuffie, Meares, Mordecai, S. J. Neal, J. 
W. Neal, Outlaw, Patton, Roland, Shepherd, Shaw, Singel- 
tary, Stubbs, Turner, Vance, Waugh, Winston and B. F. Williams 
—31.

The Speaker again announced that there was no quorum pre- 
sent, but a majority of those present had voted against the motion 
to adjourn.

On motion by Mr. Amis, the House adjourned to to-morrow 
morning, 10 o'clock.

FRIDAY, February 16, 1855.

Mr. Jenkins submitted the following resolution, which was laid 
upon the table:

Resolved, That a message be sent to the Senate, proposing to 
rescind the joint order of the two Houses, and that this General 
Assembly adjourn on to-day at 2½ o'clock.

Mr. Daughtry presented a resolution in favor of the principal 
clers of the two Houses, which was read the first time and pass- 
ed; the rule being suspended, the same was read the second and 
third thime, passed and ordered to be engrossed.

Mr. Turner moved to take up the engrossed bill, to aid the 
erction of a monument commemorative of the Declaration of 
American Independence, which motion was lost; yeas 28, nays 
34.

The yeas and nays demanded by Mr. Singeltary.

Those who voted in the affirmative, were,

Messrs. Amis, Badham, Barringer, J. B. Bynum, A. H. Cald- 
well, Gilliam, Gorrell, G. Green, Grist, J. H. Headen, Jordan, 
H. Leach, Love, McKesson, Mann, March, Meares, Mordecai,

Those who voted in the negative, were,


Mr. A. H. Caldwell moved to take up the bill to incorporate the Bank of Salisbury, which motion was lost; yeas 27, nays 35.

The yeas and nays demanded by Mr. A. H. Caldwell.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


A bill to amend an act, entitled an act, to provide for a Turnpike Road from Salisbury west to the line of the State of Georgia, passed at the session of 1848-'9, was read the second time and passed; the rule being suspended, the same was read the third time, passed and ordered to be engrossed.

The following engrossed bills from the Senate, were read the first time and passed; the rule being suspended, they were severally read the second and third time, passed and ordered to be enrolled, to wit:

A bill to incorporate Hamilton and Enfield Plankroad Company;

A bill to empower the commissioners of Wilmington to establish streets, and for other purposes;

A bill creating liens on ships, &c;
A bill to amend an act entitled an act to incorporate Indian Grave Gap Turnpike Company;
A bill to amend an act to exempt persons residing on the banks and islands, between Whalebone Inlet and Cape Hatteras, from serving as jurors;
A bill to open Uwharrie river for the free passage of fish;
A bill to amend letters patent granted to W. H. Winder and others, and for other purposes;
A bill to incorporate a company to construct a bridge across the Tennessee river;
A bill to provide for the transmission to the persons of color now in the Republic of Liberia, the funds' belonging to them in this State;
A bill to amend an act entitled an act passed at the session of 1850-'51, to incorporate the Tuckasege and Nantahala Turnpike Company;
A bill to amend an act passed at the session of 1852, to incorporate the Charleston, Blue Ridge and Chattanooga Railroad Company;
A bill in regard to the North Carolina Gold and Copper Mining Company;
A bill concerning lands covered by water;
A bill to incorporate the Yadkin Manufacturing Company;
A bill to incorporate the North Carolina Copper Company;
A bill to incorporate the Conrad Hill Gold and Copper Mine, in Davidson county;
A bill to amend an act entitled an act to incorporate the Oconalufa and Quallatown Turnpike Company, passed at the session of 1850-'51;
A bill to amend the 6th section of an act entitled an act concerning Wilkes county, passed at the present session of the General Assembly;
A bill to amend an act passed by the General Assembly at the session of 1852, entitled an act to incorporate the Salisbury, Mocksville and Wilkesboro' Plankroad Company;
A bill to incorporate the Mineral Plankroad Company;
A bill to prevent the felling of timber in Jemmie's Creek, in the county of Davidson;
A bill to provide for the payment of jurors in the counties of Green and Gates;
A bill to incorporate the South Yadkin Navigation Company;
A bill to establish a library of documents for each House of the General Assembly;
A bill to incorporate the Clarendon Coalfield Company;
A bill to amend an act passed in the year 1825, entitled an act for the better government of the town of Wadesboro', in Anson county;
A bill to establish the boundaries of the town of Beaufort;
A bill to incorporate the Howard Gap Turnpike Company;
A bill to incorporate the Salem and Clemmonsville Plankroad Company;
A bill to amend the charter of Nashville;
A bill to incorporate the Rocky Mount and Franklinton Plankroad Company;
A bill to incorporate the town of Columbia, in Tyrrell county;
A bill to incorporate Franklinton Lodge, No. 123, of Free Masons, in the town of Franklinton;
A bill to incorporate the Scotch Ireland Lodge, No. 11, of Ancient York Masons;
A bill to incorporate Pleasant Hill Lodge, of Ancient York Masons, in the county of Alamance;
A bill to incorporate the Hogden Hill Mining Company;
A bill to incorporate Cypress Creek Academy in Jones county;
A bill to incorporate the Fisher's Hill Mining Company;
A bill to authorize the county court of Pitt county to regulate tolls upon the bridge across Tar river, at Greenville;
A bill to incorporate the Wilmington and Smithville Steamboat Company;
A bill relating to roads, bridges, ferries, &c., &c.;
A bill to authorize the construction of dams across the French Broad river, in the counties of Henderson, Buncombe and Madison;
A bill to incorporate the Shocco Springs Company, in the county of Warren;
A bill to incorporate the Salem Savings Institution;
A bill to incorporate the trustees of Woodburn Female Seminary, in the county of Guilford;
A bill to incorporate the trustees of Franklinton Male and Female Institute, in the town of Franklinton;
A bill to incorporate the Beaver-Dam Gold Mountain Vein Mining Plank Sluicing Company;
A bill for the re-incorporation and better regulation of the town of Murfreesboro', in the county of Hertford;
A bill to incorporate the Brunswick Savings Institution;
A bill to incorporate the Greensboro' and Martin's Lime Kiln Plankroad Company;
A bill to incorporate the Danbury Hydraulic Company;
A bill to amend an act to encourage mining;
A bill to incorporate the town of the New Institute, in the county of Iredell;
A bill to amend an act, entitled an act to incorporate the Greensboro' Mutual Insurance Company in 1850-‘51;
A bill for the better regulation of the poor, in the county of Randolph;
A bill to incorporate the trustees of the Mariners' Orphan Asylum and Institute, in the county of Carteret.

The following engrossed resolutions from the Senate were read the first time and passed; the rule being suspended, the same were severally read the second and third time and passed, and ordered to be enrolled:
A resolution concerning revenue bill;
A resolution concerning marine hospital;
A resolution in favor of Peter G. Evans;
A resolution concerning a marine hospital in the town of Wilmington;
A resolution in favor of G. W. Bullard;
A resolution in favor of the the public treasurer;
A resolution in favor of J. W. Erwin administrator, &c;
A resolution in favor of I. R. Joiner;
A resolution in favor of Collin McRae;
A resolution directing public treasurer not to receive small bank bills; and
A resolution in favor of Edward Stanly.

An engrossed resolution concerning a survey, was read the first time and passed.
The rule being suspended, the same was read the second time and passed; yeas 33, nays 31.

The yeas and nays demanded by Mr. B. F. Williams.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


So the resolution passed its second reading, and the rule being suspended, it was read the third time; and

Mr. Jenkins submitted an amendment, when on motion by Mr. Cotten, the resolution and amendment were laid upon the table; yeas 35, nays 28.

The yeas and nays demanded by Mr. Cotten.

Those who voted in the affirmative, were,


Those who voted in the negative, were,


Received from the Senate a message, informing that they have passed the engrossed bill from the House to incorporate the Asheville Mutual Insurance Company; and
The bill to amend the charter of Henderson, with amendments, in which they ask the concurrence of the House.

The House agreed to the amendments proposed, and the Senate was informed by message.

Also a message informing that they have disagreed to the amendments proposed by the House to the resolution concerning the distribution of the Revised Code; and

To the resolution concerning the debt due from the Seaboard and Roanoke Railroad Company.

The House receded from its amendments, and ordered the resolutions enrolled, and informed the Senate by message.

Also a message, agreeing to the amendments proposed by the House to the bill to incorporate the Gulf and Deep River Iron Manufacturing Company; and

To the bill to amend and continue in force an act to incorporate the Burrowdale Mining and Transportation Company; and the same were ordered to be enrolled.

Mr. Shepherd submitted a resolution in relation to the lunatic asylum, which was read the first time and passed; the rule being suspended, the same was read the second and third time, passed, and ordered to be engrossed.

Mr. Settle, from the committee on claims, to whom was referred a resolution in favor of Henry J. Brown, reported the same back to the House, and recommended its passage.

The resolution was read the second time and passed; the rule being suspended, it was read the third time, passed, and ordered to be engrossed.

A resolution in favor of the trustees of the Mount Pleasant Academy, in the county of Cherokee, was read the second time; and

Mr. Roland offered a substitute, which was adopted; and the resolution, as amended, passed its second reading; the rule being suspended, the same was read the third time, passed, and ordered to be engrossed.

The engrossed resolution concerning the Farmer's Bank of North Carolina, was read the first time; and

On motion by Mr. Mann, laid upon the table.

The engrossed bill concerning salaries of certain officers, was read the first time and laid upon the table.
Received from the Senate a message, agreeing to the amendments proposed by the House, to the engrossed bill concerning the Ward Gold Mining Company; and
The bill in relation to the superior court of law in Tyrrell county;
Also to the bill to incorporate the North Carolina Copper Company; and
To the resolution in favor of J. R. Jones.
The same were severally ordered to be enrolled.
The hour having arrived, the House took a recess.

Three o'clock, P. M.

On motion by Mr. Singeltary,
Ordered, That a message be sent to the Senate, proposing to adjourn both Houses of the General Assembly at half past 12 o'clock this night.

A resolution authorizing the Governor to supply the Governors of the States and Territories with a copy of Jones' Digest, was read the second time and passed; the rule being suspended, the same was read the third time, passed, and ordered to be engrossed.

A bill concerning color of title, was read the second time and laid upon the table; and also,
A bill concerning the treasury department.
The engrossed resolution to provide for the completing a survey for a railroad from the French Broad River to the Tennessee line, at or near the Duck Town Copper Mines, was read the first time and laid upon the table.

Received from the Senate a message, informing that they have passed the engrossed bill from the House, to provide adequate compensation to certain officers of the State, with a substitute, in which they ask the concurrence of the House; there being no quorum present, the message lies upon the table.

Mr. Waugh asked leave to withdraw the bill to incorporate the bank of Salem, which was granted.
Mr. G. Green asked leave to withdraw the bill to incorporate Union Bank, which was granted.

Received from the Senate a message agreeing to the proposi-
tion of the House to adjourn both Houses of this General Assembly sine die this night, at half past 12 o'clock.

The House now took a recess until 8 o'clock, P. M.

Eight o'clock, P. M.

A bill to amend an act entitled an act to incorporate the Jonathan's Creek and Mountain Turnpike Company, in the county of Haywood, passed at the session of 1846-'7, was read the second time and passed; the rule being suspended, the same was read the third time and passed, and ordered to be engrossed.

The engrossed resolution in relation to a statue of Washington, was read the first time and passed; the rule being suspended, the same was read the second time, and upon the question shall the resolution pass its second reading,

Mr. Amis demanded the yeas and nays, which were accordingly ordered and taken; yeas 50, nays none.

All those present voted in the affirmative, and were,


The Speaker announced that there was not a quorum of the members present, and consequently the resolution was not passed.

Mr. Smith moved a call of the House, which was carried; and the following members answered the call:

Mr. Outlaw moved that the doorkeepers be sent for the absent members.

On motion by Mr. Hill, further proceedings in the call were dismissed with.

Received from the Senate a message, informing that the Senate branch of the committee, appointed under the resolution concerning the Marine Hospital, to memorialize Congress, are Messrs. Rayner and Clark; and the Speaker appointed Messrs. J. G. Bynum, T. H. Williams and J. G. Shepherd, on the part of the House.

On motion by Mr. Hill, the House now took a recess until 12 o'clock this night.

Twelve o'clock.

On motion by Mr. Shepherd,

Ordered, That a message be sent to the Senate, informing that body that this House having acted on all the business before them, is now ready to adjourn sine die.

Received from the Senate a message, informing that that House is also ready to adjourn without day.

Mr. J. G. Bynum presented the following resolution:

Resolved unanimously, That the thanks of this House be presented to the Honorable Samuel P. Hill, the Speaker thereof, for the able, dignified, and impartial manner with which he has presided over its deliberations during the present session.

Which was unanimously adopted, with the exception of Mr. McKesson, who voted against it.

Whereupon, the Speaker made his acknowledgements to the House in an appropriate address, and adjourned the same without day.

SAMUEL P. HILL,
Speaker House of Commons.

By Order,
JAMES T. MARRIOTT, Clerk.
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TO

HOUSE JOURNAL,

1854-'55.

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