JOURNAL
OF THE
HOUSE OF COMMONS
OF
NORTH-CAROLINA,
SESSION OF 1860--'61.
BY
EDWARD CANTWELL.

RALEIGH:
JOHN SPELMAN, STATE PRINTER.
1861.
JOURNAL
OF THE
HOUSE OF COMMONS.

GENERAL ASSEMBLY OF NORTH-CAROLINA,

Begun and held at the Capitol in the city of Raleigh, on Monday, the nineteenth day of November, in the year of our Lord one thousand eight hundred and sixty, and the eighty-fifth year of the Independence of North-Carolina; which day being the third Monday in the month of November, and the day appointed by law for the meeting of the General Assembly; at 12 o'clock meridian, Edward Cantwell, Principal Clerk of the House of Commons, having called the House to order, it appeared that a quorum of the whole number of members of the House were present, as follows:

From the County of
Alamance........................ { Giles Mebane,
Alexander........................ { John Tapscott,
Anson ............................. { John M. Carson,
Ashe and Alleghany .......... { Leonidas L. Polk,
Burke .............................. { Edward R. Liles,
Buncombe ........................ { Thomas N. Crumpler,
Bladen ............................ { John H. Pearson,
Bertie ............................. { Augustus S. Merrimon,
                                  { Charles T. Davis,
                                  { Peyton T. Henry,
                                  { John R. Ferguson.
<table>
<thead>
<tr>
<th>County</th>
<th>Legislators</th>
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<tbody>
<tr>
<td>Brunswick</td>
<td>Cabarrus</td>
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<tr>
<td></td>
<td>William S. Harris, Charles C. Clark, Clement G. Wright, James S. Harrington, John C. Williams.</td>
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<tr>
<td>Craven</td>
<td>Cumberland and Harnett</td>
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<td></td>
<td>Richand H. Small, Nathan L. Williamson, Dennis D. Ferreebee.</td>
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<td>Carteret</td>
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<td>David W. Whitehurst, George W. Hayes, Samuel P. Hill.</td>
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<td>Cherokee</td>
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<td>Caswell</td>
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<td>Chatham</td>
<td>Turner Bynum, Robert N. Green, William P. Taylor.</td>
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<td>Catawba</td>
<td>Jonas Cline, William W. Dickson, Burwell M. Baxter.</td>
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<td>Caldwell</td>
<td>Cleaveland</td>
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<td>Abraham G. Waters, John R. Logan, Edmund B. Clark, Lewis Hanes.</td>
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<tr>
<td>Currituck</td>
<td>Davidson</td>
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<td>Henry B. Howard, James G. Branch, John D. Stanford.</td>
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<td>Cleaveland</td>
<td>Davie</td>
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<td>Edgecombe</td>
<td>Duplin</td>
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<td>Phillip Barrow, John F. Poindexter, William F. Green.</td>
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<tr>
<td>Forsyth</td>
<td>Franklin</td>
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<td>Franklin</td>
<td>Gaston</td>
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<td>Granville</td>
<td>Guilford</td>
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<td>Arthur Dobbs Speight.</td>
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<tr>
<td>Guilford</td>
<td>Green</td>
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<td>John Boothe, Samuel L. Love.</td>
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<tr>
<td>Green</td>
<td>Gates</td>
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<td>Archibald H. Davis William B. Pope.</td>
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<td>Gates</td>
<td>Haywood</td>
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<td>Archibald H. Davis William B. Pope.</td>
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<td>Haywood</td>
<td>Halifax</td>
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<td>Archibald H. Davis William B. Pope.</td>
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<td>County</td>
<td>Members</td>
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<tr>
<td>Hertford</td>
<td>Jesse J. Yeates</td>
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<tr>
<td>Henderson</td>
<td>Joseph P. Jordan, Absalom K. Simonton</td>
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<td>Jackson</td>
<td>William H. Watson, James Mitchener</td>
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<tr>
<td>Johnston</td>
<td>John C. Wooten, John F. Hoke</td>
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<tr>
<td>Lenoir</td>
<td>Joseph P. Jordan, John A. Fagg, John F. Hoke</td>
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<td>Lincoln</td>
<td>Joshua L. Ewell, Charles H. Burgin</td>
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<tr>
<td>Madison</td>
<td>Alexander Kelly, Edmund G. L. Barringer</td>
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<tr>
<td>Martin</td>
<td>David W. Siler, Stephen W. Davis</td>
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<tr>
<td>McDowell</td>
<td>John McK. Potts, Samuel J. Person</td>
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<tr>
<td>Moore</td>
<td>Mathew W. Ransom, Daniel Shaw</td>
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<tr>
<td>Montgomery</td>
<td>William W. Peebles, Henry G. Williams</td>
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<tr>
<td>Macon</td>
<td>James H. Foy, Hugh B. Guthrie</td>
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<tr>
<td>Mecklenburg</td>
<td>William N. Patterson, Nathan Newby</td>
</tr>
<tr>
<td>Nash</td>
<td>Burton G. Albritton, Nathan Newby</td>
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<tr>
<td>New Hanover</td>
<td>Alexander McMillian, James H. Foy</td>
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<tr>
<td>Northampton</td>
<td>William W. Patterson, Nathan Newby</td>
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<td>Onslow</td>
<td>Henry G. Williams, William W. Peebles</td>
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<td>Orange</td>
<td>James H. Foy, Hugh B. Guthrie</td>
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<td>Pasquotank</td>
<td>William N. Patterson, Nathan Newby</td>
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<td>Perquimons</td>
<td>John T. Williams, Nathan Newby, Hugh B. Guthrie</td>
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<tr>
<td>Pitt</td>
<td>Nathan Newby, Churchill Perkins, Burton G. Albritton</td>
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<tr>
<td>Person</td>
<td>John D. Wilkerson, Alexander McMillian, Eli Wishart</td>
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<tr>
<td>Robeson</td>
<td>Newberry F. Hall, Nathan N. Fleming, Champion T. N. Davis</td>
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<td>Rockingham</td>
<td>Newberry F. Hall, Nathan N. Fleming</td>
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<td>Rowan</td>
<td>Champion T. N. Davis, Berryman H. Padgett</td>
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<td>Rutherford</td>
<td>Nathan N. Fleming, Isaac H. Foust, Thomas L. Winslow</td>
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<tr>
<td>Randolph</td>
<td>Berryman H. Padgett, John G. Blue</td>
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<td>Richmond</td>
<td>George W. Autry, Thomas L. Winslow</td>
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<td>Sampson</td>
<td>Nehemiah C. Faison, Harrison M. Waugh</td>
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<td>Surry</td>
<td>Horatio P. Kallum</td>
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<td>Stokes</td>
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</tbody>
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Stanly ........................................ Lafayette Green.
Tyrrel ....................................... Charles McCleese.
Union ....................................... Cyrus Q. Lemmond.
Wake .......................................... Henry Mordecai.
Washington .................................. Charles Latham.
Watauga ..................................... George N. Folk.
Wayne ....................................... William T. Dortch.
Wilkes ....................................... Malchus K. Crawford.
Yadkin ....................................... Augustus H. Martin.
Yancey ...................................... Phineas Horton.

Each of whom having, in the presence of the said Clerk, taken and subscribed the oath, required by law—Prayer having first been offered by Rev. J. M. Atkinson.

On motion of Mr. Bullock,

The House proceeded to vote for Speaker.

The following named members of the House, voted for William T. Dortch, one of the Commoners from the County of Wayne, viz:


The following members of the House voted for Dennis D. Freebee, the Commoner from the county of Camden, viz:

Messrs. Albritton, Barringer, Blue, Booth, Bowman,

Mr. Ferebee voted for Mr. Henry.

The Clerk reported to the House, that 113 votes had been heard and recorded, and Mr. William T. Dortch having received a majority of them, was duly elected Speaker of the House of Commons.

The Speaker was then conducted to the chair by Messrs. Bullock and Henry.

The House proceeded to vote for Clerk of the House, when Edward Cantwell was declared unanimously elected, and he being sworn by the Speaker, entered upon the duties of that office.

On motion of Mr. Bullock,

Mr. Washington M. Hardy was appointed Assistant Clerk, and he being duly sworn, entered upon the duties of his office.

On motion of Mr. Bullock,

William S. Webster was appointed Principal Doorkeeper.

On motion of Mr. Mebane,

William R. Lovell was appointed Assistant Doorkeeper.

On motion of Mr. Fleming,

A message was sent to the Senate informing that body of the organization of the House of Commons.

On motion of Mr. Hoke,

Ordered, That a committee of five be appointed by the Speaker to prepare rules of order for the government of the House. The Speaker appointed Messrs. Hoke, Ferebee, Person, Hill and Mebane.

On motion of Mr. Newby,
The rules of the last House were continued until the new rules are adopted.

The following message was received from the Senate:

IN SENATE, Nov. 19, 1860.

Mr. Speaker:—The Senate has been organized by the election of Henry T. Clarke, of Edgecombe, Speaker, J. W. Alspaugh, of Forsyth, Principal Clerk, W. L. Saunders, of Rowan, Assistant Clerk, James Page, of Randolph, Principal Doorkeeper, and C. C. Tally, of Chatham, Assistant Doorkeeper.

HENRY T. CLARK,
Speaker Senate.

By order: J. W. Alspaugh, Clerk.

On motion of Mr. Taylor,
And at 1 o'clock, 20 minutes, the House adjourned until to-morrow at 11 o'clock.

TUESDAY, 20TH NOVEMBER, 1860.

The House met pursuant to adjournment. Prayer by Rev. Dr. Mason.

The following additional members appeared, were sworn and took seats in the Hall, viz:

From the county of
Warren,..................................................Joseph B. Batchelor,
Rockingham,...........................................Thomas S. Slade,
Jones,....................................................William P. Ward,
Craven,.................................................Frederick E. Alfred.

On motion of Mr. Fleming,
A message was sent to the Senate, proposing to raise a joint committee of three on the part of the House, and two on the part of the Senate, to wait upon the Governor and inform him of the organization of the General Assembly, and of
their readiness to receive any communication he had to make.

A message was received from the Senate, proposing a joint committee of two on the part of the Senate and three on the part of the House, to report joint rules for the government of intercourse between the two Houses. In this the House having concurred, the Speaker appointed Messrs. Ransom, Donnell and Green on the part of the House.

On motion of Mr. Hoke,

A message was sent to the Senate, proposing to proceed forthwith to the election of Public Printer, and informing that body that John Spelman, and Syme and Hall had been nominated in this body.

A message being received from the Senate concurring in the proposition to raise a committee to wait upon the Governor, the Speaker appointed Messrs. Ransom, Ferebee and Merrimon on the part of the House.

The Senate having concurred in the proposition to proceed forthwith to the election of a Public Printer, the Speaker appointed Messrs. Folk and Hoke, to superintend on the part of the House.

The House then voted for Public Printer, with the following result, viz:

The following named members of the House voted for John Spelman, viz:


And the following named voted for Syme & Hall, viz:

Mr. Ferebee, from the committee to wait upon his Excellency, reported that the Governor would send a message to the House at 12 o'clock.

On motion of Mr. Bullock,

A message was sent to the Senate, proposing to go forthwith into an election for Attorney-General, and that Messrs. William A. Jenkins and Kemp P. Battle had been nominated in this House.

The Senate having concurred in the proposition, and appointed Messrs. Burton and Barringer to superintend the same upon their part, the Speaker appointed Messrs. Bullock and Davis of Rutherford, on the part of the House.

The election was then held, with the following result, viz:

The following named members of the House voted for William A. Jenkins.

liams of Nash, Williamson, Wishart, Woodard, Wooten and Wright.

And the following voted for Kemp P. Battle, viz:


Mr. Foust, from the committee to superintend the election of Public Printer, reported that 161 votes had been cast in said election, of which 81 were necessary to a choice, and that John Spelman having received 88 votes had been duly elected.

Mr. Love, of Jackson, moved that a message be sent to the Senate proposing to proceed forthwith to the election of an Engrossing Clerk, and the question being thereon, and a division called for, it appeared there were 49 in the affirmative and fifty-five in the negative, so the motion was rejected.

Mr. Bullock, from the committee to superintend the election of an Attorney-General, reported that 161 votes had been cast in said election, of which 81 were necessary to a choice, and that William A. Jenkins having received 89, a majority of them, was duly elected.

Bills of the following titles were introduced, read, and passed the first reading, viz:

By Mr. Henry, (H. 1,) a bill to call a Convention to alter the Constitution.

Ordered to be printed.

By Mr. Crumpler, (H. 2,) a bill to amend the Constitution.

On motion of Mr. Martin,

Ordered to be printed.
A message (No. 1) was received from his Excellency, the Governor of the State, as follows:

To the Honorable, the General Assembly

of North-Carolina.

Gentlemen: Elected by the universal suffrages of a free people, you have assembled at the time appointed by law, to consult together for the common good, and to adopt such measures as may be demanded by the public welfare.

Although your session opens amid political embarrassments in our federal affairs of a character calculated to excite in every patriotic mind painful apprehensions for the maintenance of existing political relations with our confederate States, yet we are surrounded here at home with such evidences of happiness and prosperity as to impress us with a deep sense of our many obligations to the Supreme Being who has graciously directed our councils in the past, and upon whom must be our chief reliance, for a safe deliverance from the evils that threaten the future of our country.

Within the political period embracing the past two years, our people have been signally blessed with physical health; the returns of agriculture, though somewhat diminished by the blighting influences of a drought that widely pervaded the country during the last season, have been such as to afford a reasonable reward to the labors of the husbandman; the increased yield of our mines furnishes gratifying evidence of the growing importance of that interesting branch of industry; the products of manufacturing and mechanical pursuits have steadily increased in amount and improved in quality; commerce has prospered, and the advantages of education have been more widely extended than heretofore, exhibiting as ever the natural result of social development and moral elevation.

The moral and material progress thus satisfactorily evidenced may be traced for a cause, directly and unerringly, to the great system of internal improvements that has, for
the past ten years, been prosecuted under the patronage of the State.

Our public works have steadily advanced from their beginning point on the Atlantic ocean far into the interior of the country, stimulating as they progress every department of industry, by offering new facilities of transportation, and opening up sources of public wealth that have heretofore slumbered and otherwise would have continued to slumber in their natural barrenness.

Guided by the example of my predecessors, I will proceed to lay before you the operations of the Government for the political period designated, and respectfully to suggest the adoption of such measures as, to me, the public interests may seem to require. More detailed statements than would be compatible with the nature of this communication, will be furnished by the heads of the several departments in their regular biennial reports.

**PUBLIC DEBT AND FINANCES.**

The subject to which I shall first invite your attention, deeming it of primary importance, is the condition of the finances of the State.

A rigid observance of the public faith is a sentiment deeply impressed upon the minds and hearts of the people of North Carolina, and the more sacredly cherished, because of the fact that in all our past history that faith has received no tarnish. This well known disposition of the public mind forbids a doubt that you will see that ample provision is made to meet, beyond every contingency, the accruing interest on the public debt, and for the payment of the principal upon maturity. And happily for us, the discharge of this duty, as will appear from an examination of our financial affairs, will not so much require additional legislation and the imposition of increased taxes, as the abstaining from such new and untried measures as may diminish the present receipts of the treasury.
The following abstract, taken from the books of the Public Treasurer, exhibits the amount of the debt of the State on the 1st day of October last, the beginning of the present financial year, together with the purposes for which it was contracted.

For the North-Carolina Railroad, $3,000,000
For the Atlantic and North-Carolina Railroad, 1,466,505
For Western North-Carolina Railroad, 1,130,000
For Wilmington, Charlotte and Rutherford Railroad, 400,000
For Fayetteville and Western Railroad, 300,000
For Gaston and Weldon Branch Railroad, 87,000

Total indebtedness, $6,383,505

For Plank Roads, 180,000
" Rivers and Canals, 830,000
" Lunatic Asylum, 125,000
" Literary Fund, 81,000
" General Purposes, 1,530,000

Total indebtedness, $9,129,505

In the foregoing list is embraced a debt of $300,000 for which the State was originally liable, as endorser, for the Cape Fear and Deep River Navigation Company, and for which she became responsible, as principal, upon the purchase of the property and effects of that Company.

In addition to the foregoing actual indebtedness, the public faith is pledged to the following Railroad Companies in the amounts named, upon a compliance with certain conditions set forth in their respective charters, and in a balance of the appropriation to the Cape Fear and Deep River Navigation Works:
To Wilmington, Charlotte and Rutherford Railroad Company, $1,709,900
To Western North-Carolina Railroad Company, 2,870,000
To Fayetteville and Western Railroad Company, 100,000
To Cape Fear and Deep River Navigation Works, 20,000

$4,699,900

These Companies have so far complied with the provisions of their charters, entitling them to the aid of the State, as to leave no doubt that the whole of the above sum will be called for by them, within a very few years, with the exception of $1,000,000 of the amount guarantied to the Western North-Carolina Railroad Company, which will not be required, because of the fact that their road will be completed to the French Broad River, its present terminus, less by that amount, than was originally contemplated.

The State is also liable, by endorsement for the Wilmington and Weldon Railroad Company, in the sum of $150,000. A loss on account of which, however, need not be apprehended, as the Company has ample means to discharge their debt at maturity.

The precise time at which the moneys becoming due the foregoing Railroad Companies, will be applied for, is by no means certain. It is not at all probable, however, that more than $1,500,000 will be required during the present and ensuing financial years. This sum would swell the amount of indebtedness to $10,629,505; the annual interest on which, together with the average annual expenditures of the government, $93,000, will give the sum of $728,424.76 as an annual charge upon the Public Treasury for the present and coming years. This, it will be observed, embraces the interest on the maximum amount of debt for that period, which will not, however, have been contracted until some time in the next year, for which reason a deduction of several thousand dollars should be made from the
The receipts into the Treasury, from the ordinary sources of revenue, were, for the past two years, as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Receipts for 1857-'58</td>
<td>$618,964 48</td>
</tr>
<tr>
<td>&quot;  &quot; 1859-'60</td>
<td>$691,319 54</td>
</tr>
<tr>
<td><strong>Total receipts for past two years</strong></td>
<td><strong>$1,310,884 02</strong></td>
</tr>
</tbody>
</table>

To this sum should be added $14,279 72, due from two defaulting sheriffs, and for which judgment has been obtained against the sureties on their official bonds.

The estimated receipts for the present and ensuing fiscal years are, as I am informed by the Public Treasurer, as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Estimated receipts for 1860-'61</td>
<td>$866,602 39</td>
</tr>
<tr>
<td>&quot;  &quot; 1861-'62</td>
<td>$889,822 67</td>
</tr>
<tr>
<td><strong>Total estimated receipts for next two years</strong></td>
<td><strong>$1,726,425 06</strong></td>
</tr>
</tbody>
</table>

It thus appears that the liabilities of the State can be met without any increase of the taxes at your present session, and, indeed, that they may be reduced, without detriment to the public service.

This statement, however, is predicated on the supposition that the Sinking Fund will be charged with the payment of $170,000 of the public debt falling due prior to the 1st October, 1863. The present condition and prospective receipts of that Fund, as will hereafter more fully appear, will justify such a course, and I therefore recommend that it be directed by the Legislature.

To meet the principal of the public liabilities, the State has the following stocks and effects:
A reliable provision has been made for the payment of the public debt as it falls due, by the creation of a sinking fund. The receipts of this fund consist of the dividends of all the railroad stocks owned by the State, and such balances as may remain in the public treasury, from time to time, after paying all current demands upon it. The whole amount of the fund at this time is $457,040. The following are its receipts for the two past fiscal years, together with the sources from whence derived:

Receipts by dividends on N. Carolina R. R. stock, $220,000
  “ “ Ral. & Gast. “ “ 78,000
  “ Surplus Revenue, 100,000
  “ Interest on Bonds, 21,570

Total receipts for two last years, $419,570

The rapidly increasing business of our railroads gives the highest assurance that this fund will prove fully equal to the great purpose for which it was established. After the present year its annual receipts will probably not fall short of half a million of dollars, and may possibly exceed that amount.
An obvious reason why our railroads may be relied upon for reasonable dividends, when prudently managed, as at the present time, is to be found in the fact that they are constructed mainly by slave labor; which, for all purposes not requiring mechanical skill, is undoubtedly the cheapest that can be employed.

No more conclusive evidence of this fact could be desired than that furnished by a comparison of the cost of ours with the cost of roads constructed with a different kind of labor.

Our great line of road, from Beaufort Harbor to Cowana, (Duck Town,) on the Tennessee line, a distance of five hundred and sixty miles, will, when completed, cost $12,610,000. Of this line of road three hundred and forty-eight miles have been actually completed; fifty miles more let to contract, and the remainder, one hundred and sixty-two miles, has been surveyed, and careful estimates made of the cost, so that the entire cost of the road, when finished, may be stated with almost exact certainty. On the other hand, we find that the Erie road, in the State of New York, some four hundred miles in length, cost $32,000,000. Or, differently stated, the cost of our road will be $22,500, while that of the Erie is $80,000 per mile. A clear profit on the former of $1,550 per mile would give a dividend of six per cent., while on the latter it would require a nett profit of $4,800 per mile to give the same dividend.

Like comparison between roads similarly situated will never fail, it is believed, to develop the fact of the superior cheapness of slave labor when employed in the construction of railroads.

Financially and socially this is an important fact for us. It gives the assurance that our railroad investments will prove dividend-paying stocks, and that the public debt, contracted for the construction of these works, will be finally liquidated thereby. I have an abiding conviction that many of the present generation will live to see our public debt paid off by receipts from railroads, and the roads themselves
left unencumbered, yielding a richer revenue to the State than has heretofore been collected by taxation, and superseding, entirely, the necessity for taxation.

The fact is an important one, too, in a social point of view, as it teaches us that there is a proper division of labor, which, if wisely observed, will avoid all possible conflict of interests, and ensure to the advantage of all. This division consists in the employment of slave labor, where physical force rather than an exercise of the mental faculties is required, and the assignment of that field of labor, demanding the employment of skill and educated reasoning faculties in its profitable pursuit, to the white race, where these qualities are mainly and almost exclusively to be found.

The marshalling of labor upon this principle is dictated, it is believed, by a sound public policy, extending to the development of that variety of the industrial employments, and the perfection of that mechanical and manufacturing skill that go to make up the power of a State, and to that harmony of interests so necessary to every well organized society.

RAIL ROADS.

The State having embarked largely in works of internal improvement, their condition and prospects will furnish, doubtless, an interesting subject of your deliberations.

By virtue of an act of the Legislature, at its last session, the Cape Fear and Deep River Navigation Works were purchased for the State by the Governor, at a sale directed by the first mortgage creditors, for the sum of $365,000. No purchase money was paid beyond that on debts of prior lien to those for which the State was responsible, and which were secured by a second mortgage. The amount thus paid is $34,730 97, and the amount secured by second mortgage to the State is $300,000, upon which $35,385 of interest was due at the time of the sale.

Soon after the sale the entire works and property of the
Company were transferred to the State, and have been since managed by a Commission, as directed by the act. Many useful repairs have been made under the direction of this Commission and the river has been opened for navigation, with a minimum depth of five feet water, from Fayetteville to the Gulf, in the midst of the Coalfields, a distance of eighty-one miles. The navigation is temporarily suspended in consequence of an accident occasioned by a recent freshet, to which these works will be more or less liable until substantially rebuilt. A report from the Commission, giving a detailed account of their operations, will be laid before you at an early day, for which occasion I will reserve such suggestions relative to this improvement as I may deem necessary to its maintenance.

By the provisions of an Act of 1856-'7, the Public Treasurer was required to deliver to the Albemarle and Chesapeake Canal Company $100,000, in the bonds of the State, upon the opening of their work for navigation.

In April, 1859, I made a personal examination of that improvement, throughout its entire length, and found that it afforded fair navigation for the class of vessels engaged in our inland commerce, which fact being duly certified to the Treasurer, by the Board of Internal Improvements, the bonds of the State, to the amount named, were delivered to the Company. This canal, when fully completed, will give a depth of eight feet water throughout, and a uniform width of sixty-five feet, and is destined to exert an important influence upon the commerce of a very productive section of the State. Further reference will be made to it before your session terminates.

The Fayetteville and Western Railroad is now completed, as I am informed, to the Coalfields in Chatham county. A connexion between that and the North-Carolina Railroad is much to be desired, and I respectfully recommend the subject to your favorable consideration.

The Wilmington, Charlotte and Rutherford Railroad is
progressing satisfactorily towards completion, and promises advantages to the public fully commensurate with the gigantic character of the undertaking. The many difficulties already overcome by the Company having it in charge afford the highest evidences of the energy and enterprise of the people residing in the section of country through which it passes, and of the capabilities of that portion of our State. The eastern division of the road has been completed from a point near Wilmington, to the distance of seventy-five miles, and the western division from Charlotte, a distance of twenty-five miles. The greater part of the remaining portion of the work is under contract and well advanced.

I am informed that the Company will probably ask a further loan from the State, to enable them to complete their work, and, all things considered, such a request will present high claims upon your favorable consideration.

It will be recollected that the terms upon which the patronage of the State has been extended to this enterprise, are not so favorable as those upon which others of our leading works of improvement have been aided. In others of our railroad companies, two-thirds of the capital stock has been taken by the State, and a liberal loan made afterwards for the completion of their works; while, in the case of this Company, the aid of the State consists of a loan of $8,000 per mile of finished road, secured by a mortgage on all the property of the Company. When the importance of this road to the public is considered, it is apprehended that it will be difficult to discover a satisfactory reason for making so wide a difference between it and other works of a similar character, in dispensing the public patronage. In view of which, and the further fact that the mortgage now held by the State will prove an ample security for the loan heretofore made, and the one that will probably be asked for, I would respectfully but earnestly recommend, that such further loan as may be necessary to complete their works be made to the Company. Otherwise it will be driven to effect a loan upon
second mortgage, at a great sacrifice of the interests of the stockholders, and to the embarrassment of the enterprise itself.

The first division of the Western North-Carolina Railroad, extending from Salisbury to Morganton, a distance of eighty miles, has been completed to within eleven miles of its termination, and the second division, from Morganton to the western portal of the Blue Ridge tunnel, a distance of forty miles, let to contract, upon which the grading is now being executed. From this point to the present terminus of the road on the French Broad River, near Asheville, a distance of but twenty miles, the work has not been let to contract, because of the prohibitory restrictions of the Company's charter.

These restrictions now interpose serious obstacles to the progress of this great work, and can no longer subserve any useful purpose. I therefore recommend that they be removed by the Legislature.

The importance of such legislation will more fully appear when it is borne in mind that the second division of the road extends to the western portal of the Blue Ridge tunnel, and, consequently, embraces what is known as the mountain section, which is by far the most costly part of the work. Now, if it be required fully to complete this division before letting the work beyond the mountains to contract, that part of the road lying within the limits of the mountain section, and costing some million and a half of dollars, will be rendered totally useless while the division beyond the mountains is being constructed.

It was originally designed to extend this road so as to form a connection with the chain of road passing through the State of Tennessee to the Mississippi River, and the work has now progressed to that point, when sound policy indicates the propriety of locating the western connection and allowing the Company to progress with the work as rapidly as the circumstances of the country will admit.
From the present terminus of the road, near Asheville, two routes have been surveyed to the Tennessee line and both found to be entirely practicable at comparatively a moderate cost. The one lies in almost a due west course, through the counties of Haywood, Macon, Jackson and Cherokee, terminating at Cowana, (Duck Town,) and the other in a northerly direction, along the French Broad River, and terminating at the Paint Rock, forty-six miles below Asheville. At both of these points of termination connections can be had with the Tennessee Roads.

The selection of either one of these routes to the exclusion of the other, would fail to accommodate a large number of our fellow-citizens residing beyond the Blue Ridge, who have heretofore cheerfully contributed their rateable part towards appropriations for the construction of roads east of the mountains, with no other advantage to themselves than the mere hope held out of their extension among them at a future day. To disappoint this reasonable expectation, now that millions have been expended to overcome the great mountain barrier, would prove a sore disappointment to them, and would, in my opinion, be a departure from a true economical policy. These routes point in different directions, and, consequently, each would secure a business that the other could not, and both would serve as valuable contributors to the main line of road east of Asheville.

I would therefore earnestly recommend that the Western North-Carolina Railroad Company be allowed to construct their road over both the routes above designated, and that the State contribute the same proportion as heretofore.

As every delay in forming these connections will result in injury to investments already made, I would suggest no other restriction upon the progress of the work than a simple limitation as to the amount of money to be paid annually by the State; such a limitation being, in my opinion, necessary to a safe administration of the public finances.

The Atlantic and North-Carolina Railroad is an unusually
well constructed work and in successful operation. As was
the case with others of our roads for the first few years after
completion, it has as yet yielded no dividends to the stock-
holders; but the present earnings of the road, as reported
to me, give satisfactory assurances that it will at an early
day be classed among our dividend-paying roads.

This Company will, as I am informed, ask that the State
loan of $400,000, with the back interest, amounting to
$72,000, be converted into preferred stock, and the road re-
leased from the mortgage upon it in favor of the State. The
acceding to such a proposal would tend to facilitate the
operations of the Company, and could not result in an injury
to the State, as no reasonable doubt can exist that the Com-
pany would be able to pay six per cent. annually on such
preferred stock, after the present year. A similar policy was
pursued towards the North-Carolina Railroad Company with
marked beneficial consequences.

The report of the Commissioner to examine into the affairs
of this Company has been handed in within the past few days,
and is herewith transmitted.

The Wilmington and Manchester road, in which the State
has a small interest, has as yet yielded no dividends, in con-
sequence, as is believed, of pecuniary embarrassments in-
curred in its construction.

The condition of the other Companies in which the State
is a stockholder, will more satisfactorily appear from the
following exhibit of dividends paid by them in the last and
present years:

<table>
<thead>
<tr>
<th>Company</th>
<th>Dividends Paid</th>
<th>1859–'60</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. C. R. R. Co.</td>
<td>$120,000</td>
<td></td>
</tr>
<tr>
<td>6 p. ct. on preferred stock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 and 3 p. ct. on common stock</td>
<td>150,000</td>
<td>$270,000</td>
</tr>
<tr>
<td>Wil. &amp; Wel. R. R. Co.</td>
<td>$212,632</td>
<td></td>
</tr>
<tr>
<td>8 per cent.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ral. &amp; Gas. R. R. Co.</td>
<td>$97,330</td>
<td>309,962</td>
</tr>
<tr>
<td>4 and 6 per cent.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total dividends paid</td>
<td>$579,962</td>
<td></td>
</tr>
<tr>
<td>in 1859–'60</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The fact of the Raleigh and Gaston Railroad Company paying but four per cent. dividend in 1860, is to be accounted for by a change of their financial year, which embraces but eight months of that period.

In support of the policy here recommended as the proper one to be pursued towards our works of internal improvement, no more weighty argument could be offered than the general benefits resulting from such as have already been completed. These are everywhere to be witnessed, and especially in the increased value of real estate. The assessed value of real estate in North-Carolina, at the several periods named below, is as follows:

In 1815, $53,521,513—In 1836, $51,021,317—In 1850, $55,600,000—In 1855, $98,075,969—in 1860, $126,000,000.

It thus appears that from 1815 to 1836, a period of twenty years, the value of our real estate actually decreased, while there was only an increase of $2,100,000 from 1815 to 1850, a period of thirty-five years. From 1850 to 1860, ten years, the increase has been $70,400,000. Now, it will be recollected that most of our works of internal improvement have been constructed since the year 1850.

In that year we had but two hundred and fifty miles of railroad, and that of a very imperfect character, while in the present year we have eight hundred and thirty-four miles of road in actual operation.

The increased value of real estate since 1850 will alone yield a revenue, at the present rate of taxation, of $140,400.

Results like these will remove all doubt that the State has pursued a wise policy since 1850, towards works of this character.

AGRICULTURE.

An increase in the value of real estate is naturally accompanied by improvements in agriculture and an increase in the returns of agricultural labor. Among the most interesting evidences of the advance made in this branch of our industry,
and of the spirit manifested in the cultivation of the soil, are the agricultural fairs now annually held in many parts of the State. These assemblies of the people greatly tend to the dissemination of intelligence and practical information upon the subject of farming, and it is well worthy of your consideration whether they be not deserving the patronage of the State.

Further, to give direction to individual enterprise I would respectfully recommend the establishment of a Board of Agriculture, with the power to divide the State into agricultural districts, and to make suitable provisions for the giving of instruction in this branch of science. The creation of such a Board would be attended with a trifling expense, and the appropriation of a small amount towards the salary of a teacher in each district, in aid of individual and county contributions, it is confidently believed, would be a wise expenditure of the public money.

EDUCATION.

Since the last session of the Legislature our system of public education, under the supervision of the able and zealous Superintendent of Common Schools, has been still further improved in its practical operation, and attended, perhaps, with greater usefulness than at any former period. Under this system the means of education, in its primary branches, are placed within the reach of every child of the State.

There was distributed to the several counties for school purposes, by the Commissioners of the Literary Fund, in 1859, $180,850, and a like amount the present year.

By virtue of a provision contained in the charter of the Bank of North Carolina, the Public Treasurer subscribed for the Literary Fund, to the capital stock of that Bank, an amount equal to the stock belonging to the Fund in the Bank of the State of North Carolina, the charter of which
expired on 1st January last. In order to make payment of the first and second instalments of the newly subscribed stock, that officer visited the city of New York and negotiated a temporary loan in specie, upon highly favorable terms, and such as could not have been procured otherwise than by his presence there. This loan has been since paid off by payments made upon the stock in the Bank of the State of North Carolina.

A report from the Commissioners of the Literary Fund will be laid before you.

Our Common School system was established in the year 1840, before which time there was no instruction imparted in the State at the public expense. After an experience of twenty years it will not prove uninteresting to observe the extent of the influence of this system upon the general interests of education. And while it will not be pretended that the progress made within that period is wholly attributable to our Common Schools, yet it must be confessed that they have been mainly instrumental in awakening among our people a lively spirit on the subject of education.

The following comparative statement exhibits, with reasonable accuracy, the extent of that progress:

<table>
<thead>
<tr>
<th>Year</th>
<th>Male Colleges</th>
<th>Female Colleges</th>
<th>Academies and Select Schools</th>
<th>Primary Schools</th>
<th>Total Schools and Colleges</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840</td>
<td>3</td>
<td>1</td>
<td>141</td>
<td>632</td>
<td>777</td>
</tr>
<tr>
<td>1860</td>
<td>6</td>
<td>13</td>
<td>350</td>
<td>4,000</td>
<td>4,369</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Male College Scholars</th>
<th>Female College Scholars</th>
<th>Academies and Select Schools Scholars</th>
<th>Primary Schools Scholars</th>
<th>Total Scholars</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840</td>
<td>158</td>
<td>125</td>
<td>4,398</td>
<td>14,000</td>
<td>18,681</td>
</tr>
<tr>
<td>1860</td>
<td>900</td>
<td>1,500</td>
<td>15,000</td>
<td>160,000</td>
<td>177,400</td>
</tr>
</tbody>
</table>
Most of our Colleges and High Schools have been established by, and are now under the control of the several denominations of Christians, which is a fact not to be regretted, since the natural friends of education are to be found among those who are engaged in the advancement of religion and morals.

Before closing with this subject, I would make brief mention of the two Military Institutions recently established at Charlotte and Hillsboro'. Though not so classed, they maintain a standard of education, in the branches taught, fully as high as that which obtains in our best colleges. I respectfully commend these institutions to your favorable consideration, as worthy the patronage of the State.

BOUNDARY LINE.

An act of the Legislature, at its last session, made provision for running and re-marking the boundary line between North-Carolina and Virginia. By virtue of the powers invested in me by the act, I made several ineffectual efforts to procure a Commissioner to act on the part of this State with such Commissioner as might be appointed by the Governor of Virginia. It is believed that the compensation allowed by the law is inadequate to procure the services of a competent person to discharge the duty assigned. The importance and delicacy of the office cannot well be over-estimated, and the best talent should be employed in its execution.

In the course of my correspondence with the Governor of Virginia on the subject, I was advised that there was then a proposition before the Legislature of that State for running the line throughout its entire length. Whether the proposition was adopted or not, I have not been informed. This was the first intimation I had heard that the line was not already distinctly marked in other parts than those designated in our act.
It is important that the location of the line should be clearly understood by the people of the two States, for which reason I would respectfully suggest the adoption of such legislation as may be thought necessary to accomplish that object.

Since the last adjournment of the Legislature the Hon. Thomas Ruffin resigned his office of Judge of the Supreme Court, in consequence of his health failing to such an extent as to conflict, in his opinion, with an efficient discharge of his duties. The retirement of this able and faithful officer furnishes a suitable occasion for a public acknowledgment of the inestimable value of his services to the State.

The vacancy thus caused was temporarily filled by the Governor and Council of State, by the appointment of the Hon. Matthias E. Manly to that office. Upon the acceptance of which he resigned his office of Judge of the Superior Court, and the Hon. George Howard was appointed to fill the vacancy.

The Hon. David F. Caldwell and the Hon. Jesse G. Shepherd, also, resigned their offices as Judges of the Superior Courts. The Hon. James W. Osborne was appointed to fill the vacancy caused by the resignation of the former, and the Hon. Robert S. French that of the latter.

It will devolve upon you, at your present session, to fill these vacancies by permanent appointments.

TAXATION AND REVENUE.

During the present year the question of taxation, and the principles upon which taxes should be imposed, have occupied, to a very considerable extent, the attention of the people. Propositions have been presented in the public discussions of the day, favoring the mode of taxing property according to value; in some instances, with a limited power in the Legislature of discrimination, and in others, without the power of discriminating, either "in favor of, or against any
particular class of persons, or any particular species of property." All of these propositions involve, as an incident, such an alteration of the Constitution of the State, as to require of the Legislature to tax slaves according to value, instead of by enumeration, as at present.

The principle of taxing property according to value, may certainly be introduced with advantage, to a limited extent, in every revenue system; and could we imagine a condition of society where the circumstances of men and their mode of life were the same, and the property owned by them of a like nature and kind, it might be introduced generally, with equity and justice. But it is apprehended that such a state of society will not be found anywhere to exist, and certainly not in North-Carolina.

The kind of property owned by our people, and the uses to which applied, are widely variant in their character. So, too, with their mode of life, their occupations and pursuits. Some own property of a useful and necessary kind, and which tends in its use to increase the public wealth and the general comforts of life; others, such as is not necessary and which, in its employment, fosters the growth of luxury, ministers merely to the pleasures, and too often to the vicious propensities of our nature.

Now, to act upon the general principle of taxing all property a uniform per centage upon the value, without regard to its character or kind, and the uses to which it may be applied—whether it be employed in creating and multiplying the means of human existence, or in the wasting of life and the enervation of vital powers of man, by cherishing luxurious indulgences—whether, in the encouragement of that honest industry that strengthens both body and mind, or the growth of vice and idleness that weaken both—is to my mind, to violate the plainest principles of political economy, to disregard the intelligent experience of mankind, and to sacrifice the best interests of society to the delusive teachings of a false philosophy.
It is claimed for this plan of taxation, that it involves a principle of equality. It certainly does, and therein lies the argument against it. It would treat as equal those things which, in themselves, are not equal, and which the public welfare requires, should not be treated with equal favor by the government. It would impose an equal tax on a given amount invested by the merchant in sugar and coffee, which are among the necessaries of life, and the same amount invested by the retailer of ardent spirits in the merchandise pertaining to his vocation; an equal tax upon books of useful instruction, and others of like value, that tend to the cultivation of a vitiated taste; in fine, it would obliterate the ordinary distinctions between virtue and vice which a moral people should keep constantly in view in every branch of legislation.

It is said, however, by some of the advocates of this plan, that property when employed in a way to lead to vice and idleness, should be taxed at a higher rate than when otherwise used, and that this may be done by requiring persons thus employing it to pay a tax for the license or privilege of so using their property.

This, certainly, would be an ingenious mode of escaping from some of the evil consequences of a practical application of this principle, and carries with it the admission, that it is not a principle that will admit of a general, but only a limited and qualified employment.

A further consideration of the subject will discover still other considerations that will require a departure from this principle.

According to our present revenue law, most of the banking capital bears a tax of seventy-five cents on the share of one hundred dollars, in addition to an amount paid upon the profits of banking equal to the tax upon the profits of money loaned at interest. The business of banking, as is well known, usually yields with us a clear profit of from eight to twelve percent. annually, while persons having money at interest are prohibited by law from receiving more than six per cent.
Now, here is an instance of a discrimination between property employed in different ways, which, it is believed, will generally be conceded to be just. It is a distinction found in the fact that, though both modes of employment may be equally useful to the public, the one yields a larger profit than the other, and consequently, is capable of bearing a heavier tax.

A discrimination should be made, it is submitted, between the different kinds of property, with reference to their relative advantages to the public at large. For instance: by our revenue law, a tax of one dollar on the hundred dollars value, is imposed upon pleasure carriages, gold and silver plate, jewelry and luxuries of the like kind; while a tax of but twenty cents, is imposed on a hundred dollars worth of land. And this because of the fact that the one is a mere luxury, while the other is a necessary; the one diminishes the public wealth, the other increases it. Yet the principle of ad valorem taxation would make no distinction between them, but place an equal amount of taxes upon equal values of each. And shall it be said that land, upon which human habitations are built and bread is made for the sustenance of life, and from the production of which commerce and manufactures, and indeed all the occupations of men, derive vitality and support, shall be placed upon a footing of equality, as regards taxation, with pleasure carriages, gold and silver plate and the like articles of property, that minister merely to our luxurious tastes and withdraw from useful employments the amount of capital invested in them?

There are still other considerations that should be kept in view, in the shaping of a proper system of revenue, wholly inconsistent with the idea of making no discrimination between different kinds of property.

A very considerable number of our citizens make no surplus from the employment of their property, beyond the bare support of their families; and a law that would impose a tax upon every article of property, without distinction,
would have the effect to deprive them of some of the prime necessaries of life. The interests of the people of this State require, in my opinion, that many articles of property should be entirely exempt from taxation.

Thus far the principle upon which it is proposed to collect, the revenue of the State has been considered with reference to its application to the various objects of property and the different modes of their employment. It is proposed now to consider the rule as applicable to persons in their several occupations requiring the employment of the mental and physical powers alone.

The proposition that in the collection of revenue it is unjust and inexpedient "to discriminate in favor of or against any particular class of persons," it is submitted, will be found equally as fallacious as that which would forbid a discrimination between the different kinds of property.

The injustice and inexpediency of such a rule cannot be more clearly illustrated than by citing an instance of its application in our present revenue law.

One of the provisions of that law imposes a tax of one per cent on the incomes from the various learned professions, the salaries of State and county officers, officers of the corporations and individual employments, when the amount received by any one person exceeds five hundred dollars.

Here there is no discrimination made between the lawyer and the mechanic, the physician and the overseer, the State or county officer, whose labor is performed within doors, and the railroad engineer, who, in conducting the locomotive, is exposed to the inclemencies of the weather and the many dangers incident to his profession; they are all treated alike under this rule of equal taxation.

Such a rule, I maintain, is erroneous in its application to persons, that it is eminently just and proper, in the imposition of taxes, to discriminate in favor of particular classes of persons engaged in certain pursuits. While I regard it as
altogether proper to impose a tax upon the income of persons engaged in many of the learned professions; upon salaried offices of the State and counties, and of some corporations, I consider it as inexpedient to impose any tax at all upon the mechanical and like employments, for the reason that the former are capable of bearing a tax, while the latter are not, in consequence of the fact that such employments are as yet in their infancy with us, and usually yield but little more than a bare support for the persons engaged in them. They are rather the proper objects of the fostering care and protection of the government than fit subjects of taxation.

In the collection of revenue from the proceeds of individual occupations, especial regard should be had, first to the lucrative character of the employments; second, the comparative ease and freedom from risk with which the labor pertaining to them is performed; third, their relative advantages to the public at large, and consequent claim upon the government for protection; and discriminations should be made for or against the particular classes of persons engaged in them, accordingly as these considerations may indicate.

It were difficult, indeed, to lay down any general rule of taxation suitable to every condition of society and adapted to the ever changing circumstances of a people. However this may be, it is confidently believed, that upon a full consideration of the subject it will clearly appear that a general and unqualified system of ad valorem taxation is not adapted to the condition of our people. In which event, there would be no necessity for an amendment of the Constitution to produce conformity to such a system.

It will be borne in mind, that there is, in the Constitution, no limitation upon the power of the Legislature to increase or reduce the taxes upon slave property, whenever the one or the other may become necessary to produce a just relation between the amount of taxes collected from that and other kinds of property. The limitation consists in requiring a uniformity of the poll tax upon white persons and slaves;
white males only between the ages of twenty-one and forty-five years, and all slaves, between the ages of twelve and fifty years, being subject to a tax.

Whether this provision be a just one or not, can in no way be more satisfactorily determined than by a consideration of its practical operation. The slaves of the State, according to an estimate made from the late census, may be stated at 315,000 in number, while the white population numbers some 800,000. The amount of taxes collected from the former, as appears from the Comptroller's books, is $127,662, and from the latter $53,332, for the present year. These sums, when apportioned among our entire population of each, would allow forty cents for every slave and six-and-three-quarter cents for each white person.

Now when the advantages derived from the government, by the various classes of our citizens be considered, it is submitted that the provision of our Constitution referred to is, in its practical operation, as above illustrated, substantially just towards all.

It is not, however, as a financial but as a social question that this proposition of amendment assumes its chief importance.

The entire exports of the surplus products of North-Carolina amount, in value, as far as a careful enquiry enables me to determine, to $12,000,000 annually, of which $11,000,000 at least, may be stated as resulting directly and immediately from slave labor. This being taken as correct, it appears, then, that our whole social fabric is based upon and sustained by slave labor. There is scarcely an occupation of our people, whether mechanical, manufacturing, mercantile, or professional, that does not mainly depend upon it for a support. Without it, not a railroad could be built, and of those already constructed there would not exist the means of preventing their going to decay. Upon this labor rests the public credit, and without it the State could not procure a dollar in the market, though for the most useful purpose,
because she would be wholly unable to pay the interest on the public debt already contracted. In a word, the social and material prosperity of our people and their means of living, greatly depend upon this species of labor. Its loss, with us, could never be fully supplied, for the most productive portion of our territory would not and could not be cultivated by the white race.

In view of these facts, it is clearly the part of a prudent legislation, to avoid carefully, every measure that would tend to the expulsion of this species of labor from the State. Already there exists a heavy drain upon it, in consequence of the greater profits resulting from its employment in the more Southern States.

That the repeal of the clause of the Constitution in question, and the consequences that would inevitably flow from that act, would add another and a powerful influence to those already existing to expel slaves from the State, does not, to my mind, admit of a doubt.

Furthermore, the Constitution as it exists, is consistent with itself. All free men have the right of voting for members of both branches of the Legislature, and all are required to pay a poll tax towards the support of the government. Were this tax repealed, there would exist that anomaly in free government, of the power of imposing taxes resting with one portion of our people, while the duty of paying them would remain to the other. Considered from this point of view, this feature of our Constitution, which is sought to be abrogated, affords a highly useful protection to all kinds of property of whatever nature.

Before concluding this subject, I would respectfully suggest a revision of our revenue law with a view to its amendment in such particulars as the public interests may require. I would especially recommend an amendment of the clause imposing a tax upon incomes and salaries, upon the principle heretofore indicated.

It is believed that the condition of the public finances will
admit of a reduction of the tax upon land, from twenty to fifteen cents on the hundred dollars value. Such a reduction I deem necessary to the establishing of a just relation between the land tax and that imposed upon other property of a like kind.

I would that I could, consistently with a due regard to the public interests, conclude this communication with a reference simply to our domestic affairs. It is impossible, however, to close the eyes to the perilous condition of the Confederacy, growing out of the agitation that has for many years been kept up against the institution of African slavery as existing in the South.

The Republic has at last fallen upon those evils against which the Father of the Country so solemnly warned us in his parting advice—it is distinctly and widely divided by "parties founded upon geographical discriminations."

The great body of the people of the Northern and Southern States entertain diametrically opposite opinions upon the subject of African slavery; the former, that it is a social and political evil and a sin; the latter that it is a system of labor eminently well adapted to our climate and soil, right and proper within itself, and that so far from being a sin, its establishment among us is one of the providences of God for civilizing and christianizing that benighted race.

Were these sentiments entertained as abstract opinions merely, they would occasion but little disturbance to the government. It is far otherwise, however. This sentiment, with the people of the North, has assumed the form of a bold and aggressive fanaticism that seeks the annihilation of slavery in the South at all hazards and regardless of consequences. That such is its aim, the object and end of its daily and hourly labors, can no longer be the subject of a doubt.

Impelled by this spirit, the people of the northern States have violated our rights to an extent that would scarcely have been borne by any other people on earth. They have
deprived us of our property, through lawless mobs, acting under the sanction of a high public opinion, and often too, with the connivance of their constituted authorities. Organized societies with them, have sent emissaries among us to incite slaves to insurrection and to bloodshed. Inflammatory publications, counselling slaves to rise against their masters, have been systematically circulated throughout the South by the dominant party of the North, sanctioned and endorsed by its most influential leaders. The Legislatures of a large majority of the non-slaveholding States have, by solemn enactments, openly and shamelessly annulled a provision of the Constitution of the United States for the rendition of fugitive slaves, and have legislated directly and pointedly, with the view to prevent the owner from recovering such property.

Courts of justice among them have upon more than one occasion totally disregarded a law of Congress, enacted to secure our rights of property, and delivered over fugitive slaves to attendant mobs with a knowledge of their purpose, to prevent their reclamation by force.

But little more than a year since, an armed organization was deliberately planned and set on foot by political societies and men high in public confidence at the North, for the purpose of heading an insurrection of slaves against their masters. The invaders came, and in the night time fell upon a weak and unsuspecting community, and murdered peaceable and unarmed citizens.

When captured and executed for their treason and murder, they were lamented by the great body of the people of the North, as though they had fallen in the performance of some meritorious public service. It may be doubted whether history furnishes another instance among a civilized people where treason and murder have been so sympathized with and applauded. Since which time, men most prominent in these demonstrations have been elevated to the highest offices of State, thus evidencing the deep and pervading sentiment
of hostility in the North towards the institutions and the people of the South.

Such of the invaders as escaped were harbored in the non-slaveholding States, and upon demand, made according to the forms of the Constitution, the Executives of two of those States, Ohio and Iowa, pointedly refused to perform their sworn constitutional obligations by surrendering them to the justice they had fled.

Enormities like these could not have been perpetrated towards the people of any foreign nation without involving the country in a war. Indeed, it is now but too manifest that the people of the Southern States have not in this Confederacy that protection for their property which the subjects of Great Britain, France, or any other foreign country, can claim and enforce against us. Should the subjects of any foreign government be despoiled of their property by the people of Massachusetts or any other non-slaveholding State, restitution and indemnity would be made by our Government, upon demand, or reprisals and war against the United States would enforce indemnity. But should the people of Massachusetts forcibly deprive a citizen of North-Carolina of his property, he would have no such remedy, and indeed no remedy at all, since the Constitution, which provides for such cases, has been wholly annulled by the State of Massachusetts.

The forbearance with which the South has borne these indignities and wrongs, has utterly failed to secure a corresponding forbearance upon the part of our aggressors. The spirit of fanaticism by which they are influenced, growing bolder by its lawless riot and unobstructed indulgence, has at last so far united the northern masses as to enable them to seize upon the General Government with all its power of purse and sword. Two persons have been elected, respectively, to the offices of President and Vice-President, exclusively by the people of one section of the country, upon a principle hostile to the institutions and domestic polity of the other.
Neither of them received an electoral vote in all the fifteen Southern States, and neither could have uttered, in many of them, the political sentiments upon which they are elevated to power, without subjecting himself to the penalties of the local criminal laws. A clearer case of a foreign domination as to us could not well be presented; and that it will be a hostile domination, past occurrences and the circumstances under which they have been elected, forbid us to doubt. That any people, having a due appreciation of the principles of liberty, could long submit to such a domination, it is impossible to suppose.

They now tell us, that this election has been conducted according to the forms of the Constitution, and that, therefore, the people of the South should take no exception to the fact. They, who themselves have utterly refused to be bound by that Constitution, now hold it up to us as a bond to secure us from defending our property and lives against their oppressions.

It is true Abraham Lincoln is elected President according to the forms of the Constitution; it is equally true, that George the Third was the rightful occupant of the British throne, yet our fathers submitted not to his authority. They rebelled not against the man, because of any defect of his title to the crown, but against the more substantial fact—the tyranny of his ministers and parliament. That power "behind the throne," and which, in the name of the throne, attempted to deprive them of their liberties, is the one with which they grappled. So it is with us. It is not the man, Abraham Lincoln, that we regard, but the power that elevated him to office, and which will naturally maintain a controlling influence in his Administration. And can it reasonably be expected, that men who have totally disregarded their constitutional obligations and proved so dangerous in the administration of their State governments, will learn moderation by this new gratification of their lust of power and dominion?
When it is considered that the sentiment of hostility to African slavery is deeply fixed in the minds of the northern people—that for twenty-five years it has formed a part of their education—been inculcated in the family circle, and taught to them from the pulpit, as a leading principle of their religion, together with the duty of its practical enforcement "everywhere and on every occasion"—it must be confessed that there exists but little ground upon which to rest a hope that our rights will be secured to us by the General Government administered at their hands.

This condition of public affairs, as was to have been expected, threatens the most deplorable consequences to the Confederacy. Already it is rendered more than probable that several of the Southern States, in the exercise of the natural rights of nations, will separate from the Federal Union before the termination of your present session. Such an occurrence would present a grave state of facts, commanding your most serious and solemn deliberation.

It cannot for a moment be supposed that we would submit to have the policy of the abolition party, upon which their candidate for the Presidency has been elected, carried out in his Administration, as it would result in the destruction of our property and the placing the lives of our people in daily peril; and even though this should not be immediately attempted, yet an effort to employ the military power of the General Government against one of the Southern States, would present an emergency demanding prompt and decided action on our part. It can but be manifest that a blow thus aimed at one of the Southern States would involve the whole country in a civil war, the destructive consequences of which, to us, could only be controlled by our ability to resist those engaged in waging it.

The civilization of the age, surely, ought to be a sufficient guarantee for the prevention of so great a calamity as intestine war, even though amid political changes of the magnitude of those going on around us. But should the
incoming Administration be guilty of the folly and the wickedness of drawing the sword against any Southern State, whose people may choose to seek that protection out of the Federal Union which is denied to them in it, then we of North-Carolina would owe it to ourselves—to the liberties we have inherited from our fathers—to the peace of our homes and families, dearer to us than all governments—to resist it to the last extremity.

Ours is a government of public opinion and not of force; and the employment of military force to control the popular will, would, if successful, result in a galling and inexorable despotism.

The prevention, then, of civil war, and the preservation of peace amongst us, are the great objects which North-Carolina should resolve upon securing, whatever changes the government may undergo.

In view of the perilous condition of the country, it is, in my opinion, becoming and proper that we should have some consultation with those States identified with us in interest and in the wrongs we have suffered; and especially those lying immediately adjacent to us. As any action of ours would of necessity materially affect them, it would be but consistent with the amicable relations that have ever existed between us, to invite them to a consultation upon a question that so deeply affect us all. From a calm and deliberate consideration of the best mode of avoiding a common danger, much good might result, and no evil could.

In thus proceeding we would shew to the world a disposition to exhaust every peaceable remedy for the solution of our difficulties, and a firm determination to maintain our rights "in the Union if possible, and out of it if necessary."

Such a step, too, would be but a becoming mark of respect to that considerable portion of the people of the non-slave-holding States, who have ever been disposed to acknowledge us as equals in the Union, and who have, on many occasions, gallantly struggled to secure our constitutional rights.
I therefore respectfully recommend that you invite the Southern States to a conference, or such of them as may be inclined to enter into consultation with us, upon the present condition of the country. Should such a conference be found impracticable, then I would recommend the sending of one or more delegates to our neighboring States with the view of securing concert of action.

I also think, that the public safety requires a recurrence to our own people for an expression of their opinion. The will of the people once expressed, will be a law of action with all, and secure that unanimity so necessary in an emergency like the present.

I therefore recommend that a Convention of the people of the State be called, to assemble immediately after the proposed consultation with other Southern States shall have terminated.

The subject of our military defences will require your early attention. I would recommend a thorough reorganization of the militia and the enrolment of all persons between the ages of eighteen and forty-five years. With such a regulation, our muster roll would contain nearly a hundred and ten thousand men.

I would also recommend the formation of a corps of ten thousand volunteers, with an organization separate from the main body of the militia, and that they be suitably armed and equipped.

That your proceedings may be conducted in a spirit of harmony and conciliation, and that they will redound to the honor and welfare of North-Carolina and our common country, is my fervent wish.

JOHN W. ELLIS.

EXECUTIVE DEPARTMENT,
Raleigh, Nov. 20, 1860.

Which being read,

On motion of Mr. Love, of Haywood,
A message was sent to the Senate with the message,
proposing to print twenty copies of the same for each of the
members and officers of the General Assembly, and one
hundred copies for the Governor; whereupon,

On motion of Mr. McCleese,

And at 1 o'clock 20m., the House adjourned to meet at
10 o'clock to-morrow.

WEDNESDAY, 21ST NOVEMBER, 1860.

House met pursuant to adjournment. Prayer by the Rev.
Mr. Walthal.

On motion of Mr. Person,

A message was sent to the Senate, proposing to raise a
joint special committee of five on the part of the House, and
three on the part of the Senate, to be styled the Committee
on Federal Relations, and that all that part of the Governor's
message relating to federal affairs be referred to them.

Mr. Ferebee, from the Committee on House Rules, reported
as follows:

The committee to whom was referred the duty of preparing
rules for the government and order of business of the House,
have had the same under consideration, and make the
following.

REPORT.

The committee respectfully recommend the adoption of
the rules of the last session, with the following amendments,
viz:

Rule 1st. The phraseology of the first sentence of this rule
to be altered so as to read thus:

"It shall be the duty of the Speaker to invite the Pastors
of the several churches of this city, and under such arrange-
ments as they may make among themselves, to perform the
service of prayer at the opening of the daily sessions of the House.

Rule 52 amended to read as follows:

"The Clerk of the House shall keep a separate calendar of the public and private bills in the order in which they are introduced; and all private bills and private business only shall be considered on Saturday of each week, and then in preference to all other business, unless the House shall otherwise direct. All bills shall be disposed of in the order they stand upon the calendar, except the Revenue bill and bills otherwise specially ordered.

All which is respectfully submitted, and the concurrence of the House asked.

D. D. FEREBEE, Chairman.

The Speaker announced the following committees, viz:


On Education: Messrs. Jenkins, Ferebee, Ward, Faison, Russ, Taylor, Crumpler, Harriss, Siler, White and Hall.


On Claims: Messrs. Williams of Nash, Small, Albritton, Stanford, Blue, Guthrie, Foust, Mendenhall, Barrow, Cline and Pearson.


Mr. Wright presented the memorial of Jesse G. Shepherd and others, which was, on his motion, referred to the Committee on Claims.

On motion of Mr. Fleming,
The Library room was assigned to the Committee on Internal Improvements.

Bills, etc., of the following titles were introduced, read the first time, passed and disposed of as follows, viz.:

By Mr. Foy, (H. 3,) a bill to amend the charter of the White Oak Navigation Company. Referred to the Committee on Internal Improvements.

By Mr. Wooten, (H. 4,) a bill to amend the Revised Code, chapter 28, County Revenue and Charges. Judiciary.

By Mr. Bowman, (H. 5,) a bill to establish the county of Mitchell. Propositions and Grievances.

By Mr. Stanford, (H. 6,) a bill to amend Revised Code, chapter 114, Usury. Judiciary.

Mr. Waugh moved that a message be sent to the Senate proposing to proceed forthwith to the election of an Engrossing Clerk, and that Mr. L. W. Joyner was in nomination in this House; which motion was,

On motion of Mr. Folk,
Laid upon the table.

On motion of Mr. Wooten,
At 11 o'clock and 20 minutes, the House then adjourned.

THURSDAY, 22ND NOVEMBER, 1860.


Mr. Tilman Farrow, a member from the county of Hyde, appeared and took and subscribed the oaths required by law.
The Speaker laid before the House a letter from the Public Treasurer, accompanied by certain Bank statements, which, on motion of Mr. Mebane, were sent to the Senate with a proposition to print.

Mr. Ferebee introduced the following resolutions, viz:

1. *Resolved*, That the Constitution of the United States is not a league, confederacy or compact between the people of the several States in their sovereign capacities, but a government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

2. *Resolved*, That no State authority has power to dissolve these relations, that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.

3. *Resolved*, That it is the duty of the State of North Carolina, under all circumstances, and at all hazards, to protect, maintain and defend, in the Union, all the rights guarantied to her citizens by the Constitution of the United States.

4. *Resolved*, That the election of Abraham Lincoln and Hannibal Hamlin to the Presidency and Vice-Presidency of the United States, by a sectional vote, however much to be deplored, is not a sufficient cause for a dissolution of the Union.

And moved that the same be laid upon the table printed and referred to the Committee on Federal Relations, and the question being thereon and a division called for, there appeared fifty-four votes in the affirmative, and fifty-eight in the negative, so the motion was lost, and the question being upon the passage of the resolutions, Mr. Waters moved the same be indefinitely postponed, and the question being thereon, and the yeas and nays,

On motion of Mr. Ferebee,

*Ordered*, The same was withdrawn, and then, the motion recurring, Mr. Hoke offered the following amendment.
"Resolved, That the Constitution of the United States is a compact between sovereign and independent States, and all powers not therein delegated are reserved to the States respectively; that among the attributes of sovereignty retained by the several States, is that of watching over the operations of the General Government, and protecting her citizens from unconstitutional abuse on the one hand, and securing to them, on the other, a strict fulfilment of the obligations imposed by the Constitution upon the General Government.

"Resolved, That the people of North-Carolina, as an organized political community, have the right to withdraw from the Union, whenever a majority of the people, in Convention assembled, shall decide a withdrawal necessary to protect their property or persons from unconstitutional and oppressive legislation by the General Government, or whenever, by the failure of the General Government to fulfil her constitutional obligations, the people of the State may deem such a step necessary, in order to secure the enjoyment of the rights, privileges and protection guarantied to them by the Constitution of the United States; and in such an emergency, a majority of the people of North-Carolina, acting through the organized authorities of the State, would be entitled to the sole and undivided allegiance of all her citizens."

When Mr. Merrimon offered the following amendment thereto:

"Be it Resolved by the General Assembly of the State of North-Carolina, That the result of the late Presidential election, in the election of a purely sectional President and Vice President of the United States, gives rise to serious fears for the political safety of the rights of the people of this State under the Federal Constitution, and that this body condemns the fanatical, unwarranted and dangerous policy of the Black Republican party, which tends directly to bring about a dissolution of the Federal Union and to produce civil war."
Be it resolved, That it is the sense of this General Assembly, that the rights of the people of this State under the Constitution of the United States, shall be observed and enforced in the Union, at all hazards and regardless of consequences, and that the State should be placed in such condition as to enable her to resist every encroachment upon the constitutional rights of her citizens.

Be it resolved, That this General Assembly deplores the result of the late Presidential election, but much as it is to be regretted and condemned, nevertheless, the election of a President and Vice President according to the Federal Constitution and the forms of law, is not of itself cause for a dissolution of the Union.

Be it further resolved, That in view of the present political condition of the country, the General Assembly recognizes no cause which renders it wise, politic or necessary for this State now to send a delegate or delegates, to confer with the other Southern States in reference to any line of policy that looks to a dissolution of the Union or the continuance of this State in the same.

And the question being thereon,

On motion of Mr. Person,

The resolutions and amendments were laid upon the table and ordered to be printed.

Mr. Henry offered the following resolution, viz:

"Resolved, That in the opinion of this General Assembly no person in favor of secession or a dissolution of the American Union, ought to be elected to any office in the gift of the people of North-Carolina."

And he moved that the same be laid upon the table and printed.

Mr. Person moved the same be indefinitely postponed, and the question being thereon, and

On motion of Mr. Henry,

The yeas and nays were ordered, the question was put and
Decided in the affirmative,

{ Yeas..................................69
Nays..................................46

The following named members of the House voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Crumpler moved that the resolutions of Mr. Ferrebee be taken up and made the special order for Monday next at 12 o’clock, and Mr. Mendenhall having called for a division of the question, the motion was withdrawn.

The Speaker laid before the House a communication from the Librarian, which was,

On motion of Mr. Newby,

Sent to the Senate, with a proposition to print.

On motion of Mr. Bullock,
A message was sent to the Senate, proposing to proceed forthwith to elect a Solicitor for the Fourth Circuit, and informing that body that Thomas Settle, Jr., was nominated in this House.

A message was received from the Senate, proposing to raise a joint committee on the subject of Federal Relations, to consist of five on the part of each House, and the question being on concurring therein, Mr. Crumpler moved to lay the same upon the table,

And it was not adopted.

The proposition of the Senate was then concurred in, and the Senate informed thereof.

The Senate having concurred in the proposition to elect a Solicitor in the Fourth Judicial Circuit, an election was held in the House for that office, with the following result:

The following named members of the House voted for Thomas Settle, Jr., viz:


And the following for Mr. Poindexter, viz:

The Speaker announced the following Committee on Federal Relations, viz: Messrs. Person, Hoke, Newby, Green of Franklin, and Poindexter.

On motion of Mr. Person,

Mr. Poindexter was excused, and the Speaker appointed Mr. Mebane in his place to this committee.

On motion of Mr. Cheek.

A message was sent to the Senate, proposing to vote forthwith for a Solicitor in the sixth Judicial Circuit, and informing that body that William Lander and Thomas N. Crumpler, were nominated in this house for that office.

Mr. Batchelor, from the committee to superintend the election of a Solicitor in the fourth Judicial Circuit, reported that 158 votes had been cast in that election of which 80 were necessary to a choice, and that Mr. Settle had received of them 151, Mr. Poindexter 6, and Mr. Kerr 1. And that Mr. Settle had been duly elected.

Bills, etc., of the titles following them being introduced and read, passed the first reading and were ordered as follows, viz:

By Mr. Hayes, (H. R. 7) A resolution to amend an act concerning Cherokee Lands. Referred to Propositions and Grievances.

By Mr. Love of Jackson, (H. R. 8,) a resolution in favor of Jonas Jenkins. Referred to the same committee.

By Mr. Stanford, (H. 9,) a bill to amend the Revised Code, chapter 45. "Executions." Ordered to be printed and referred to the Committee on the Judiciary.

By Mr. Hayes, (H. 10,) a bill to amend the Constable Law in Cherokee. To private bills.

By Mr. Waters, (H. 11,) a bill to amend the Revised Code, chapter 34. Crimes and Punishments.

By Mr. Taylor, (H. 12,) a bill concerning Magistrates in Chatham. To Private Bills.
By Mr. Folk; (H. 13,) a bill to amend the Revised Code, chapter 2, section 13, "Agriculture and Geology," and to abolish the office of State Geologist.

By Mr. Fleming, (H. 14,) a bill to amend the law of elections in Salisbury. To Judiciary.

By Mr. Fagg, (H. 15,) a bill concerning the Banks of this State.

The Senate having by message informed the House that they had laid upon the table the proposition to print twenty copies of message (No. 1.) etc; and on their part proposed fifty copies for members, &c, and one hundred copies for the Governor, and the question being upon concurring in the same, Mr. Ferebee moved the proposition be laid upon the table. This question was put and

Decided in the negative, \{ Yeas ...................... 55
\} Nays ...................... 57

On motion of Mr. Ferebee.

The yeas and nays being ordered the following named members voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Bowman, Branch, Bridgers, Bullock, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Green of Franklin, Hill, Jenkins, Kallum, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Mitchener, Mor-

And the question recurring upon concurrence in the message, Mr. Ferebee moved to strike out and insert thirty copies for fifty copies, with one hundred copies for the Governor, and it was adopted, and so amended, the proposition of the Senate was agreed to.

Ordered, They be informed thereof.

Bills of the titles following then being called the second time for the second reading, were disposed of as follows, viz:

H. 1, Mr. Henry's bill to provide a Convention for amending the Constitution, was, on his motion, laid upon the table. Also,

H. 2, Mr. Crumpler's bill to amend the Constitution.

On motion of Mr. Ferebee,

Resolved, That a proposition be sent to the Senate proposing to print in pamphlet form, for the use of the members and the various apartments, and each of the clerks, the Constitution of the United States, the Bill of Rights, the Constitution of the State of North-Carolina, the Rules of Order of conducting the business in the two Houses, and the Joint Rules of the same, the Standing and Select Committees; also, the names of the members of both Houses, the name of the County represented, and the Post-office nearest the residence of each member.

On motion of Mr. McCleese,

And at 1 o'clock and 50 minutes, the House adjourned until 11 o'clock to-morrow.
Ordered, That a Committee be appointed to be styled the Committee on Banks and Banking.

Mr. Simonton offered the following resolutions.

"Whereas, in the present excited and disturbed state of our country, it is important that the Legislature of North-Carolina should at once speak out and take a conservative and patriotic position, therefore,

"Be it resolved by the General Assembly of North-Carolina That all the rights guaranteed to the citizens of North-Carolina by the Constitution of the United States, and the laws of the country shall be maintained and defended under all circumstances, and at every hazard.

"Resolved, That while we strongly condemn the fanatical and unpatriotic doctrines of the Black Republican party, and deplore the success of that party, in the late Presidential election, yet we declare the election of Abraham Lincoln and Hannibal Hamlin, to the offices of President and Vice President of the United States, is of itself no cause for a separation by violence or otherwise of the links which bind together our common country."

Which were, on his motion, laid on the table and ordered to be printed.

Mr. Shaw laid before the House the proceedings and resolutions of a meeting held in the town of Wilmington, on the 19th of November last, of which Henry Nutt was Chairman, and W. P. Elliot and W. T. J. Vann were Secretaries, which were read as follows:

"In pursuance of a call made through the papers of the town of Wilmington, there met at the court house, on the night of the 19th inst., a large and enthusiastic assemblage of the citizens of the county of New Hanover, and upon motion of Dr. W. A. Berry, Henry Nutt, Esq., was chosen Chairman, and W. P. Elliott and W. T. J. Vann, requested to act as Secretaries.

The meeting being organized, the chairman proceeded in
a few brief but appropriate remarks to explain the object of the meeting.

On motion of Col. R. G. Rankin,

A committee of nine gentlemen were appointed by the chair, as follows, viz: Col. R. G. Rankin, Dr. A. J. DeRossett, D. A. Lamont, Walker Meares, Jas. D. Cumming, O. G. Parsley, Jr., S. D. Wallace, M. McInis, Esqrs., and Dr. J. D. Bellamy, to draft resolutions for the action of the meeting.

In the absence of the committee, the meeting was addressed by Dr. W. A. Berry, John A. Taylor, Esq., and the Hon. W. S. Ashe, with stirring and forcible speeches.

The committee, after an absence of some length of time, returned, and through their chairman, Dr. A. J. DeRossett, submitted the following resolutions, which were unanimously adopted:

We, a portion of the citizens of New Hanover county, irrespective of party, cordially unite in the following resolutions, to wit:

1. Resolved, That the election of a President and Vice President, by the Republican party of the North, upon grounds purely sectional, and altogether hostile to the rights and interests of the Southern States, cuts off the last hope of the preservation of the present Union; and that it is, consequently, the imperative duty of the State of North Carolina to prepare for assuming her position as an independent sovereignty.

2. Resolved, That a Convention of the people of North Carolina should be called without delay, for the purpose of deliberating upon the best mode of maintaining the dignity and honor of the State in this great crisis of her history, and for providing for her withdrawal from the Confederacy of the United States.

3. Resolved, That in view of the perils by which we are surrounded, we consider it the imperative duty of our Legislature to proceed speedily to enact a law to organize and arm the militia of the State.
4. *Resolved*, That copies of these resolutions be communicated by the chairman of this meeting to our Senator and Representatives in the General Assembly, to be by them brought before their respective Houses.

On motion of Dr. J. F. McRee, Jr., it was further

*Resolved*, That a corps of Minute Men be formed, which was unanimously adopted by the meeting.

And it was further

*Resolved*, That the proceedings be published in the papers of the town, and that they request the papers throughout the State to copy.

On motion of O. G. Parsley, Jr., Esq., the meeting adjourned.

HENRY NUTT, Chairman.

WM. P. ELLIOTT,
W. T. J. VANN,

Secretaries.

On motion of Mr. Shaw,

*Ordered*, That the same be referred to the Committee on Federal Relations.

Mr. Russ introduced the following:

"*Resolved*, That the Committee on Federal Relations be instructed to enquire into the expediency of making provision by law for the appointment of Commissioners to visit and confer with the Commissioners of other States interested in domestic slavery, to agree upon some plan to protect their constitutional rights and preserve the Union of the States, and that they report by bill or otherwise."

Referred to the Committee on Federal Relations, and ordered to be printed.

On motion of Mr. Merrimon,

*Ordered*, That a committee of five members of this House be appointed upon the subject of "Constitutional Reform."

On motion of Mr. Person,

A message was sent to the Senate, proposing to proceed forthwith to elect a Solicitor in the sixth Judicial Circuit, and
to inform that body that William Lander and Thomas N. Crumpler have been nominated in this body.

Mr. Person moved that it be ordered that "all the resolutions upon the subject of federal relations be printed and referred to the Committee on Federal Relations, unless otherwise ordered."

Mr. Ferebee demanded a division of the question, and the question was accordingly stated to be first on the motion to print,

And it was adopted.

And then the question being upon the reference, and Mr. Ferebee addressing the House, Mr. Baxter raised the point of order that a discussion of the subject involved in the general matter committed was not in order.

The Speaker said that a discussion of the principles involved in the resolution was not in order, but only the propriety of the printing and reference was in order; and there being no appeal, this passed as the judgment of the House.

The question pending,

A message was received from the Senate, agreeing to the proposition to proceed forthwith to the election of a Solicitor in the Sixth Circuit, and the House proceeded to vote, with the following result:

The following named members of the House voted for William Lander, viz:

Cumberland, Williams of Nash, Williamson, Wishart, Woodard, Wooten and Wright—63.

And the following for Thomas N. Crumpler, viz:

Mr. Crumpler voted for R. F. Armsfield.

The question being resumed, Mr. Ferebee offered the following amendment to the resolution of Mr. Person:
"Except those resolutions introduced before the appointment of the Committee on Federal Relations."

Mr. Hoke objected that the amendment was not pertinent, and not in order after a division had been called for.

The Speaker ruled the amendment in order, and there being no appeal, the same passed as the judgment of the House; and the question being thereon,

Mr. Folk moved the same be laid upon the table; and the question being thereon, and a division called for, there appeared fifty-one votes in the affirmative, and sixty in the negative.

So the motion did not prevail, and the question upon the amendment recurred, was put and

Decided in the negative, } Yeas ......................... 45
                          } Nays .......................... 72

On motion of Mr. Ferebee,
The yeas and nays being ordered, the following members of the House voted in the affirmative:
Messrs. Albritton, Alfred, Barringer, Booth, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis

And the following in the negative, viz:


And the question recurring, Mr. Ransom moved that the resolution be amended so as to strike out the words "unless otherwise ordered,"

And this was adopted.

The question was then put and

Decided in the affirmative, { } Yeas..........................73
{ } Nays..........................44

On motion of Mr. Donnell,

The yeas and nays being ordered, the following members of the House voted in the affirmative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Blue, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Fleming, Foy; Galloway, Green of Franklin, Hall, Harrington, Hayes, Hill, Hoke, Jenkins, Jordan, Kallum, Kelly, Lemmond,

And the following voted in the negative, viz:

So the resolution was adopted.

A message was received from the Senate proposing to proceed forthwith to elect a Supreme Court Judge, and the House concurring, and the Speaker having appointed Messrs. Padgett and Marsh to superintend the election in this House, an election was held with the following result, viz:

The following members of the House voted for Mathias E. Manly, viz:
Messrs. Speaker, Autry, Barringer, Barrow, Batchelor, Baxter, Blue, Bowman, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Carson, Cheek, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Dickson, Donnell, Ewell, Fagg, Faison, Ferguson, Ferebee, Fleming, Folk, Foy, Galloway, Gorrell, Green of Chatham, Green of Franklin, Guthrie, Hall, Harrington, Harriss, Hayes, Hill, Howard, Hoke, Horton, Jenkins, Jordan, Kallum, Lemonds, Logan, Love of Haywood, Love of Jackson, McCleese, McMillan, Martin, Meares, Mebane, Mendenhall, Merrimon,

Mr. Albritton voted for R. S. Donnell.

Messrs. Alfred, Clark of Craven, Clark of Davidson, Gaither, Green of Stanly, Hanes, Henry and Rogers, voted for B. F. Moore.

Mr. Booth voted for George E. Badger.

Messrs. Foust, Liles and Polk, voted for Wm. A. Graham.

Mr. Kelly voted for Mr. Winston.

Mr. Latham voted for Mr. Outlaw.

Mr. Marsh voted for Mr. Shaw.

Mr. Simonton voted for Anderson Mitchell, and Mr. Yeates voted for Jesse G. Shepherd.

Mr. Cheek, from the committee to superintended the election of a Solicitor for the Sixth Judicial Circuit, reported 163 votes cast in that election, of which number Mr. Lander received 92, Mr. Crumpler 70, and Mr. Armsfield 1; and that Mr. Lander had been duly elected.

The Senate having concurred in the proposition to appoint a committee to draw joint rules for the two Houses informed the House of the same, and that Messrs. Dockery and Lane had been appointed on their part.

The Senate, by message, informed the House that Messrs. Brown, Avery, Outlaw, Barringer and Stowe had been appointed by them to the Committee on Federal Relations.

Bills, etc., of the titles following, were introduced, read the first time, passed and referred or disposed of as follows, viz:

By Mr. Liles, (H. R. 16,) a resolution in favor of Thomas Diggs, referred to Committee on Propositions and Grievances.

By Mr. Love, of Haywood, (H. R. 17,) a resolution in favor of G. H. Holland. Propositions and Grievances.

By Mr. Cowles, (H. 18,) a bill to prevent free passes on
the North-Carolina and other State Railroads, etc. Referred, on motion of Mr. Person, to Committee on Internal Improvements.

By Mr. Fleming, (H. 19,) a bill to prohibit the emancipation of slaves by will. To Judiciary.

By Mr. Crumpler, (H. 20,) a bill to prevent the emancipation of slaves by will, the reading of which was interrupted by a message from the Senate with (S. 21,) a bill for the relief of the Banks and the People, which being read the first time, passed the first reading.

Mr. Ransom moved the rules be suspended, and the bill put through the second and third readings, and the question thereon was put, and

Decided in the affirmative, Yeas.............................................93
Nays.................................................................19

On motion of Mr. Donnell,
The yeas and nays being ordered, the following members of the House voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Branch, Cheek, Crumpler, Davis of Rutherford, Dickson, Donnell, Gorrell, Green of Stanly, Henry, Hill, McCleese, Martin, Mebane, Patterson, Peebles, Polk, Slade and Yeates—18.

The same bill was then read the second time, and the question being shall this bill pass the second reading? Mr. Love of Jackson offered the following amendment.

"Sec. Be it further enacted, That all Banks established in this State shall suspend the collection of debts due by citizens of this State, during the time of their suspension, and in case the sureties of notes become alarmed as to the solvency of their principal or principals, then, in that case, they shall have the privilege of filing notes, as principals made payable to the Bank, and when so done, they, the sureties, shall have power to collect at once, the amount out of the principal, or principals, for which they were sureties."

Pending which, the Senate by message, proposed to go into an election for a Judge in the Sixth Judicial Circuit and informed the House that James W. Osborne and Anderson Clements had been nominated in that body. The question being, shall the House concur?

On motion of Mr. Fagg,

The message was laid upon the table, and the House resumed the pending question, when Mr. Mebane offered the following amendment to the amendment.

"Provided, however, That during the operation of this act, no Bank taking advantage thereof, shall loan any money for a greater rate per cent. than five per cent. per annum."

And the question being thereon, Mr. Padgett, from the committee to superintend the election of Supreme Court Judge, reported that 163 votes had been counted, of which 82 were necessary to a choice; that Mathias E. Manly had received 138 votes, John H. Bryan 3, B. F. Moore 11, R. S. Donnell 2, G. E. Badger 1, Wm. A. Graham 3, Patrick Winston 1, David Outlaw 1, Mathew Shaw 1, Anderson Mitchell 1, Jesse G. Shepherd 1. And that Mathias E. Manly had been duly elected.
The question was then put upon the amendment of Mr. Mebane,
And it was not adopted.
Mr. Cowles offered the following amendment to the amend-
ment:
"Be it further enacted, That the obligees in any bond for
the payment of money to any Bank, or the makers of any
bill or promissory notes, payable to any Bank, (such obligees,
or the makers of said bills or promissory notes, being citizens
of North Carolina,) shall not be required in making payment
upon such bills, bonds or promissory notes at such periods as
they may fall due, to pay more than one-sixteenth of the
principal of such bond, bill, or promissory note, and that the
maker of such bills, etc., shall upon the payment of one six-
teenth of the principal, be allowed to renew their notes to the
said Banks as usual."
And the question thereon was put, and
Decided in the negative
\{ Yeas .....................................13
\{ Nays .....................................95
On motion of Mr. Crumpler,
The yeas and nays being ordered, the following voted in
the affirmative, viz:
Messrs. Alfred, Carson, Cowles, Crumpler, Green of Chat-
ham, Hoke, Horton, Love of Haywood, Love of Jackson,
McCleese, Martin, Taylor and Whitehurst—13.
And the following in the negative, viz:
Mesrss. Albrighton, Autry, Barringer, Barrow, Batchelor,
Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock,
Burgin, Bynum, Cannady, Cheek, Clark of Craven, Clark of
Davidson, Cline, Crawford, Davis of Bladen, Davis of Halifax,
Davis of Mecklenburg, Dickson, Donnell, Ewell, Fagg, Fai-
son, Ferguson, Ferebee, Fleming, Folk, Foust, Foy, Gaither,
Galloway, Gorrell, Green of Franklin, Green of Stanly,
Guthrie, Hall, Hanes, Harrington, Hayes, Henry, Hill,
Howard, Jenkins, Jordan, Kallum, Kelly, Latham, Lem-
monds, Logan, Marsh, Meares, Mebane, Mendenhall, Merri-
The question recurring upon the amendment of Mr. Love, it was not adopted.

Mr. Yeates offered an amendment which was withdrawn, and then the bill passed the second and third readings.

On motion of Mr. Ransom,

Ordered, That it be enrolled, when,

It being 2 o'clock, and 50 minutes, the House,

On motion of Mr. Meares, adjourned.

SATURDAY, 24TH NOVEMBER, 1860.

Prayer by Rev. Frederick Fitzgerald.

The Speaker announced the following committees, viz:

On Enrolled Bills.—Messrs. Rogers, Ransom, Clark, Crawford and Folk.

Banks and Banking.—Messrs. Hill, Bridgers, Mendenhall, Rogers and Davis of Mecklenburg.

Constitutional Reform.—Messrs. Wright, Merrimon, Batchelor, Hill and Shober.

Mr. Waters introduced the following:

"Resolved, That from and after Monday next, the House will meet at 10 A.M., and adjourn at 2 P.M."

Laid over one day under the rule.

Mr. Slade introduced the following:

"Resolved, That without intending any menace or threat, it is the opinion of this General Assembly, that in case any State shall, through the voice of her people, withdraw from the Union, the General Government ought not to attempt
coercion, and that the people of this State ought not only to refuse to take part in any such attempt, but will resist the same by all the means in their power.'

Referred to Federal Relations, under the rule.

Bills of the following titles were introduced, read the first time, passed the first reading, and otherwise ordered as follows, viz:

By Mr. Carson (H. 22,) a bill for the relief of the people. Referred to Judiciary, and,

On motion of Mr. Hayes,
Ordered to be printed.

By Mr. Davis of Mecklenburg, (H. 23,) a bill to exempt certain watches from taxation.

By Mr. Faison, (H. 24,) a bill to amend the revenue law.

By Mr. Bynum, (H. 25,) a bill to amend an act concerning Chatham county. Judiciary.

By Mr. Wooten, (H. 26,) a bill to authorize the appointment of special magistrates. To Judiciary, and
Ordered to be printed.

By Mr. Williamson, (H. 27,) a bill to extend the time for the registration of deeds, etc. To Judiciary.

By Mr. Wilkerson, (H. 28,) a bill to alter the Constitution. To Constitutional Reform, and
Ordered to be printed.

By Mr. Ward, (H. 29,) a bill in favor of William Pollock, of Jones county. To Propositions and Grievances.

By Mr. Hanes, (H. 30,) a bill in favor of E. D. Hampton, of Davidson. To Propositions and Grievances.

By Mr. Faison, (H. 31,) a bill concerning public roads, etc. To Judiciary.

By Mr. Wooten, (H. 32,) a bill to regulate the fees of registers. To Judiciary.

By Mr. Gorrell, (H. 33,) a bill to regulate a practice in the County and Superior Courts. To Judiciary.
Mr. Rogers, from the Committee on Enrolled Bills, reported that they had carefully compared the roll of (S. 21) a bill for the relief of the banks and the people with the original and found the same to be truly enrolled.

Whereupon the Speaker in the presence of the House affixed his signature to the same.

And then it being 12 o'clock and 10 minutes, the House adjourned until Monday morning at 11 o'clock A. M.

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MONDAY, 26th NOVEMBER, 1860.

Prayer by the Rev. Mr. Atkinson.

Mr. Ferguson presented the memorial of D. Goskins and others, concerning obstructions in Salmon River. Filed with H. 34 upon that subject.

Mr. Harris presented the following preamble and resolutions:

"Whereas, The Constitution of the United States was ordained to form a more perfect Union, to establish justice and ensure domestic tranquility, and is of equal and binding force, to the extent of its delegated power, upon all the States; and whereas, the third clause of the fourth article of said Constitution has been abrogated, and the law of the United States, in pursuance thereof, nullified by the Legislatures of the States of Massachusetts, Rhode Island, Vermont, Maine, Connecticut, Pennsylvania, Wisconsin, Michigan and Ohio; therefore,

"Resolved by the General Assembly of North-Carolina, That application be made to Congress to call a Convention of all the States, and in case two-thirds of the States of the Confederacy should thus concur, that said Convention shall guarantee the repeal of all laws of any State nullifying the Fugitive Slave Law of the United States, and the unconditional surrender of fugitive slaves by and under the authority of
enactments in each of the several States of the Union, in
fulfilment of mutual obligations to carry out the aforesaid
third clause of the fourth article of the Constitution of the
United States.

"Be it further resolved, That in case the application of this
Legislature be not sustained by two-thirds of the States, or
the aforesaid amendments being adopted by the Convention
thus called, and subsequently be not ratified by three-fourths
of the States, in accordance with the provisions of the fifth
article of the Constitution of the United States, the Governor
and Council shall be authorized and empowered forthwith to
call a Convention of the people of this State, on the basis of
the House of Commons, with the view to enable the people
of this State to co-operate with the other States in demanding
the protection of their persons from unlawful fines and
imprisonment, and their property from spoliation by any of
the aforesaid nullifying States of the Union, or to secure an
honorable and permanent adjustment of existing difficulties."

Mr. Foust presented the following:

"Resolved, That the Committee on Federal Relations be
instructed to enquire into the expediency of interdicting the
importation into this State of any article the growth or manu-
facture of those States which have passed acts to nullify the
Fugitive Slave Law, or frustrate the execution thereof.

Referred to Federal Relations and ordered to be printed.

Mr. Siler offered the following resolution instructing the
Committee on Federal Relations to enquire into the expedi-
cy of submitting the question to the people whether they
will have a Convention:

"Whereas, It is alleged that the Legislatures of a number
of States have enacted laws in violation of the Constitution
and Laws of the United States, and that the result of the
recent election for President affords evidence of determination
on the part of the people of those States to continue and
enforce the laws thus enacted, and as certain other States of
the Union, deeming the compact broken, seem to be preparing
to withdraw from the same; and whereas, the question whether it be proper for North-Carolina at this time to designate the position she will assume in reference to the unfortunate state of facts herein set forth, belongs of right to the people:

"Resolved, That the Committee on Federal Relations be instructed to enquire into the expediency of providing by law for submitting the question to the people at the ballot-box, whether they will have a Convention, and of providing further (if a majority of the freemen of the State shall vote in favor of a Convention) the manner in which their wishes shall be carried into effect."

Referred to Federal Relations and ordered to be printed.

On motion of Mr. Fagg,

A message was sent to the Senate proposing to proceed forthwith to elect a Judge in the second circuit, and informing them that George Howard, Jr., is nominated in this body.

Mr. Hayes introduced the following:

"Resolved, That the doorkeepers of this House be and they are hereby requested to keep up the United States flag on the capitol during the present session, from the meeting of the two Houses in the morning until their adjournment in the evening."

And it was adopted.

Mr. Foy introduced the following:

"Whereas, The threatening political aspect of the Federal Government is of such a character that it is the opinion of this General Assembly, that a contingency may arise when the calling of a Convention of the people of this State may become necessary, wise and proper; be it therefore,

"1st Resolved, That in the event of the Administration of Abraham Lincoln refusing to admit any new State into the Union on the grounds that the Constitution thereof tolerates the institution of African slavery, that this State considers it an overt act and one justifying a dissolution of the Union.

"2nd Resolved, That it is the opinion of this General
Assembly that a repeal of the fugitive slave law, or the abolition by Congress of slavery in the District of Columbia, or the prohibition of the slave trade between the States, would be another just cause for a dissolution of the Union.

"3d, Resolved, That civil war would be a great calamity, and that North Carolina will labor to avoid it by seeking to exhaust all honorable means to secure the Constitutional rights of her citizens, and a peaceable adjustment of all her difficulties with the Federal Government.

"4th, Resolved, That in the event of a violation of either of the foregoing resolutions, the Governor and Council may, and they are hereby authorized and required, to call a Convention of the people of this State, by issuing his proclamation, notifying the sheriffs of the several counties of the State to open the polls for an election of delegates in their respective counties, at such time as he may direct, and the delegates so elected shall attend and convene in the capitol in the city of Raleigh at such time as the Governor may direct.

"5th, Resolved, That in the event of the State holding a Convention, each county and senatorial district shall be entitled to elect the same number of delegates that they are entitled to members of the Senate and House of Commons, and the members so elected shall be entitled to the same mileage and per diem as members of the General Assembly are, and those entitled to vote for members of the House of Commons shall be entitled to vote for members of the Convention."

Referred to Committee on Federal Relations, and Ordered to be printed.

Bills, etc., of the titles following, were introduced, read, passed the first reading and were ordered as follows, viz:

By Mr. Ferguson, (H. 34,) a bill to prevent obstructions in Salmon Creek. To Propositions and Grievances.

By Mr. Barringer, (H. R. 35,) a resolution in favor of D. C. Lilly. To Committee on Claims.

By Mr. Love of Haywood, (H. R. 36,) a resolution in
favor of Wm. Green of Haywood. To Propositions and Grievances.

By Mr. Pope, (H. 37,) a bill to arm and equip the State. To Military Affairs, and
Ordered to be printed.

By Mr. Hayes, (H. 38,) a bill to establish the county of Clay. To Propositions and Grievances.

By Mr. Bowman, (H. 39), a bill to amend an act of 1850, chartering the McDowell and Yancey Turnpike Company. To internal Improvements.

By Mr. Faison, (H. 40,) a bill relating to Free Schools. To Education.

By Mr. Slade, (H. 41,) a bill to charter the Greensboro’ and Danville Railroad Company. To Internal Improvements, and
Ordered to be printed.

By Mr. Liles, (H. 42,) a bill to charter Kilwinny Lodge. A. Y. F. M.

From the Senate, (S. 43,) a bill for the relief of banks and people.

By Mr. Kelly, (H. 44,) a bill to amend charter of the Cheraw and Coalfields Railroad. To internal Improvements.

By Mr. Gorrell, (H. 45,) a bill to prevent the transfer of post obit interests. To Judiciary.

By Mr. Polk, (H. 46,) a bill concerning free negroes. To Judiciary.

By Mr. Jenkins, (H. 47,) a bill to amend the Revised Code, chapter 118, entitled "Widows." To Judiciary.

The Senate having informed the House of their concurrence in the proposition to vote for a Judge in the Second Judicial Circuit, and the Speaker having appointed Messrs. Fagg and Gorrell to superintend the same, an election was held in this House, with the following result:

The following named members of the House, voted for
George Howard, Jr., viz:

Messrs. Speaker, Albritton, Alfred, Autry, Barringer, Barrow, Baxter, Blue, Booth, Bowman, Branch, Bridgers,


Messrs. Gaither and Liles for R. S. Donnell.

Messrs. Latham and Taylor for C. C. Clarke.

The Senate having by message proposed to proceed forthwith into an election for Judge in the Sixth Judicial Circuit, and informed the House of the nomination of James W. Osborne to that office, and,

On motion of Mr. Martin,

The name of W. W. Lenoir being first added to the nomination,

The House concurred therein and proceeded to vote under the superintendence of Messrs. Yeates and Peebles, with the following result:

The following named members of the House, voted for James W. Osborne, viz:

Messrs. Speaker, Autry, Barringer, Barrow, Baxter, Bowman, Branch, Bridgers, Bullock, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Fleming, Folk, Foust, Foy, Galloway, Green of Franklin, Hall, Harrington, Harriss, Hayes,

The following voted for W. W. Lenoir, viz:

Messrs. Alfred, Blue, Burgin, Carson, Clark of Craven, Clark of Davidson, Crumpler, Dickson, Farrow, Ferebee, Gorrell, Green of Chatham, Henry, Horton, McCleese, Martin, Newby, Rogers, Taylor, Williams of Pasquotank and Winslow.

The following voted for Anderson Mitchell, viz:


The following voted for Thomas S. Ashe, viz:

Messrs. Green of Stanly, Liles and Polk.

Mr. Green, of Franklin, from the Committee on Joint Rules, reported the Joint Rules of the last session, without amendment, and recommended their adoption. In this report the House concurred.

A message received from the Senate, concurring in the proposition to print the Governor's message, also announcing the names of the members of Joint Committees on the part of the Senate; whereupon the Speaker announced the following appointments to the Joint Committees on the part of the House:


In Cherokee Lands and Western Turnpikes: Messrs. Love, of Haywood, Hayes, Siler, Bowman and Horton.


On Insane Asylum: Messrs. Wright, Carson, Shober, Henry and Logan.

On Library: Messrs. Donnell, Cowles and Branch.

A message was received from the Senate transmitting the report of the Superintendent of the Insane Asylum, and proposing to print the same, which was concurred in.

Also transmitting communications from the Governors of Mississippi and South Carolina, with accompanying resolutions of the Legislatures of those States, upon the subject of Federal Relations and a day of Fasting and Prayer, and proposing that they be printed, and referred to the Committee on Federal Relations, in which the House concurred.

Mr. Fagg from the committee to superintend the election of a Judge in the second Judicial Circuit reported that 144 votes had been counted in said election, of which George Howard, Jr. had received 137, R. S. Donnell, 2, Edward J. Warren, 2, George V. Strong, 1, C. C. Clark, 2, and that 73 being necessary to a choice, Mr. Howard had been duly elected.

The House concurred.

Mr. Peebles from the committee to superintend the election of a Judge in the sixth Judicial Circuit reported that 148 votes had been counted in said election, of which 75 were necessary to a choice, and that James W. Osborne, had received 104 of them, and was duly elected. In this report the House concurred.

The Senate by message proposed to elect an Engrossing Clerk, and the House concurring, the Speaker appointed Messrs. Shober and Jenkins to superintend the same in this House. The election was then held with the following result:
The following named members of the House voted for Lewis Joyner, viz:


And the following for Thomas S. Garner, viz:


Mr. Wright, from the Committee on Private Bills reported (H. 12), Mr. Taylor’s bill concerning magistrates in Chatham county, with an amendment, and recommending it do pass.

Mr. Jenkins from the committee to superintend the election of an engrossing clerk, reported that 151 votes had been counted in said election, of which 76 being necessary to a choice, Lewis Joyner had received 88, and Thomas S. Garner 63, and that Mr. Joyner had been duly elected. In this report the House concurred.

On motion of Mr. Stanford,

(H. 6,) to amend the Revised Code, chapter 114, Usury, was ordered to be printed.

On motion of Mr. Faison,
And at 1 o'clock the House adjourned, to meet to-morrow at 11 o'clock.

TUESDAY, 27th November, 1860.

Prayer by the Rev. Dr. Mason.

The Speaker laid before the House the resignation of Hon. John Kerr, a member of the House from the county of Caswell.

On motion of Mr. Hill,

Ordered, That the Speaker issue a writ of election to the sheriff of Caswell to supply the vacancy.

Mr. Crawford presented the memorial of the Grand Jury of Wayne, upon the subject of the arms and military condition of Wayne county. Read and referred to Military Affairs.

Mr. Jordan presented the memorial of B. T. Hawkins and others, upon the subject of obstructions to Mud Creek, in the county of Henderson. Referred to Propositions and Grievances.

Mr. Woodard presented the proceedings of a meeting of citizens in the town of Wilson, upon the subject of federal affairs, which were read and referred to the Committee on Federal Relations.

Ordered, That the order to print, heretofore made, be construed so as to include only resolutions introduced in this body upon the subject of federal relations.

Mr. Williams, of Nash, presented a memorial of Fanny M. Brander, concerning certain coupon bonds. Read and referred to Committee on Claims.

A message was received from the Senate, assenting to the proposition to print the Rules of Order, Constitutions, &c., as proposed by the House.

Mr. Yeates introduced the following resolutions:

"Whereas, Some of the Southern States have recently taken
action that tends to the dissolution of the Federal Government; and whereas, the necessity of secession is advocated by persons of this State who contend that North Carolina should prepare herself to take position with her sister Southern States out of the Union; therefore,

"Be it resolved by the Legislature of North-Carolina, That now, while North-Carolina is a member of the Confederacy, that our Senators in Congress be instructed, and our Representatives in Congress be requested to make application to this present Congress for North-Carolina's share of the public lands, and that they do all in their power to obtain the same.

"Resolved, That copies of these resolutions be duly authenticated and forwarded to each Senator and member of the House of Representatives of North-Carolina in the Congress of the United States."

Which were on his motion,

Laid upon the table.

Mr. Mebane offered the following resolution :

"Resolved, That the Committee on Finance be, and they are hereby instructed to enquire into the expediency of imposing a high rate of taxation upon all goods, wares and merchandize brought into this State from any of the Northern States which have nullified the fugitive slave law, or in any manner obstructed the regular execution thereof; and that they, report by bill or otherwise."

And it was adopted.

Mr. Waugh introduced the following resolutions :

"Resolved, That the national Democratic party constituted a strong bond of union between the States, that we deeply deplore its dissolution, as one of the main causes of the election of Mr. Lincoln to the Presidency.

"Resolved, That while we do not regard the mere election of Mr. Lincoln to the Presidency by a geographical vote, achieved, as it was, over disunited conservative parties, as a sufficient cause in itself for a dissolution of the Union,
yet we view this geographical triumph with anxiety and apprehension. It imposes on us the duty of uniting as one man, in making preparation to maintain our honor and our vital interest against any assault that may be made upon them.

"Resolved, That any violation of the Constitution of the Federal Government, or any denial of our constitutional rights, would amount to revolution on the part of the majority, and that such revolution would release the States in the minority from all obligations to the present Union, leaving them perfectly free to secede from the majority, and to establish new forms of government for their future protection and security.

"Resolved, That North-Carolina will be faithful to the Union as long as the Constitution is respected and maintained, but no longer. She is attached to the Union according to the Constitution, but if the Constitution shall be violated, or if any attempt shall be made to administer the government by a dominant sectional majority on Black Republican principles, she will set her face against a Union which will thus have lost its vitality and virtue, and will make common cause with her Southern sisters in resisting such a Union, holding herself free, either to remain an independent republic, or to unite her destinies with other States of the South, in a new confederation.

"Resolved, That our militia system should be carefully revised, and our militia strongly organized, and that measures should be adopted to equip and arm, with the best weapons, all the volunteer companies now in existence, or that may hereafter be formed."

Mr. Gaither introduced the following resolutions:

"1. Resolved by this General Assembly, That North-Carolina is ready, at all times, to pledge every dollar of her treasure, and all the blood of her sons, for the maintenance and defence of her rights, from whatever quarter they may be invaded.

"2. Resolved, That there does not exist, at this time, any
sufficient cause for a dissolution of this Union, and that we will listen to no measure that tends to the dismemberment of this great Republic."

Ordered, That they be printed and referred to the Committee on Federal Relations.

Mr. Wilkerson introduced the following resolutions, viz:

"Whereas, It is important that North-Carolina take some position upon the great questions that are disturbing the country; therefore, be it

1. *Resolved,* That we regard the election of Abraham Lincoln by a purely sectional party, as a very great calamity, though not a sufficient cause in itself for a dissolution of the Union.

2. *Resolved,* That the true policy of the State is to prepare for the worst and quietly await the inauguration and the policy set forth in his inaugural.

3. *Resolved,* That if after taking the oath to support the Constitution he shall pledge himself to carry out the principles of that sacred instrument in good faith, to enforce the fugitive slave law, and to abstain from interfering with slavery, either in the States or within the jurisdiction of the United States, we are for the Union.

4. *Resolved,* If he shall indicate a course of policy in violation of the Constitution, and hostile to the interests of the South, then we are for resistance to the very last extremity."

Mr. Foy introduced the following resolution:

"Resolved, That the Committee on Finance be required to report the Revenue Bill at an early day, and to so alter or amend it as to reduce the tax on spirituous liquors, and to strike out the tax on itinerant liquor peddlers, and on labor."

Referred to the Committee on Finance.

On motion of Mr. Love, of Jackson,

"Ordered, That the order to print all resolutions, &c., upon the subject of Federal Relations be and the same is hereby rescinded."
Mr. Ferebee, from the Committee on Education, reported H. 40, Mr. Faison's bill concerning Free Schools, with the recommendation that the same do not pass.

Bills, etc., of the following titles then being introduced and read passed the first reading, and were ordered as follows, viz:

By Mr. Burgin, (H. R. 48,) a resolution in favor of George M. Glass. To Propositions and Grievances.

From the Senate, (S. 49,) a bill to charter the Gardner Valley Copper Company. Referred,

On motion of Mr. Shober,
To the Committee on Private Bills.

By Mr. Autry, (H. 50,) a bill to amend the revenue law. Referred,

On motion of Mr. Foy,
To the Committee on Finance.

By Mr. Jordan, (H. 51,) a bill to charter Judson Female College. To Private Bills.

By Mr. Potts, (H. 52,) a bill to encourage Agricultural Societies.

Ordered to be printed and referred to the committee on Agriculture.

By Mr. Merrimon, (H. 53,) a bill to charter Swannanoa Lodge 56 of Ancient York Free Masons. To Private Bills.

By Mr. Wright, (H. 54,) a bill to amend the charter of the Western Railroad.

Ordered to be printed and referred to the Committee on Internal Improvements.

By Mr. Marsh, (H. 55,) a bill to regulate taxables in Beaufort county. To Private Bills.

By Mr. Siler, (H. 56,) a bill concerning Western Turnpike Roads. To Cherokee Lands and Western Turnpikes.

By Mr. Barringer, (H. 57,) a bill to charter the Edinboro' Male and Female Academy. To Private Bills.

By Mr. Jordan, (H. 58, a,) a bill to amend the charter of the Jonathan Creek Turnpike Company. To Cherokee Lands.
By Mr. Stanford, (H. 58, b,) a bill to amend the Constitution of North-Carolina. To Constitutional Reform.

By Mr. Martin, (H. 59,) a bill concerning county taxes. To Judiciary.

By Mr. Waugh, (H. 60,) a bill to amend Revised Code, chapter 34, title Crimes and Punishments. To Judiciary.

By Mr. Stanford, (H. 61,) a bill to charter the Duplin Rifles. To Private Bills.

By Mr. Gorrell, (H. 62,) a bill concerning Guilford county. To Private Bills.

The resolution of Mr. Waters concerning the daily sessions of the House being read and the question put, shall this resolution be adopted?

Mr. Yeates moved to amend the same by striking out and inserting "11 A. M." as the hour of meeting and "3 P. M." for the adjournment.

Mr. Mebane moved to amend the amendment by striking out all that part which relates to the hour of adjournment in both the resolution and amendment, and the question being thereon, Mr. Ferebee moved to lay the question upon the table.

And it was adopted.

Mr. Wright moved that a message be sent to the Senate proposing to go forthwith into an election of State Superintendent of Common Schools, and nominating Calvin H. Wiley for that office.

Mr. Crumpler moved to lay the motion upon the table,

And it was not adopted.

The motion of Mr. Wright was then put,

And it was adopted, when

Mr. Folk moved that the same be reconsidered, and the question thereon was put and

Decided in the negative, \{ Yeas.................................26
\{ Nays.................................81

On motion of Mr. Hayes,

The yeas and nays being ordered, the following members of the House voted in the affirmative, viz:

And the following voted in the negative, viz:


A message, (No. 2,) was received from His Excellency, the Governor, transmitting the returns of the election held for Electors of President and Vice-President of the United States. Sent,

On motion of Mr. Bullock,
To the Senate.

A message was received from the Senate proposing to vote at 12 o'clock to-morrow, in the mode directed by the tenth section of the Constitution, upon the proposition to adjourn from to-morrow until Monday next, and the question being, shall the House concur?

On motion of Mr. Ferebee,
The same was laid upon the table.

On motion of Mr. Ferebee,
A message was then sent to the Senate proposing that when
both Houses adjourn to-morrow, they adjourn to meet on Friday next, at 11 o'clock.

On motion of Mr. Padgett,
And at 1 o'clock and 5 minutes the House then adjourned.

WEDNESDAY, 28TH NOVEMBER, 1860.

Prayer by the Rev. Mr. Skinner.
The Speaker announced the following committee, viz: On Enrolled Bills: Messrs. Green, Jenkins, Booth, Gorrell and Cowles.

On motion of Mr. Baxter,

(H. R. 7,) Mr. Hayes' resolution to amend an act concerning Cherokee Lands, was referred to the Committee on Cherokee Lands, &c.

Mr. Baxter, from the Committee on Propositions and Grievances, reported H. R. 16, Mr. Liles' resolution in favor of Thomas Diggs, with the recommendation that the same do pass.

A message was received from the Senate proposing to go forthwith into an election for Solicitor in the First Judicial Circuit, and nominating Elias C. Hines for that office.

On motion of Mr. Henry,

Jesse J. Yeates was added to the nomination, and the Speaker having appointed Messrs. Henry and Peebles to superintend, an election was held in this House with the following result:

The following named members of the House voted for Elias C. Hines, viz:

Messrs. Speaker, Autry, Barrow, Baxter, Branch, Bridgers, Bullock, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Foy, Galloway, Green of Franklin, Hall, Har- rington, Hill, Hoke, Kallum, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Mitchener, Mordecai,

And the following voted for Jesse J. Yeates, viz:


Mr. Newby paired off with Mr. Batchelor; Mr. Simonton with Mr. Fleming.

Mr. Yeates voted for Mr. Hinton.

A message was received from the Senate, proposing to go forthwith into an election for Secretary of State, and nominating Rufus H. Page for that office.

The Speaker having appointed Messrs. Mendenhall and Branch to superintend, an election was held in this House, with the following result:

The following named members of the House voted for Rufus H. Page, viz:

Messrs. Speaker, Albritton, Alfred, Autry, Barringer, Barrow, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Carson, Cheek, Clark of Craven, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Dickson, Donnell, Ewell, Fagg, Faison, Farrow, Ferguson, Ferebee, Folk, Foust, Foy, Gaither, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Hall, Hanes, Harrington, Harriss, Hayes, Hill, Howard, Hoke, Horton, Jordan, Kallum, Kelly, Latham,

On motion of Mr. Fagg,

A message was sent to the Senate, proposing to proceed forthwith to the election of a Solicitor in the Seventh Circuit, and nominating David Coleman for that office.

A message was received from the Senate, concurring in the proposition of yesterday, to proceed forthwith to the election of a Superintendent of Common Schools. The Speaker appointed Messrs. Lemmonds and Horton to superin-tend, and an election was held in this House, with the following result, viz:

The following named members of the House voted for Calvin H. Wiley, viz:

Messrs. Speaker, Albritton, Alfred, Autry, Barringer, Barrow, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Burgin, Bynum, Carson, Cheek, Clark of Craven, Clark of Davidson, Cline, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Dickson, Donnell, Ewell, Fagg, Faison, Farrow, Ferguson, Fereebe, Foust, Foy, Gaither, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Hall, Hanes, Harrington, Harriss, Hayes, Henry, Hill, Howard, Horton, Jenkins, Jordan, Kallum, Kelly, Latham, Lemmonds, Liles, Logan, Love of Haywood, Love of Jackson, McCleese, McMillan, Marsh, Martin, Meares, Mebane, Mendenhall, Merrimon, Mitchener, Modecai, Newby, Padgett, Patterson, Pearson, Peebles, Perkins, Person, Poindexter, Polk, Pope, Potts, Ransom, Rogers, Russ, Shaw, Shober, Siler, Simonton,

Mr. Cowles voted for J. D. Johnston; Mr. Stanford for S. W. Clements.

A message was received from the Senate, proposing to proceed forthwith to the election of a Judge for the Fifth Judicial Circuit, and nominating Robert S. French and Hardy L. Holmes for that office. The House concurring, the Speaker appointed Messrs. Wooten and Albritton to superintend, and an election was held in this House, with the following result, viz:

The following named members of the House voted for Robert S. French, viz:


And the following for Hardy L. Holmes, viz:


Mr. Simonton paired off with Mr. Fleming.
Mr. Mebane voted for Thomas S. Ashe, and Mr. Merrimon for George Davis.

Mr. Mendenhall, from the committee to superintend the election of Secretary of State, reported that 149 votes had been cast in said election, of which Mr. Page had received 149, that 75 was necessary to a choice, and that Mr. Page had been duly elected. In this the House concurred.

Mr. Peebles, from the committee to superintend the election of a Solicitor for the First Judicial District, reported that 153 votes had been counted in said election, of which 77 was necessary to a choice; that Elias C. Hines had received of them 86 votes, Jesse J. Yeates 66, James W. Hinton 1, and that Mr. Hines had been duly elected.

A message was received from the Senate concurring in the proposition to go forthwith into an election for a Solicitor in the Seventh Judicial District, and adding the name of Champion T. N. Davis to the nomination.

An election was then held in this House, under the superintendence of Messrs. Fagg and Taylor, with the following result.

The following named members of the House voted for David Coleman, viz:


And the following for Champion T. N. Davis, viz:

Messrs. Alfred, Barringer, Blue, Booth, Rurgin, Carson, Clarke of Craven, Clarke of Davidson, Crumpler, Dickson,

Mr. Simouton paired off with Mr. Fleming. Mr. Yeates paired off with Mr. Batchelor.

Mr. Lemmonds, from the committee to superintend the election of a Superintendent of Common Schools, reported that 149 votes had been counted in said election, of which Mr. Wiley had received 147, and that Mr. Wiley had been duly elected.

A message was received from the Senate proposing to go forthwith into an election for Comptroller, and nominating Curtis H. Brogden for that office. The House concurring therein, and Messrs. Blue and Ward superintending, the election was held in this House with the following result, viz:

The following named members of the House voted for Curtis H. Brogden, viz:

Whitehurst, Wilkerson, Williams of Cumberland, Williams of Nash, Williamson, Winslow, Wishart, Woodard, Wooten, Wright and Yeates.

Mr. Liles voted for J. P. H. Russ.

Mr. Taylor voted for William F. Collins.

On motion of Mr. Hill,

A message was sent to the Senate, proposing to go forthwith into an election for one Engrossing Clerk, and nominating M. H. Pinnix for that office.

Mr. Fagg, from the committee to superintend the election of a Solicitor for the Seventh Circuit, reported that 152 votes had been counted in said election, of which 77 being necessary to a choice, Mr. Coleman had received 89, Mr. Davis 62, and Mr. A. W. Burton 1; and that Mr. Coleman had been duly elected.

A message was received from the Senate concurring in the proposition to vote forthwith, for one Engrossing Clerk, and the Speaker having appointed Messrs. Clark and Hill to superintend the same, and

On motion, Messrs. Joseph Small and R. W. Sewell, being added to the nomination, and the Senate informed thereof, an election was held in this House with the following result:

The following named members of the House voted for Marshal H. Pinnix, viz:


The following named voted for R. W. Sewell, viz:


Mr. Wooten, from the committee to superintend the election of a Judge for the Fifth Judicial Circuit, submitted a report which was afterwards withdrawn.

A message was received from the Senate proposing to go forthwith into an election for another Engrossing Clerk, and nominating Edward Vail for that office. Mr. Yeates moved that the name of Thomas F. Garner be added to the nomination, and it was adopted, and then the question being, shall the House concur?

On motion of Mr. Marsh,

The message was laid upon the table.

Mr. Ward, from the committee to superintend the election of Comptroller, reported 161 votes counted in said election, of which 76 were necessary to a choice; that Curtis H. Brogden had received of them 159, J. P. H. Russ 1, and W. F. Collins 1, and that Mr. Brogden had been duly elected. In this report the House concurred.

Pending these elections reports were submitted from standing committees, as follows, viz:

By Mr. Baxter, from the Committee on Propositions and Grievances.

H. R. 16, in favor of Thomas Diggs, recommending the same to pass.

By Mr. Wright, from the Committee on Private Bills.

S. 49, to charter Gardner Valley, with the recommendation that the same do pass.
H. 51, to charter Judson Female College, with the recommendation that the same do pass.
H. 53, to charter Swannanoa Lodge Independent Order of Odd Fellows, with the recommendation that the same do pass.
H. 55, to regulate taxables in Beaufort county, with the recommendation the same do pass.
H. 57, to charter Edenboro' Male and Female Academy with the recommendation the same do pass.
H. 61, to charter the Duplin Rifles, with the recommendation the same do pass.

On motion of Mr. Bullock,
Leave of absence was granted Messrs. Ward and Wooten until Monday next.

On motion of Mr. Wright,
S. 49, to charter Gardner Valley was read the second time, when,
Mr. Person offered the following amendment.
Strike out the words "sixty years," in last section and insert "thirty years," and it was withdrawn.
The bill was then read the second time, and passed the second reading, and the question being, shall the bill pass the third reading?
Mr. Love of Jackson offered the following amendment: Strike out the words "one of whom," in the 4th section, and insert "a majority of whom," so that the section shall require a majority of the directors to reside within the State.
The question upon this amendment was put, and

Decided in the affirmative, \{ Yeas .................. 76 \{ Nays .................. 33

On motion of Mr. Love, of Jackson,
The yeas and nays being ordered, the following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Autry, Barringer, Baxter, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Clark of Craven, Clark of Davidson, Cline, Crawford, Davis of Halifax, Davis of Mecklenburg, Donnell, Ewell, Farrow,

And the following in the negative, viz:


So this amendment being adopted and the question recurring, Mr. Person moved to amend as follows:

Strike out the words "sixty years," in the last section and insert "thirty years,"

And it was adopted.

And so amended the bill passed the third reading.

Ordered, That it be returned to the Senate, and their concurrence asked in the amendments aforesaid.

A message was received from the Senate, informing the House that the Senate had not agreed to the proposition to adjourn until Friday next at 12 o'clock.

Mr. Donnell, from the committee to superintend the election of another Engrossing Clerk, reported that 155 votes had been counted in said election, of which 78 being necessary to a choice, Mr. Pinnix had received 95, Mr. Sewell 52, Mr. Small 3, Mr. Garner 4, Mr. Futrell 1, and that Mr. Pinnix had been duly elected. In this report the House concurred.

Mr. Wooten, from the committee to superintend the elec-
tion for a Judge in the Fifth Judicial Circuit, submitted an amended report, as follows:

The whole number of votes cast in said election were 156, necessary to a choice 79, of which Robert S. French received 88, Hardy L. Holmes 66, George Davis 1, and Thomas S. Ashe 1, and that Robert S. French had been duly elected. In this report the House concurred.

Mr. Clark of Craven introduced a resolution, (H. R. 63,) in favor of the Merchants' Bank of Newbern, which being read was withdrawn.

Also, (H. R. 64,) a resolution in favor of James S. Ives, which being read the first time, passed the first reading and was referred to the Committee on Propositions and Grievances.

Mr. Ferebee introduced the following resolution:

"Resolved, That a special committee of five be appointed to enquire whether this House was duly organized in pursuance of law on the 19th instant, and that that committee report as soon as possible."

And it was adopted.

Mr. Logan introduced the following:

"Resolved, That from and after Monday next, this House meets at 10 o'clock A. M., and adjourns at 1½ P. M."

Laid over one day under the rule.

On motion of Mr. Ward,
Leave of absence was granted Mr. Foy until Monday next.

On motion of Mr. Hoke,
Leave of absence was granted Messrs. Davis and Potts until Monday next.

Mr. Stanford introduced a resolution, (H. R. 65,) concerning our Senators in Congress, which, being read,
Mr. Hayes moved be laid upon the table, and
Mr. Taylor moved be indefinitely postponed,
And the question being thereon, the resolution was withdrawn.

Mr. Slade introduced a resolution, (H. R. 66,) concerning
Public Arms, which, being read, passed the first reading and was referred to the Committee on Propositions and Grievances.

The Speaker announced the following committee under Mr. Ferebee's resolution of enquiry, &c.:

Messrs. Person, Donnell, Poindexter, Bridgers and Hoke.

Bills, etc., of the titles following being introduced and read the first time, passed the first reading and were ordered as follows, to wit:

By Mr. Hill, (H. 67,) a bill in favor of the Banks of this State. Referred to the Committee on Banks, etc.

By Mr. Donnell, a bill (H. 68) to explain an act passed at the present session, entitled "an Act for the relief of the Banks and the People."

On motion of Mr. Bridgers, Referred to the Committee on Banks, etc., and ordered to be printed.

Mr. Fagg introduced the following:

"Resolved, That this House will go into no election, nor pass any public bill, until Monday next."

And it was not adopted.

At 1 o'clock and 35 minutes, Mr. Henry moved the House do now adjourn, and it was withdrawn.

Mr. Davis of Mecklenburg obtained leave to introduce a bill, and it being 1 o'clock and 40 minutes, the House,

On motion of Mr. Henry, Adjourned to meet to-morrow at half-past-nine o'clock A. M.

THURSDAY, 29th November, 1860.

House met pursuant to adjournment, Mr. Person in the chair. The Journal of yesterday was read, corrected and approved, when, it being Thanksgiving day,

On motion of Mr. Ferebee, And at 9 o'clock and 40 minutes, the House adjourned until to-morrow at 11 o'clock.
FRIDAY, 30th NOVEMBER, 1860.

Prayer by the Rev. Mr. Walthall.

The Speaker laid before the House a communication from the Clerk of the House, as follows:

Clerk's Office, House of Commons, Raleigh, 29th Nov., 1860.

Hon. Wm. T. Dortch, Speaker, etc.:

Sir: By the transcript of yesterday's Journal I am informed of the fact, that, on motion of Mr. Ferebee, the House of Commons adopted the following resolution, viz.:

"Resolved, That a special committee of five be appointed to enquire whether this House was duly organized in pursuance of law on the 19th instant, and that that committee report as soon as possible."

The enquiry here proposed concerns the discharge of duties imposed on me only, and I ask leave, therefore, gratefully acknowledging the kindness of the House in unanimously re-electing me to the position I fill by their favor, and as an act of justice to them and to myself, briefly to explain the law and facts bearing upon the investigation.

The twelfth section of our State Constitution requires of every member of the House of Commons, before taking his seat or entering upon the execution of his office, "to take an oath to the State." The form of this oath is prescribed by chapter 76, section 4, of our Revised Code; and by section 5, agreeable to an act of Congress and the Federal Constitution, another of support to the Constitution of the United States is superadded. The additional requirement is affixed to the oath of allegiance to the State by the former section, that it shall be "subscribed." But neither the Constitution of this State, nor of the United States, nor does any law of this State, nor of the United States, direct in what manner the House of Commons shall be organized, and neither the Constitution, nor the laws of this State, nor the Constitution, nor, as I shall presently show, do the laws of the United
States provide where or by whom these oaths are to be administered.

Such being the condition of the law upon the subject, it is a sufficient answer to the objections raised to the organization, that the Journals of the House, which are in the nature of record evidence, explicitly state that on the 19th instant there was a quorum of all the members present, and that each of them, then and there, in the presence of the clerk, took and subscribed the oaths required by law, and that a message was sent to the Senate, informing that body that the House was duly organized and ready to proceed with the public business.

It seems to me that whatever irregularities have taken place, are cured by this declaration, and that the period has elapsed for correcting the record, or disputing the facts it recites. The record is conclusive. What right has the body here assembled to pass this resolution and raise this committee if it be not the House of Commons? The very statement of the question involves the absurdity of all objections to subsequent or the preceding proceedings of the body. The resolution proposes nothing less than an enquiry into the existence of the very House by which the resolution purports to have been adopted. If there be no organization the resolution is illegal, and the appointment of the committee null and void. The proper way to have instituted the enquiry was by motion to correct the Journal, and the proper time was before it had been approved by the House.

Besides, it is not pretended that the oaths taken by the members and recited by them in the hearing of the House, were not recited word for word and letter for letter in the very words of the act of the Assembly and of Congress. The objection is that one of the oaths required by the statute to be subscribed and actually subscribed, is not the same which is required to be "taken." In other words, the words "power, belief," have, in the printed forms subscribed by the members, been substituted for the word "knowledge"
which was in the oath as taken by the members; and it will appear from an examination of the printed form subscribed by the members, that, owing as I am persuaded, to the inadvertence and error of the printer, this departure has been occasioned. The question is at last resolved into this: Is there anything in this which demands the serious consideration of the House of Commons of North-Carolina, or justifies the suggestion that the whole proceedings of this body from the 19th instant are illegal?

Now, I have already stated, that the act of subscribing stands only upon statute law, and is not in the Constitution. The object of subscribing an oath, is merely to furnish a convenient mode of proving the act of swearing. The oath is good without any signature at all. The obligation it includes, is just as binding and effectual without as with the signature, and the Journal record is of equal, perhaps higher value, as a means of authentication and proof. This principle of law is too familiar to need the support of authority, but a simple citation may be pardoned, and I refer the House to the case of State v. Ransom, 1 Hayn, 1, where the very point was determined.

A substantial compliance with the terms of the Act of Assembly, then, being all that can be necessary, I submit with due deference and respect, that the words "power, belief and ability," substituted by the printer, for the words "knowledge and ability," are equivalent in their import, and contain the precise obligation required by law. Indeed, if there be any difference, the obligation is expressed in stronger language.

Mr. Webster, our most recent lexicographer, defines "power" to mean "ability," and ability to mean power—"knowledge," he says, is a persuasion of the truth, an assent of the mind to the truth of an alleged fact upon the ground of evidence. And what does he say of "knowledge," but that it is the same assurance or satisfactory evidence of a thing, short of certainty. It requires more astuteness
than is ordinarily vouchsafed, to see the difference between engaging to support a constitution according to one's "belief," and engaging to support the Constitution according to one's "knowledge." In either case the moral guilt of violating the instrument, depends upon the offenders convictions, and the legal guilt may be established without an oath in either form, unless the offender be an alien, when he would be ineligible to either branch of the General Assembly.

That there is no substantial difference between the words, appears further from the statute of oaths itself, (R. C. c. 76,) where all these words, viz: "power," "ability," "understanding," "skill" and "knowledge," are indiscriminately used to mean the same thing.

In reply to another objection made on the floor, I have to state, that I administered no oath to the members whatsoever, and that I know of no officer in this State who has the authority so to do. There is no provision of law or of the Constitution which authorizes any oath to be "administered," to the members of the House, or authorizes its "administration." The oath is required to be "taken," and in the words of the Act, and those words begin in the first person singular and end in the first person singular, other oaths prescribed by law and directed to be administered, are framed in the manner appropriate to such administration; and the reason for the distinction is obvious. One class of oaths impose an obligation, in the other the obligation is voluntarily assumed. For example, a witness or juror is directed to be sworn and charged. The members of the General Assembly are neither sworn nor charged. The witness is sent for and acts in the presence and under the control of superior authority. The member knows no superior but the Constitution, and is part of the sovereign power itself. The judges and justices and officers of our courts are authorized in cases pending before them, to administer oaths, but where is the law or the authority to step
beyond that sphere, and perform these functions in the General Assembly.

In fact, I had supposed that not being ex-officio a commission-er of affidavits, and having no powers not expressly granted him by law in the absence of any law giving him the necessary authority, a justice of the peace who should attempt to "swear in" the members would be indictable. The Supreme Court has repeatedly asserted this limitation of power. *State v. Wyatte*, 2 Hayn. 56; *Brown v. Love*, Ibid. 159; *State v. Alexander*, 4 Hawks. 182.

To the same effect speaks our best authority upon parliamentary law. "Certain powers are, by act of Parliament, given to persons in the commission of the peace, as well of enquiry as of punishment; in the exercise of these powers, they are authorized to investigate the truth, to administer an oath to those who can give information upon the subjects of their jurisdiction, but this by no means extends to authorize those justices to administer an oath in cases in which they have no power to enquire. And it has been the opinion of very able and eminent lawyers not only that such a proceeding in Justices of the Peace is informal and nugatory, but that it is illegal, and that they are under such circumstances liable to a prosecution for an improper exercise of the powers vested in them, or, to speak more properly, for exercising powers not vested in them by law." 2 Hatsell's Prec. 152.

The act of Congress authorizes the oath to support the United States Constitution to be administered "by any person authorized by the law of this State to administer the oaths of office." We have no such officer, and if I correctly apprehend the meaning and intent of our State Constitution, can have none, without some modification of that instrument.

Upon the whole I respectfully submit, therefore, that not only is the organization legal, but that is strictly formal, and can be properly accomplished in no other way than that
of requiring the members each for himself, in the presence of the House and of the State, to take the obligation, and make the appeal required by law, while the Clerk shall sit by and record the facts as they occur. This is precisely what was done on the 19th inst., and will continue to be done until the Legislature shall otherwise direct.

I am, sir, very respectfully,

EDWARD CANTWELL,
Clerk House Commons.

The reading of which being announced,

On motion of Mr. Mebane,

The reading was suspended and the same was referred to the committee under Mr. Forebee's resolution.

Mr. Baxter, from the Committee on Propositions and Grievances, reported

(H. 29,) Mr. Ward's bill, in favor of Wm. Bullock, of Jones county.

(H. 34,) Mr. Ferguson's bill and memorial concerning obstructions in Salmon Creek, with the recommendation that the same do pass.

Mr. Merrimon introduced the following resolution:

"Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of creating one additional Judicial Circuit, and to report by bill or otherwise, and that said committee be instructed, also, to enquire into the expediency of adding one additional member to the Supreme Court bench, and that they report by bill or otherwise."

And it was adopted.

Mr. Ward introduced the following:

"Resolved, That a special committee of five be raised on the part of this House on Corporations."

And it was adopted.

Resolutions of the titles following were introduced, read, passed the first reading, and referred as follows, viz:
By Mr. Davis, of Bladen, (H. R. 70,) a resolution in favor of George Clopton. To Claims.

By Mr. Hayes, (H. R. 71,) a resolution in favor of C. Prince and John H. Harwood. To Cherokee Lands, etc.

By Mr. Hayes, a resolution (H. R. 72,) in favor of Leah Coleman.

By Mr. Wright, a resolution (H. R. 73,) in favor of the sureties of John S. Willis. To Propositions and Grievances.

The Clerk finished the reading of (H. 69,) Mr. Davis’ bill to amend the charter of the town of Charlotte, when,

On motion of Mr. Waters,

The same was referred to the Committee on Private Bills. Bills, etc., of the titles following, then being introduced and read the first time, passed the first reading and were referred as follows, viz :

By Mr. Gaither, (H. 74,) a bill concerning Iredell county court. To Propositions and Grievances.

By Mr. Hayes, (H. 75,) a bill to charter the Valley River Gold Mining and Acqueduct Company. To Corporations.

By Mr. Newby, a bill (H. 76,) to amend the charter of Perquimons Male and Female Academy. To Private Bills.

By Mr. Marsh, a bill (H. 77,) to amend Revised Code, chapter 66; Slaves and Free Persons of Color. To Judiciary.

By Mr. Merrimon, a bill (H. 78,) to amend Revised Code, chapter 31; Courts, county and superior. To Judiciary.

By Mr. Burgin, a bill (H. 79,) to charter the Buncombe Powder Manufacturing Company. To Private Bills.

By Mr. Woodard, a bill (H. 80,) to amend Revised Code, chapter 102; Salaries and Fees. To Judiciary.

By Mr. Gorrell, a bill (H. 81,) to charter the Greensboro’ Gas Light Company. To Private Bills.

By Mr. Siler, a bill (H. 82,) to charter the Chattooga Gold Mining and Acqueduct Company. To Corporations.

By Mr. Love, of Haywood, a bill (H. 83,) to amend the charter of the Western North-Carolina Railroad. To Private Bills.
By Mr. Williams, of Cumberland, a bill (H. 84,) to amend Revised Code, chapter 34; Crimes and Punishments, and prevent and punish certain damages by fire. To Propositions and Grievances.

By Mr. Merrimon, a bill (H. 85,) to charter the Asheville Water Company. To Private Bills.

By Mr. Love, of Jackson, a bill (H. 86,) to regulate Criminal Prosecutions.

Ordered to be printed.

By Mr. Jenkins, a bill (H. 87,) to amend Revised Code, chapters 62 and 31; Justices of the Peace and Courts, county and superior. To Judiciary.

By Mr. Logan, a bill (H. 88,) to amend Revised Code, chapter 66; Literary Fund and Common Schools. To Education.

By Mr. Folk, a bill (H. 89,) to abolish jury trials in the county courts of Watauga. To Private Bills.

By Mr. Bynum, a bill (H. 90,) to repeal an act concerning justices' process in Chatham county.

By Mr. Merrimon, a bill (H. 91,) to charter Black Mountain Turnpike Company. To Internal Improvements.

A message was received from the Senate, informing the House that the Senate concurred in the amendments to (S. 49,) a bill to charter the Gardner Valley.

Ordered, That the title be changed to "an Act," and the same be enrolled.

The House then considered the resolution of Mr. Logan, heretofore introduced, and the same was read, as follows:

"Resolved, That from and after Monday next, this House meet at 10 o'clock A. M., and adjourn at 1½ P. M."

And the question being thereon,

Mr. Yeates moved the same be laid upon the table, and this question was put, and

Decided in the affirmative, {YeaS.........................58}
{Nays.........................32}

On motion of Mr. Waters,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Whereupon, it being 1 o’clock P. M. the House,
On motion of Mr. Folk,
Adjourned until to-morrow at 10 o’clock.

SATURDAY, 1st December, 1860.

Prayer by the Rev. F. Fitzgerald.
The Speaker announced the following committee, viz:

Mr. Love, of Jackson, introduced the memorial of S. W. Hill and J. W. Whitrell, concerning the boundary line between the counties of Macon and Jackson, which was, on his motion, referred to the Committee on Propositions and Grievances.

The Speaker laid before the House the memorial of R. M.
Saunders and others, concerning and in favor of another Judicial Circuit, which being read was,

On motion of Mr. Hill,
Referred to the Committee on the Judiciary.

On motion of Mr. Person,
H. 87, Mr. Jenkins' Bill to amend Revised Code, chapters 62 and 31, " Justices of the Peace" and " Courts, County and Superior," was
Ordered to be printed.

Mr. Love of Haywood, from the Committee on Cherokee Lands, reported
H. R. 7, Mr. Hayes' resolution to amend an act concerning Cherokee Lands, with the recommendation that the same do pass.

Mr. Wright, from the Committee on Private Bills, reported
H. 69, Mr. Davis' bill to amend the charter of the town of Charlotte, with the recommendation that the same do pass.

Bills, etc., of the following titles were introduced, passed the first reading and were referred as follows, viz:

By Mr. Jordan, a bill (H. 92,) to establish the county of Transylvania. To Propositions and Grievances.

By Mr. Foust, a bill (H. 93,) to amend the charter of the Farmers Bank. To the Committee on Banks, etc.

By Mr. Mendenhall, a bill (H. 94,) to charter Carrollton Copper Mining Company. To Corporations.

By Mr. Love of Haywood, bill (H. 95,) to divide the State into eight Judicial Circuits.
Ordered to be printed, and referred to the Committee on the Judiciary.

By Mr. Mendenhall, a bill (H. 96,) to amend Revised Code, chapter 26, Corporations. To Corporations.

By Mr. Gorrrell, a bill (H. 97,) concerning official bonds of Coroners. To Judiciary.

Private bills of the titles following, passed the second reading, and were amended and ordered as follows:
H. 10, Mr. Hayes' bill to amend the constable law in the county of Cherokee—the question being shall this bill pass the second reading?

On motion of Mr. McMillan,
The same was amended so as to insert the word "Robeson" after the word "Cherokee;" and wherever the same occurs in the bill, so as to include the county of Robeson. And so amended, this bill passed the second reading, and then,

On motion of Mr. Hayes,
The bill was read third time, and passed the third reading.

Ordered, That it be engrossed and sent to the Senate.

H. 12, Mr. Taylor's bill concerning magistrates in the county of Chatham.
The amendments of the Committee being first adopted, passed the second reading, and then

On motion of Mr. Taylor,
This bill was read the third time and passed the third reading.

Ordered, That it be engrossed and sent to the Senate.

H. R. 16, Mr. Lile's resolution in favor of Thomas Diggs. Passed the second reading, and then,

On motion of Mr. Liles,
This bill passed the third reading.

Ordered, That it be engrossed and sent to the Senate.

H. 29, Mr. Ward's bill in favor of William Pollock of Jones county. Passed the second reading.

On motion of Mr. Taylor,
This bill was read the third time and passed the third reading.

Ordered, That it be engrossed, and sent to the Senate.

H. 34, Mr. Ferguson's bill to prevent obstructions in Salmon Creek being read the second time, passed the second reading.

On motion of Mr. Henry,

Ordered, That it be made a special order for Saturday next, 8th inst.
H. 51, Mr. Jordan's bill to charter the Judson Female College.

On motion of Mr. Hoke,
Passed the second and third readings.
Ordered, That it be engrossed and sent to the Senate.

H. 53, Mr. Merrimon's bill to charter Swannanoa Lodge, No. 56, I. O. O. F.

On motion of Mr. Merrimon,
Passed the second and third readings.
Ordered that it be engrossed and sent to the Senate.

H. 55, Mr. Marsh's bill to regulate taxables in Beaufort county.

On motion of Marsh,
Passed the second and third readings.
Ordered, That it be engrossed and sent to the Senate.

H. 57, Mr. Barringer's bill to charter the Edinboro' Male and Female Academy.

On motion of Mr. Barringer,
Passed the second and third readings,
Ordered, That it be engrossed and sent to the Senate.

H. 69, Mr. Davis' bill to amend the charter of the town of Charlotte.

On motion of Mr. Davis,
Passed the second and third readings.
Ordered, That it be engrossed and sent to the Senate.

Mr. Green of Franklin, from the Committee on Enrolled Bills, reported that they had carefully compared the roll of S. 49, to charter the Gardner Valley, with the originals, and found the same, together with the amendments, truly enrolled, whereupon,

The said act received the signature of the Speaker, and was ordered to be sent to the Senate.

On motion of Mr. Guthrie,
"Resolved, That the Governor of the State be respectfully requested to state to this body what public arms now belong
to the State, and what disposition has been made of the arms presented this State by the General Government."

On motion of Mr. Hayes,
The rules concerning private bills being suspended,
H. 7, Mr. Hayes' resolutions to amend an act concerning Cherokee Lands, being read the second time, passed the second reading, and then,

On motion of Mr. Love of Jackson,
The same being amended so as to strike out "agent," and insert the word "agents," passed the third reading.

Ordered, That it be engrossed and sent to the Senate.
Mr. Williams, of Nash, moved that the resolution of Mr. Logan, of yesterday, be taken from the table,
And it was not adopted.
Mr. Williams, of Nash, introduced the following resolution:

"Resolved, That hereafter this House shall open its sessions at half after ten o'clock A. M."

Laid over one day under the rule.
Mr. Martin introduced the following resolution:

"Resolved, That the use of this Hall be granted to the friends of the Union to-night, for the purpose of holding a Union meeting."

And it was adopted.

On motion of Mr. Williams, of Nash,
Leave of absence was granted Mr. Woodard until Thursday, and then,

It being 12 o'clock 43 minutes, the House,
On motion of Mr. Folk,
Adjourned until Monday at 10 o'clock.
The memorial of R. M. Saunders upon the subject of the Eighth Judicial Circuit, was
Ordered to be printed.
The Speaker announced the following committee, viz:

Mr. Gorrell introduced the following resolution:

> "Resolved, That the order made by this General Assembly, that one hundred copies of the Governor’s message be printed for the Executive and thirty copies for each member, be by this House rescinded, and that a message be sent to the Senate informing them of our action."

And the question being thereon,

Mr. Hill moved the same be laid upon the table, and this question was put and

Decided in the affirmative, \{ Yeas..........................50
\}
Nays..........................32

On motion of Mr. Gorrell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

*Messrs.* Antry, Barrow, Baxter, Blue, Bowman, Branch, Bridgers, Bullock, Cannady, Cheek, Clark of Davidson, Cline, Crawford, Davis of Bladen, Davis of Mecklenburg, Ewell, Ferguson, Fleming, Folk, Green of Franklin, Hall, Harrington, Henry, Hill, Hoke, Jenkins, Kallum, Lemond, Logan, Love of Haywood, Love of Jackson, Mebane, Merrimon, Mordecai, Newby, Padgett, Pearson, Person, Pope, Potts, Shaw, Siler, Slade, Small, Tapscott, Waters, White, (Mr. Whitehurst paired off with Mr. Ward,) Williams of Nash, Wright and Yeates—50.

And the following in the negative, viz:

*Messrs.* Alfred, Barringer, Booth, Burgin, Carson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferebee, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harriss, Howard, Horton, Jordan, Kelly,
Latham, Liles, Marsh, Martin, Poindexter, Polk, Shoher, Simonton and Taylor—32.
So the resolution was laid upon the table.
Mr. Hoke introduced the following resolution:
"Resolved, That the room now occupied by the keeper of Public Buildings, be assigned to the Engrossing Clerks."
And it was adopted.
Ordered, That it be sent to the Senate and their concurrence asked.
Mr. Wilkerson introduced the following resolutions:
"Resolved, That the Public Printer be and he is hereby directed to fix up and deliver what copies of the Governor's Message he has printed, and print no more.
"Resolved further, That the copies delivered to the Legislature under the first resolution, be equally divided between the members of the Legislature, except 50 copies for the use of the Executive office."
And the question being thereon, Mr. Williams, of Nash, moved the same be laid upon the table, and the question thereon was put, and

Decided in the negative, \{ Yeas .........................45
\{ Nays .........................

On motion of Mr. Henry,
The yeas and nays being ordered, the following voted in the affirmative, viz:
And the following in the negative, viz:
Messrs. Barringer, Blue, Booth, Bowman, Burgin, Carson, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford,

And the question recurred, when Mr. Martin moved to amend as follows:

"Resolved, That the Public Printer be directed to give a portion of the printing to another office, if he cannot execute the work in due time."

When Mr. Merrimon offered the following amendment thereto, viz:

"Resolved, That a committee of five be appointed to superintend the public printing of the State and have the same executed with all necessary despatch."

And the question being thereon, Mr. Hall moved the amendments and resolution be laid upon the table, and the question thereon was put and

Decided in the negative, \{ Yeas..........................46 \}
{ Nays..........................49 \}

On motion of Mr. Hall, The yeas and nays were ordered.

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Alfred, Barringer, Blue, Booth, Bowman, Burgin, Carson, Clark of Davidson, Cowles, Crumpler, Davis of

So the House refused to lay the resolution and amendments on the table, and the question recurring, the amendment of Mr. Merrimon was adopted, and the question being upon the amendment of Mr. Martin,

Mr. Hall moved the same be indefinitely postponed, and this question was put, and

Decided in the negative, Yeas, 48, Nays, 49

On motion of Mr. McCleese,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

So the House refused to indefinitely postpone the question, and it recurred.

Mr. Bridgers raised the point of order that the office of Public Printer being created by an act of both Houses, and his duties defined by law, it was not competent in our branch of the General Assembly, by resolution or amendment, to direct in what manner those duties should be performed.

The Speaker said the objection raised a point of law, and not a point of order, and that the amendment was proper; and there being no appeal, this passed as the judgment of the House. The question then being upon the amendment of Mr. Martin,

Mr. Person moved to strike out and insert the following, as a substitute, viz:

"Resolved, That a proposition be sent to the Senate to appoint a joint committee of six, three on the part of the House, and three on the part of the Senate, to superintend the public printing."

And the question being thereon, and a division demanded by Mr. Davis, of Rutherford, the question was first put upon the motion to strike out, and it was adopted, there being counted yeas 51, nays 39. Then the question being upon the motion to insert the amendment of Mr. Person, Mr. Martin withdrew his amendment, and offered it as an amendment to the amendment of Mr. Person.

Mr. Davis, of Mecklenburg, offered the following as a substitute for the amendments and resolution, viz:

"Resolved, That a committee of five be appointed to enquire into the ability of the Public Printer to do the public printing."

And the question being stated thereon,

Mr. Person objected that it was too late after a division had been called for and allowed, upon a motion to strike out and insert, and the motion to strike out adopted, to move an amendment as a substitute.

The Speaker declared the point not well taken, and there
being no appeal, the same passed as the judgment of the House, and then the question being put, the substitute of Mr. Davis was not adopted.

The question was then put upon the amendment of Mr. Martin, and it was adopted, there being counted on a division yeas 39, nays 49.

Then the question being stated and put upon the substitute of Mr. Person, it was adopted, and the question being upon the resolution as amended, was put.

And it was adopted.

Ordered, that a message be sent to the Senate accordingly.

A message was received from the Senate transmitting a message (No. 3,) from the Governor, accompanying the report of a railroad survey from the French Broad River to the Tennessee line.

Ordered that the same lie upon the table.

A message was received from the Senate informing the House of the appointment of Messrs. Grist, Whitaker and Winstead as their branch of the Committee on Enrolled Bills.

The Speaker laid before the House the biennial report of the Directors of the Deaf, Dumb and Blind.

On motion of Mr. Martin,

Ordered that it be sent to the Senate.

Mr. Cheek presented the proceedings and resolutions of a meeting of the people in the county of Warren, which were read, and on his motion, referred to the Committee on Federal Affairs.

Mr. Padgett introduced the following resolution:

"Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the law relative to justices of the peace as to make that office elective by the people for a term of years; and so as to require each and every justice of the peace to keep a record of his official acts and proceedings, and that they report by bill or otherwise."

And it was adopted.
Mr. Bullock presented the letter of J. A. Tarwater, of Granville, a witness in the case of the State vs. Christmas, which being read was referred to the Committee on Claims.

Mr. Hayes presented the memorial of John O. Hicks, concerning the proposed county of Clay, which was referred to the Committee on Propositions and Grievances, and ordered to be filed with H. No. 38, upon that subject.

Bills, etc., of the titles following were introduced, read the first time, passed the first reading, and referred as follows, viz:

By Mr. Bullock, a resolution (H. R. 98,) in favor of Joseph H. Gooch. Referred to the Committee on Claims.

By Mr. White, a resolution (H. R. 99,) in favor of Jonas Cline. To Claims.

By Mr. Cowles, a bill (H. 100,) concerning the Public Printing, and to amend the Revised Code, chapter 93, title, Public Printing. To the Committee on the Library.

By Mr. Cheek, a bill (H. 101,) concerning free negroes and persons of color. To Judiciary.

By Mr. Wright, a bill (H. 102,) for the relief of the sureties of John H. Willis. To private Bills.

By Mr. Padgett, a bill (H. 103,) to amend the Constitution. To Constitutional Reform.

By Mr. Kelly, a bill (H. 104,) to amend Revised Code, chapter 46, "Executors and Administrators." To Judiciary.

The House then considered the resolution of Mr. Williams, of Nash, and it was adopted as follows, viz:

"Resolved, That hereafter the morning sessions of this House shall begin at half-past 10 o'clock, A. M.

Bills, etc., on the second reading were disposed of as follows, viz:

H. 15, Mr. Fagg's bill concerning the Banks and the people being read the second time, Mr. Fleming offered an amendment which was not read, when.

On motion of Mr. Hill,

The bill was referred to the Committee on Banks and Banking.
H. 23, bill of Mr. Davis, of Mecklenburg, to exempt certain watches from taxation was,

On motion of Mr. Taylor,
Indefinitely postponed.

And then,
It being 12 o'clock and 40 minutes the House,
On motion of Mr. Pope,
Adjourned to meet at half-past ten to-morrow, under the rule.

TUESDAY, 4TH DECEMBER, 1860.

Mr. Baxter presented the memorial of Thomas S. Sandersson and others relating to free negroes, which was,

On his motion,
Ordered to be printed.

Mr. Faison presented the proceedings of a meeting of the people in the county of Sampson upon the subject of Federal Affairs, and he moved the same be ordered to be printed, and the question thereon was put and

Decided in the affirmative, \{ Yeas .........................56 \{ Nays .........................53

On motion of Mr. Donnell,
The yeas and nays being ordered.
The following voted in the affirmative, viz:
And the following in the negative:

On motion of Mr. Hill,
The House reconsidered the vote adopting the resolution of yesterday concerning the room of the Keeper of the Capitol, and the Engrossing Clerks, and the question recurring upon the adoption of the same, Mr. Hoke moved to amend by striking out "the room of the Keeper of the Capitol," and inserting "the room of the Reporter of the Supreme Court," and it was adopted. The resolution so amended was then adopted.

Ordered that the Senate be informed thereof, and their concurrence asked.

Mr. Cheek presented the proceedings and resolutions of the people in the county of Warren, upon the subject of Federal Affairs, and he moved the same be printed, and the question being stated thereon, and the yeas and nays,

On motion of Mr. Henry,
Ordered, the motion was withdrawn.

Mr. Green, of Franklin, presented the memorial of Ellen Ransom, a free person of color, praying to be allowed authority to sell herself into slavery, and to be permitted to become the slave of Leonidas Perry, which was left on the Clerk's table.

A message was received from his Excellency, the Governor, in reply to the resolution of Mr. Guthrie upon the subject of public arms.

On motion of Mr. Hoke,
The same was referred to the Committee on Military Affairs.

Reports from standing committees were received and filed as follows:

By Mr. Person, from the Committee on the Judiciary.

H. 16, Mr. Fleming’s bill to amend the law of elections in Salisbury with the following amendments:

1. Insert “Wilmington and Asheville, in the title, and make the word “precinct” plural wherever it occurs.

2. Also, in the body of this bill, after “Salisbury, in Rowan county,” add “Wilmington, New Hanover county,” and “Asheville, in Buncombe county.”

3. To the last word in the proviso add “Salisbury and Asheville,” so as to limit the restriction to them.

Also, H. 9, Mr. Standford’s bill to amend Revised Code, chapter 45, “Executions,” with the recommendation the same do not pass.

Also, H. 19, Mr. Fleming’s bill to prohibit the emancipation of slaves by will, with an amendment as follows:

“And no slave so attempted to be emancipated shall pass under any devise or residuary clause in any last will and testament, but the testator shall be deemed and taken to have died intestate, as to such slave.”

Also, H. 20, Mr. Crumpler’s bill upon the same subject, asking that the Committee be discharged from the further consideration thereof.

Also, H. 25, Mr. Bynum’s bill to amend an act concerning Chatham county, with a substitute, and recommending the passage of the same.

Also, H. 31, Mr. Faison’s bill concerning Public Roads, with the recommendation the same do not pass.

Also, H. 32, Mr. Wooten’s bill to regulate the fees of registers, with the following amendments:

After the words “a deed of trust,” in the third line, insert “mortgage or marriage contracts.”

And so amended, recommended its passage.

Mr. Siler, from the Committee on Cherokee Lands, reported
(H. R. 71,) Mr. Hayes' resolution in favor of C. Prince and John H. Harwood, with the following amendment, viz:

Strike out all after the word "him," in the fifth line, and insert "and that the surveyor for Cherokee county be directed to resurvey tract No. 193, in the fourth district of said county, after correcting the calls in the original survey, whereupon the Secretary of State shall cancel the grant herefore issued to Cooper Prince for said tract and issue a grant to him confirming the new survey."

And so amended, recommended the same do pass.

Also, H. R. 72, Mr. Hayes' resolution in favor of Leah Coleman with the following amendment.

Strike all after the word "Resolved," and insert "that Leah Coleman be authorized to file her bond with approved security, in four equal annual instalments, with the agent of the State, for the sums heretofore fixed by law, as the price of tract No. 137, in district 3, Cherokee County Lands; and if said bonds shall be paid when they become due, the Secretary of State is hereby directed to issue a grant to the said Leah Coleman for the above named tract of land."

Mr. Person, from the Committee on the Judiciary, reported

H. 90, Mr. Bynum's bill to repeal an act concerning justices' process in Chatham county, with the recommendation that the same do not pass.

Mr. Person, from the select committee under the resolution of Mr. Ferebee, reported

"That they had had the subject under consideration, and are clearly of opinion that all legislative acts done, or to be done, are and will be valid and binding. As to the mode in which an organization is to be effected so as to be strictly in pursuance of law, both in form and substance, the committee have come to no conclusion, and beg to be allowed further sittings, and to make a report hereafter embracing the whole of the subject referred to them."

Which report was concurred in.

Mr. Ferguson introduced the following:
"Resolved, That the Committee on the Judiciary be instructed to enquire into the propriety of permitting the county courts to tax all property for county purposes that is now taxed for State purposes."

And it was adopted.

Mr. Lemmonds introduced the following resolutions, viz:

"Resolved, That the Committee on Finance be requested to enquire into the expediency of levying an annual tax of twenty-five dollars more or less as they may deem expedient and right, upon all incorporated Gold, Silver, Lead, Coal, Iron and Copper Mining Companies in the State, when a majority of the capital stock of such companies is owned by resident citizens of the State, and a like tax of fifty dollars more or less as they may deem just and right, upon all incorporated Gold, Silver, Lead, Coal, Iron and Copper Mining Companies, whether the majority of the capital stock is or may be owned by non-resident citizens of the State."

2. "And be it further Resolved, That said committee be requested to enquire into the expediency of levying an annual tax of one-half of one per cent. more or less as may seem expedient to them, upon the gross receipts of all minerals annually produced from mines in this State when the majority of the capital stock is or may be owned by non-residents of the State."

And they were adopted.

Mr. Williams, of Nash, introduced the following resolution at the request of the Clerk of the House.

"Whereas, it is charged that the Clerk of this House has "violated the laws of the State" in causing certain printing for his office to be executed at another place than the office of the late Public Printer for the time being, and by another person than the late Public Printer for the time being."

"Resolved, That a special committee of five be appointed to investigate said charge, and report the result to this House for their action in the premises."

And the question thereon was put, and it was not adopted.

There being counted, yeas 21, nays 53.
A message was received from the Senate concurring in the proposition to assign the room lately occupied by the Supreme Court Reporter to the Engrossing Clerks.

The Speaker stated that he had received the pension certificate of Bramley Sasser, of Wayne, for signature,

And there being no objection, he signed the same in the presence of the House.

Mr. Merrimon introduced the following:

"Resolved, That the Committee on Military Affairs be instructed to enquire into the expediency of establishing a State Foundry, at some point on Deep River in this State, for the manufacture of such arms and implements as the good of the State may require."

And it was not adopted.

Bills, etc., of the titles following were introduced, read, passed the first reading and were referred as follows, viz:

By Mr. Hill, a bill (H. 105,) to charter the Caswell Railroad Company. To Internal Improvements.

By Mr. Hoke, a bill (H. 106,) to provide a Military Code.

By Mr. Potts, a bill (H. 107,) to charter Chatham Mining Company. To Corporations.

By Mr. Cheek, a bill (H. 108,) to amend Revised Code, chapter 57, Idiots and Lunatics. To Judiciary.

By Mr. Love, of Jackson, a bill (H. 109,) to regulate the school fund in the county of Jackson. To Education.

By Mr. Green, of Franklin, a bill (H. 110,) for the relief of Ellen Ransom. To Propositions and Grievances.

By Mr. Ferguson, a bill (H. 111,) to amend Revised Code, chapter 107, slaves and free persons of color. To Judiciary.

Bills, etc., of the titles following then being read the second time, proceedings were had as follows, viz:

H. 14. Mr. Fleming's bill to amend the law of Elections in Salisbury.

The same being first amended as proposed by the Committee on the Judiciary, and,

On motion of Mr. Hanes,
So as to insert the word "Lexington," passed the second reading.

H. 19. Mr. Fleming's bill to prevent the emancipation of slaves by will, the amendments proposed by the committee being first adopted, and the question being, shall this bill pass the second reading

Mr. Henry moved the same be indefinitely postponed, and the question thereon was put, and

Decided in the negative

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On motion of Mr. Davis, of Rutherford,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:


On motion of Mr. Davis, of Rutherford,

The Bill was then read the third time, and the question being, shall the bill pass the third reading was put, and
Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots 102
\{ Nays \ldots \ldots \ldots \ldots \ldots \ldots 5

On motion of Mr. Winslow,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:


H. 24, Mr. Faison's bill to amend the Revenue bill of 1858-'9 being read,

Mr. Crumpler moved the same be indefinitely postponed,

when,

On motion of Mr. Hill,

The bill was referred to the Committee on Finance.

H. 25, Mr. Bynum's bill to amend an act concerning Chatham county, being read, the substitute recommended by the committee was adopted, and so amended passed the second reading, when, it being 1 o'clock,

On motion of Mr. Bullock,

The House adjourned.
WEDNESDAY, 5th DECEMBER, 1860.

Prayer by Rev. Mr. Walthal.

Mr. Jordan presented the memorial of A. T. English and others, relating to the proposed county of Transylvania. Referred to the Committee on Propositions and Grievances.

Mr. Blue presented the memorial of citizens of Richmond county, relating to the traffic in spirituous liquors. Referred to the same Committee.

Mr. Dickson presented the memorial of M. A. Powell and others, relating to the county line of Watauga. To the same Committee.

Mr. Shaw presented the following resolution:

"Resolved, That if any Southern State dissolves her connection with the General Government and any attempt is made by the Federal Government to coerce such State, the State of North-Carolina will make common cause with the State so seceding."

Referred to the Committee on Federal Relations.

Mr. Potts presented the proceedings of a meeting of the people in the county of Mecklenburg, upon the subject of Federal Affairs. Referred to the same Committee.

Mr. Rogers presented the proceedings and resolutions of the State Agricultural Society, upon the subject of the Geological Survey and the Geologist.

On motion of Mr. Rogers, Communicated to the Senate, with a proposition to raise a joint select committee of five, three on the part of the House and two on the part of the Senate, upon the subject.

Reports of standing and select committees were filed as follows:

Mr. Love, of Haywood, from the Committee on Cherokee Lands reported,

H. 58, (a) Mr. Hayes' bill to amend the charter of Jonathan's Creek Turnpike Company, with the recommendation the same do pass.

Mr. Person, from the Joint Committee on Finance, reported
that they had carefully examined the books, entries, &c., of the Public Treasurer, and found the same correct.

On motion of Mr. Williams, of Cumberland,

This report being concurred in,

Ordered to be sent to the Senate.

On motion of Mr. Faison,

A message was sent to the Senate, proposing to proceed forthwith to the election of another Engrossing Clerk, and nominating Edward Vail and Thomas A. Fuetrell, for that office.

Bills, etc., of the following titles now introduced, read passed the first reading, and referred as follows, viz:

By Mr. Merrimon, a bill (H. 112,) to charter Green Hill Cemetery. To Private Bills.

By Mr. Fleming, a bill (H. 113,) to amend an act concerning the Superior Courts of Rowan. To Judiciary.

By Mr. Whitehurst, a bill (H. 114,) in favor of Witnesses. To Judiciary.

By Mr. Foy, a bill (H. 115,) to charter New River Canal Company in Onslow. To Internal Improvements.

By Mr. Shober, a bill (H. 116,) to amend Revised Code, chapter 61. Internal Improvements.

By Mr. Hoke, a bill (H. 117,) for arming the State. To Military Affairs.

From the Senate, a bill (S. 118,) to provide an additional Inspector in Wilmington.

H. 14, Mr. Fleming's bill to amend the Law of Electors in Salisbury and elsewhere, being read the third time, passed the third reading.

Ordered That it be engrossed and sent to the Senate.

A message having been received from the Senate, agreeing to vote forthwith for another Engrossing Clerk, and the Speaker having appointed Messrs. Foust and Faison to superintend the same, an election was held in this House with the following result, viz:

The following voted for Edward Vail, viz:

And the following for Thomas A. Fuetrell:


On motion of Mr. Green of Franklin,

A message was sent to the Senate, proposing to proceed forthwith to the election of a Public Treasurer, and nominating D. W. Courts for that office.

A message was immediately received from the Senate in reply, agreeing to the proposition, whereupon an election was held under the superintendence of Messrs. Green, of Franklin and Farrow, with the following result, viz:

The following voted for D. W. Courts, viz.:

Messrs. Speaker, Albritton, Alfred, Antry, Barringer, Barrow, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Bynum, Cannaday, Carson, Cheek, Clark of Craven, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Brunswick, Davis of Haywood, Davis of Mecklenburg, Davis of Rutherford, Dickson, Donnell, Ewell, Fagg, Farrow, Ferguson, Ferebee, Fleming, Folk, Foy, Gaither,

On motion of Mr. Yeates,

The resolutions introduced by him relative to the public lands were

Ordered to be printed.

Mr. Ransom, after the roll was called, asked and was refused leave to vote for Mr. Courts as Public Treasurer.

At 12 o'clock 3 minutes, Mr. Love, of Haywood, moved the House adjourn, when

Mr. Waters introduced the following resolution:

"Resolved, That the use of the Commons Hall be granted for this evening to the Presidential Electors to address the people on the condition of the Federal Union."

And it being adopted,

The House adjourned.

THURSDAY, 6th DECEMBER, 1860.

Prayer by Rev. Mr. Skinner.

Mr. Shober presented the memorial of citizens of Greensboro', in relation to the charter of that town.

Referred to the Committee on Proposions and Grievances.

Mr. Faison, from the committee to superintend the election of another Engrossing Clerk, reported the whole number of votes counted in said election 141, 71 necessary to a
choice; Mr. Vail received 98, Mr. Fuetrell 43, and Mr. Vail had been duly elected.

Mr. Burgin presented the proceedings of the meeting of the people in the county of McDowell, which being read was referred to the Committee on Federal Relations.

Mr. Howard offered the following resolution, viz:

"Resolved, That the Committee on Finance be instructed to enquire into the expediency of so modifying the tax on spirituous liquors as to reduce the same to a revenue standard."

And it was adopted.

Mr. Green, of Franklin, from the committee to superintend the election of Public Treasurer, reported 146 votes counted in said election, of which Mr. Courts had received 146, and had been unanimously elected.

Mr. Hoke, from the Committee on Military Affairs, reported (H. 117,) bill to arm the State, with a substitute, and recommended it do pass.

On motion of Mr. Hoke,

Ordered that it be printed.

Mr. Henry moved that (H. 1,) the bill to call a Convention to alter the Constitution, now on the table, be considered, and it was not adopted, there being counted, yeas 47, nays 55.

Bills, etc., of the titles following, being introduced and read, passed the first reading and were referred as follows:

By Mr. Hayes, a bill (H. 119,) to provide for Western Turnpike Roads. To Cherokee Lands.

By Mr. Taylor, a bill (H. 120,) to amend the charter of Haywood Male and Female Academy, and a memorial. To Education.

By Mr. Guthrie, a bill (H. 121,) to charter University Railroad Company. To Internal Improvements.

By Mr. Hanes, a bill (H. 122,) to amend the charter of Thomasville. To Private Bills.

By Mr. Mordecai, a bill (H. 123,) concerning the Wardens of the Poor of Wake county. To Propositions and Grievances.
Mr. Hayes, resolution (H. R. 71,) in favor of C. Prince and John H. Harwood, being read the second time the amendment proposed by the Committee on Cherokee Lands was adopted, and the bill so amended, passed the second and third readings.

Ordered, That it be engrossed and sent to the Senate.

H. 25, Mr. Bynum's bill to amend an act concerning Chatham county, the question being upon the substitute as follows: Shall this bill pass the third reading? Mr. Williamson moved to amend the same by inserting "Columbus" county, and it was adopted. Mr. Faison moved to amend by inserting "Sampson" county, and the question being thereon, and other amendments offered.

On motion of Mr. Hoke,

The bill was recommitted to the Judiciary Committee.

A message was received from the Senate concurring in the proposition to raise a joint select committee upon the subject of Geology, and the office of Geologist. Whereupon, the Speaker appointed Messrs. Ransom, Ferebee and Bynum, the House branch.

A message was received from the Senate transmitting a communication in reference to the Wilmington and Rutherford Railroad, and proposed to print the same. In this the House concurred.

Mr. Crumpler moved to take up (H. 2,) his bill to amend the Constitution and make it a special order, and the question thereon was put and

Decided in the negative, {Yea. .......................... 50
Nay. ........................................... 60

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered, the following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Blue, Booth, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Folk, Foust, Gaither, Gorrell, Green of Chatham, Guthrie, Hanes,
Harris, Hayes, Henry, Howard, Horton, Jordan, Kelly, Latham, Liles, McCleese, Marsh, Martin, Mebane, Mendenhall, Merrimon, Newby, Patterson, Perkins, Poindexter, Polk, Rogers, Russ, Shober, Siler, Simonton, Taylor, Whitehurst, Winslow and Yeates.

And the following in the negative, viz:


Mr. Person presented the statement of the Commercial Bank of Wilmington, which was, on his motion, sent to the Senate.

A message was received from the Senate, with a memorial of Kilby H. Lewis and W. F. Lewis, concerning Lake Ellis, which was,

On motion of Mr. Bridgers,

Referred to the Committee on the Judiciary.

Mr. Clark, of Craven, presented for the signature of the Speaker the pension certificate of Alexander Taylor, and the same was read and signed.

Ordered, That it be sent to the Senate.

Mr. Fleming presented the memorial and proceedings of a public meeting of citizens of Salisbury upon the subject of Federal Affairs, which was on his motion,

Referred to the Committee on Federal Relations.

Bills; etc., of the titles following, being read the second time, were disposed of as follows, viz:

H. 9. Mr. Stanford's bill to amend Revised Code; chapter
45, Executions, being read and the question put, shall this bill pass the second reading?
Mr. Gaither moved the same be indefinitely postponed,
And it was adopted.

H. 13, Mr. Folk's bill to amend Revised Code, chapters 2, 6, 13, Agriculture and Geology, and abolish the office of State Geologist, being read the second time and the question thereon,

Mr. Rogers moved the same be referred to the Special Committee upon that subject, and withdrew the motion.
Mr. Hoke renewed the motion and the question thereon was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & \quad \text{75} \\
\text{Nays} & \quad \text{36}
\end{align*}
\]

On motion of Mr. Folk,
The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Barrow, Bowman, Burgin, Cannady, Carson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferguson, Folk, Foust, Gaither, Galloway, Harris, Howard, Horton, Kallum, Liles, McMillan, Martin, Pearson, Point-

H. 21, Mr. Faison's bill concerning Public Roads, etc., being read the second time did not pass the second reading, but was,

On motion of Mr. Ward,
Indefinitely postponed.

H. 32, Mr. Wooten's bill to regulate the fees of Registers, being read and the question put upon the amendments of the Committee on the Judiciary, they were adopted, and the bill so amended passed the second reading.

Mr. Ward moved the same be read the third time and it was not adopted.

Mr. Pope moved that (H. 37,) his bill to arm and equip the State, be referred to the Committee on Military Affairs and be printed, and it was so ordered, there being counted yea 54; nay 32.

H. 40. Mr. Faison's bill relating to Free Schools, being read the second time, the question thereon was,

On motion of Mr. Harris,
Indefinitely postponed.

S. 43, the Senate bill for the relief of the banks and the people, was,

On motion of Mr. Fleming,
Referred to the Committee on Banks and Banking.

On motion of Mr. Fleming,
Ordered, That a message be sent to the Senate, proposing that the message of the Governor in reply to the resolution of Mr. Guthrie on Public Arms, be printed.

On motion of Mr. Davis, of Mecklenburg,
Ordered, That a message be sent to the Senate, proposing a joint select committee to be styled the Committee on Slaves and Free Persons of Color.

At 12 o'clock 20 minutes, Mr. Henry moved the House do now adjourn, and Mr. Fleming having moved the yeas and nays be ordered thereon, the motion was withdrawn.
Mr. Baxter renewed the motion and the question thereon was put, and

Decided in the negative, { Yeas, ......................... 20
{ Nays, .............................. 79

On motion of Mr. Clarke of Craven,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Hill, from the Committee on Banks and Banking, reported (H. 69,) his bill in favor of the banks of this State, with the recommendation that the same do pass.

On motion of Mr. Crumpler,

H. 2, his bill to amend the Constitution, was taken up and referred to the Committee on Constitutional Reform.

At 12 o'clock, 31 minutes, Mr. Gaither moved the House do now adjourn, and the question thereon was put and

Decided in the negative, { Yeas, ......................... 44
{ Nays, .............................. 59
On motion of Mr. Henry,
The yeas and nays being ordered.
The following voted in the affirmative, viz:

And the following in the negative, viz:

At 12 o'clock and 40 minutes,
Mr. Yeates moved the House do now adjourn.
Mr. Gaither moved the yeas and nays be ordered, when the motion was withdrawn.
Mr. Simonton then moved the House do now adjourn, and the question thereon was put and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots 66 \} \{ Nays \ldots \ldots \ldots \ldots 32 \}

On motion of Mr. Gaither,
The yeas and nays being ordered, the following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Autry, Barringer, Barrow, Batchelor, Blue, Booth, Bridgers, Burgin, Bynum, Cannady,

And the following in the negative, viz: Messrs. Branch, Cowles, Davis of Rutherford, Ferguson, Fleming, Folk, Hall, Harrington, Hayes, Henry, Hoke, Jordan, Kelly, Latham, Lemmonds, Love of Jackson, Martin, Meares, Mebane, Merrimon, Mordecai, Padgett, Patterson, Person, Potts, Rogers, Slade, Waugh, Whitehurst, Williamson and Yeates.

And so the House, it being now 12 o'clock and 49 minutes, adjourned.

FRIDAY, 7th, December, 1860.
Prayer by the Rev. Mr. Walthal.
The Speaker laid before the House the statement of the Bank of Fayetteville, and it was sent,
On motion of Mr. Foy,
To the Senate.
H. 4, Mr. Wooten's bill to amend Revised Code, chapter 48, County Revenue and Charges, was,
On motion of Mr. Wooten,
Ordered to be printed.
Leave of absence was, on motion of Mr. Hill, granted to Mr. Hoke; on motion of Mr. Wright, to Mr. Waters; on motion of Mr. Waugh, to Mr. Logan; on motion of Mr. Mendenhall, to Mr. Clark, of Craven.
Reports from standing and select committees were filed, received and read as follows, viz:

Mr. Baxter from the Committee on Propositins and Grievances, reported
H. R. 8, Resolution of Mr. Love of Jackson, in favor of Jonas Jenkins, with the recommendation the same do pass.
H. R. 17, Resolution of Mr. Love of Haywood, in favor of G. H. Holland, with the recommendation the same do pass.
H. R. 36, Resolution of Mr. Love, of Haywood, in favor of William Green, of Haywood, with the recommendation the same do pass.

He also reported (H. 38,) Mr. Hayes' bill to establish a new county by the name of Clay, with the following amendments, viz:

Strike out all the first section after the word "beginning" in the eighth line, and insert the following, viz:

"At the southeast corner of Cherokee county, on the Georgia line, thence to run in a northern direction along the top of the Chimney Gap Mountain with the Macon line, between Shosting creek and Nantahala river, to the top of the highest mountain between Briar's creek and Valley river, thence in a south-west direction along the top of the highest mountain between Briar's creek and Peach tree, to the Hiawassee at the old Missionary Mill ——. Thence down Hiawassee river to the mouth of Big Brasstown creek, thence up said creek to the mouth of Little Brasstown creek, thence along the highest ridge between Little Brasstown and Pine-Log to the Georgia line, thence east with the Georgia line to the beginning."

And so amended recommended the same do pass.

Also, (H. 74,) Mr. Gaither's bill concerning Iredell county court, with the recommendation that the same do pass.

Mr. Hill, from the Committee on Banks, reported:
H. 93, Mr. Foust's bill to amend the charter of the Farmers' Bank, with the recommendation the same do pass.

Mr. Clark of Craven offered the following resolution, viz.:
"Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency and propriety of the enactment of some more stringent law to prevent slaves hiring their own time, and living from under the immediate control of their owners, and that they report by bill or otherwise."

And it was adopted, there being counted Yeas 45, nays 38.

Mr. Henry offered the following resolution:

"Resolved, That a joint select committee of three on the part of the House and two on the part of the Senate, be appointed to examine and ascertain the cost in dollars and cents of the printing for this General Assembly, from the day of its organization up to the 7th day of this month, and that said committee report as soon as the same can be ascertained."

And the question being thereon, Mr. Waugh moved the same be laid upon the table, and the question was put, and decided in the affirmative, Yeas..............................59

Nays..............................43

On motion of Mr. Henry, The yeas and nays being ordered, The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Barringer, Booth, Burgin,
Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Dickson, Farrow, Ferebee, Folk, Foust, Gorrell, Guthrie, Hanes, Hayes, Henry, Howard, Horton, Jordan, Kelly, Latham, Liles, McCleese, Marsh, Martin, Meares, Mebane, Merrimon, Newby, Patterson, Perkins, Poindexter, Polk, Rogers, Russ, Shober, Siler, Simonton, Whitehurst and Winslow—44.

Mr. Cannady paired off with Mr. Davis, of Rutherford.
Mr. Harrington paired off with Mr. Gaither.
Mr. Mendenhall paired off with Mr. Davis, of Bladen.
Mr. Williams of Pasquotank paired off with Mr. Faison.
Bills, etc., of the titles following were introduced, read the first time, passed and other proceedings had as follows, viz:

By Mr. Wooten, a resolution (H. R. 124,) concerning public arms in Lenoir, and the same being read the second time and the question put, Mr. Ferebee moved to insert "Camden" county, and it was adopted. Mr. Marsh "Beaufort" county, and it was adopted. Other members offering similar amendments, Mr. Bullock moved to strike out all after the enacting clause, and make the law general, when,

On motion of Mr. Batchelor,
The bill was referred to the Committee on Military Affairs with instructions to report a bill to that effect.

By Mr. Polk, a bill, (H. 125,) to amend Revised Code, chapter 28, county revenue and charges. To Judiciary.

By Mr. White, a bill, (H. 126,) to ascertain the popular will with regard to amendments of the Constitution. To Constitutional Reform, and ordered to be printed.

By Mr. Siler, a bill, (H. 127) to amend the charter of the town of Franklin. To Corporations.

By Mr. Shober, a bill, (H. 128,) to charter Gibson Hill Mining Company. To Corporations.

By Mr. Foust, a bill, (H. 129,) relating to sale of Real Estate in Randolph. To Judiciary.
By Mr. Wishart, a bill, (H. 130,) for the relief of the people and for a stay law.

On motion of Mr. Bowman,
Ordered to be printed, and laid upon the table.

A message was received from the Senate proposing to raise a joint select committee of three on the part of the House, and two on the part of the Senate to make the necessary arrangements for comparing the votes given in August last for Governor, and the House concurring therein, the Speaker appointed Messrs. Ferebee, Green of Franklin and Crawford, on the part of the House.

Mr. Clark, of Craven, presented the biennial statement of the Merchants' Bank of Newbern. Sent to the Senate.

Bills, etc., on the second reading, passed or were otherwise disposed of as follows, viz:

H. 69, Mr. Hill's bill in favor of Banks of the State, passed the second reading.

S. 118, the Senate bill to provide an additional Inspector in Wilmington, passed the second reading.

Mr. Wooten's bill (H. 32,) to regulate the fees of Registers being read the third time and the question put. Mr. Hayes moved to amend by exempting "Cherokee" county. Mr. Bowman moved to exempt "Yancy," when Mr. Martin moved the bill and amendments be indefinitely postponed, and the question was put and

Decided in the affirmative, { Yeas ......................... 62
Nays .............................. 39

On motion of Mr. Wooten,
The yeas and nays being ordered, the following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Antry, Barringer, Barrow, Bowman, Burgin, Bynum, Cannady, Carson, Clark of Davidson, Cline, Cowles, Crumpler, Ewell, Fagg, Farrow, Ferguson, Ferebee, Galloway, Gorrell, Green of Franklin, Guthrie, Hanes, Harrington, Harris, Hayes, Henry, Howard, Horton, Jenkins, Jordan, Kallum, Latham, Love of Hay-

And the following in the negative, viz:


Mr. Haye's resolution (H. R. 72,) in favor of Leah Coleman, passed the second and third readings.

Ordered, That it be engrossed and sent to the Senate.

Mr. Batchelor offered the following:

"Resolved, That Rule No. 20 of this House be so amended as to read as follows: 'No member shall vote on any question who was not present when the question was put by the Speaker. Upon a division and count of this House on any question, no member without the bar shall be counted.'"

Laid over one day under the rule.

On motion of Mr. Ward.

And at 12 o'clock 30 minutes, the House then adjourned.

SATURDAY, 8TH DECEMBER, 1860.

Prayer by the Rev. Frederick Fitzgerald.

Mr. Wright presented the proceedings and resolutions of a meeting of the people of Cumberland, upon Federal Affairs, which being read were referred to the Committee upon that subject.

Mr. Fleming from the Committee on Internal Improvements, to whom
H. 3, Mr. Foy's bill to amend charter of the White Oak Navigation Company, had been referred, reported the same back to the House, and recommended it do not pass.

Also, (H. 18,) Mr. Cowles' bill to prevent free passes on the North-Carolina Railroad, and other State roads, with the like recommendation.

Also, (H. 44,) Mr. Kelly's bill to amend the charter of the Cheraw and Coalfield Railroad, with the following amendments.

Insert after the words "Provided, however, that no tax," in the third section, the following: "except the tolls here-tofore imposed upon tonnage and passengers in said charter," and so amended recommended the same do pass.

Mr. Ferebee, from the Committee upon Education, reported H. 109, the bill of Mr. Love, of Jackson, to regulate the School Fund in Jackson, with the recommendation the same do not pass.

Bills, etc., of the titles following were introduced, read passed the first reading and were referred or otherwise disposed of as follows, viz:

By Mr. Siler, a bill (H. 131,) to amend the charter of the Macon Turnpike Company. To Cherokee Lands.

By Mr. Crumpler, a bill (H. 132,) to amend Revised Code, chapter 66, Literary Fund and Common Schools. To Education.

By Mr. McCleese, a bill (H. 133,) to amend Revised Code, chapter 52. General Assembly.

By Mr. Cline, a bill (H. 134,) to charter Ball's Creek Camp Ground.

By Mr. Simonton, a bill (H. 135,) to amend the charter of the Atlantic, Tennessee and Ohio Railroad. To Internal Improvements.

By Mr. Ferguson, a bill (H. 136,) to amend the charter of Windsor. To Corporations.

By Mr. Folk, a resolution (H. R. 137,) in favor of the sureties of D. C. McCauber, late sheriff of Watauga county.
H. 34, Mr. Ferguson’s bill to prevent obstructions in Salmon Creek, coming up for the second reading under the special order, and the question put, was
On motion of Mr. Ferebee,
Laid upon the table.
On motion of Mr. Ferebee,
A message was then sent to the Senate, proposing to raise a joint special committee upon the subject of Fish and Fisheries, to consist of six members of each branch.
A message (No. 5) was received from his Excellency, the Governor, transmitting the report of Charles Manly, treasurer of the University of North-Carolina, which being read, was
On motion of Mr. Hayes,
Sent to the Senate.
The Speaker in the presence of the House, signed the pension certificate of Letitia Bray, of Surry county.
On motion of Mr. Rogers,
The use of the Hall was granted the ‘‘Young Mens’ Christian Association’’ on Monday night.
Bill, etc., on the second reading, passed and were disposed of as follows, viz:
H. R. 8, resolution of Mr. Love, of Jackson, in favor of Jonas Jenkins, passed the second and third readings.
Ordered That it be engrossed and sent to the Senate.
H. R. 17, resolution of Mr. Love, of Jackson, in favor of G. H. Holland, passed the second and third readings.
Ordered To be engrossed and sent to the Senate:
A message was received from the Senate, informing the House that a programme of arrangements had been adopted by them on the recommendation of the joint committee for counting the vote for Governor, and asking the concurrence of the House therein.
The House concurred, and Messrs. Ferebee and Crawford were appointed to superintend the count on the part of the House.
At 12 o’clock; M.,
On motion of Mr. Ferebee,
A message was sent to the Senate informing that body that the hour had arrived for the purpose, and that the House of Commons waited their arrival.

Soon afterwards the Senate, preceded by their Speaker and Secretary, entered the Hall and were seated to the right of the Speaker.

The Speaker of the Senate presiding over the Convention, announced the business before the two Houses, and directed the following letter from the Secretary of State to be read, and it was read as follows:

"Office of Secretary of State,
Raleigh, 20th Nov., 1860.

To the Honorable, the Speaker of the Senate:

Sir: I have the honor to hand you herewith the returns made to my office by the sheriffs of the several counties in this State, of the election held in August last for Governor of the State. Duplicates of these returns have been filed in the office of the Secretary of State.

Very respectfully, your obedient servant,
(Signed,) RUFUS H. PAGE,
Secretary of State.

The returns were thereupon opened by the Speaker of the Senate, who read aloud the report from each county in alphabetical order.

The returns were immediately entered by the Clerk of this House, in separate columns, opposite the names of the several counties, in the presence of Messrs. Hall of the Senate, and Ferebee and Crawford of the House, and read aloud to the House after each entry.

The entry of the returns being completed, the Committee retired, and returning, (through Mr. Ferebee,) reported to the Convention that JOHN W. ELLIS had received 59,463 votes, and JOHN POOL 53,123 votes, and John W. Ellis had been duly elected, and there was no dissent; whereupon the
Speaker of the Senate repeated the same report and said, "There being no dissent, I declare John W. Ellis has been duly elected Governor of North-Carolina for two years, from and after the first of January next;" and after a pause, he added, "Senators, we will now retire."

The Senate then, preceded by their Speaker and Secretary, left the Hall, and it being two o’clock, the House, on motion of Mr. Barringer, Adjourned.

Appended to this day’s Journal are the lists already stated to have been taken by the Clerk of this House as follows, viz:

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<th>Counties</th>
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<th>John Pool</th>
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<td>John Pool</td>
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MONDAY, 10th December, 1860.
The Speaker announced the following committee, viz:

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Mr. Crawford presented the proceedings of a meeting of the people in the county of Wayne, which being read, were referred, on his motion, to the Committee on Federal Relations.

Mr. Person presented the following letter from Strother and Marcom, Book and Job Printers, viz:

SUNDAY EVENING, Dec. 9, 1860.

Hon. Samuel J. Person,

House of Commons:

Sir: On yesterday, the 8th instant, we had occasion to refer to our copy file, and discovered the original draft in the handwriting of Mr. Cantwell, from which we printed the "oaths" subscribed in the House of Commons on the 19th instant, and we have ascertained that the alteration complained of was not made by Mr. Cantwell, but was a misprint of ours in setting up.

We herewith enclose the original draft which you will observe is in the precise form required by law. You will also perceive that the words "knowledge and ability" should have been printed instead of the words, "power, belief and ability." The error was, therefore, ours.

We feel bound to make this statement, as an act of justice, and we make it for the purpose and with the request, that you will lay the same before the House of Commons, on to-morrow, as early as practicable."

We are respectfully yours,

STROTHER & MARCOM,

Book and Job Printers, 18 Fayetteville st., Raleigh.

Which being read was, on his motion, referred to the committee under Mr. Ferebee's resolution.*

*After the adjournment of the House the matter having again been stirred, the Clerk found it necessary to procure, and file in the office, the following additional certificate:
Mr. Faison presented the memorial of John Boykin and others relative to the traffic in spirituous liquors which was, on his motion, referred to the Committee on the Judiciary.

Mr. Merrimon laid before the House a communication from the Tredegar Iron Works, in Virginia, upon the subject of cannon and fire arms, which was, on his motion, referred to the Committee on Military Affairs.

Mr. Bridgers presented the proceedings and resolutions of a meeting of the people in the county of Edgecombe, which being read were referred to the Committee on Federal Affairs.

Mr. Stanford presented the proceedings of a meeting of the people in Duplin county, which being read were referred to the same Committee.

The undersigned being requested by Mr. E. Cantwell to examine into the facts connected with the giving of the certificate by Messrs. Strother & Marcom, to be used before the Committee of the late General Assembly, appointed to investigate the charge against Mr. Cantwell, of having intentionally altered the oath prescribed by Law for the qualification of members of the General Assembly, do hereby certify that they examined Messrs. Strother & Marcom, and the following is the substance of the matter stated by them:

Mr. Strother said, that the paper exhibited before us was the "original copy" from which the oath was printed—that it was in Mr. Cantwell's handwriting. That he knew it to be the original from its general appearance, and from the holes made in it, where it was put on file in his office. That in the original the words were "knowledge and ability," and not "power, belief and ability." That when he first discovered the mistake which had been committed in printing the oath, that he offered to give Mr. E. Cantwell a certificate as to the correctness of the original, but that Mr. Cantwell declined to receive it, saying that the Committee had already exculpated him from blame. That afterwards, Col. Cantwell, of Wilmington, in company with Mr. Cantwell, came to witness and requested the certificate to be given, stating that the reports in regard to the matter had injured his brother, Mr. E. Cantwell, and he was anxious to have the matter made plain, and his brother exonerated from blame in the opinions of those who had made the charge against him. That Mr. Cantwell had never in any way, by printing or otherwise, offered him any bribe for his certificate, but that it was given as a matter of justice to Mr. Cantwell. Mr. Strother further stated that it was his understanding that the certificate was not to be used except before the committee, as he did not wish it to appear by itself in the State Journal, whose Editor and Proprietor was his enemy. In reply to this, Mr. Cantwell stated that he was not aware of any such understanding, and that Mr. Strother must have known that it would be published in the other newspapers, with the proceedings of the Legislature.

Mr. Marcom stated that he identified the paper as the original copy from which the oath was printed. That he set up the type himself, and that the mistake was
Mr. Williamson presented the proceedings and resolutions of a meeting of the people in the county of Columbus, which being read, were referred to the same Committee.

Mr. Shober presented the statement of the condition of the Farmers’ Bank of Greensboro’, which was, on his motion, sent to the Senate.

Mr. McMillan presented the memorial of the 43d regiment North-Carolina State militia, which being read, was, on his motion, referred to the Committee on Military Affairs.

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

Mr. Williams, of Nash, from the Committee on Claims, reported

The word knowledge was divided as follows: "knowledge"—that the first syllable looked to him like the word power, and was so set up. That the second syllable he took to be bif, and he thought it was meant as a contraction for belief, knowing Mr. Cantwell’s habit of abbreviating his words, and he accordingly so put it up.

The words of the original are as follows:

Mr. Cantwell’s Oath.

"I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North-Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability: so help me, God. I further swear, that I will support the Constitution of the United States: so help me, God."

The original copy of the oath will be filed, at our request, in the office of the Raleigh Register for a few days, where it may be examined by those disposed to do so.

We are satisfied that the alteration in the particular specified was the result of Mr. Marcom’s mistake and also that Mr. Marcom’s mistake was a very natural one, considering the manner in which the words were written.

The only points in which the oath as written differs from the oath prescribed, are, 1st, in the use of the word “further,” instead of “do solemnly,” which are the words used in the Revised Code at page four hundred and fifty-five.

2d. The words “or affirm,” which are contained in the Revised Code, were omitted from Mr. Cantwell’s original copy, because, as the undersigned have been informed, the affirmation clause is never used except when there are members of the General Assembly who are conscientiously opposed to taking an oath, which was not the case in the last General Assembly except in one instance, when the oath was administered by affirmation, according to law.

John W. Syme,
Sion H. Rogers,
Dan’L G. Fowle.

Raleigh, March 15, 1861.
H. R. 35, resolution in favor of D. C. Lilly, with the recommendation the same do pass.

Mr. Baxter, from Propositions and Grievances,

H. R. 48, resolution in favor of the sureties of George W. Glass, with the recommendation that the same do pass.

Also, H. R. 66, resolution in favor of the Hillsboro' Military Academy, with the like favorable recommendation.

Mr. Williams, of Nash, from the Committee on Claims,

H. R. 98, resolution in favor of Joseph H. Gooch, with the recommendation the same do pass.

H. R. 99, resolution in favor of Jonas Cline, with the recommendation the same do pass.

Mr. Jenkins moved that, (H. 80,) bill to amend Revised Code, chapter 102, Salaries and Fees, be printed,

And it was not adopted.

Mr. Marsh introduced the following resolution,

"Resolved, That the Committee on Public Buildings be instructed to enquire into the feasibility of more effectually heating this Hall, and report upon the same at an early day."

And the question being thereon,

Mr. Hill moved to amend the same as follows:

"And they be further instructed to enquire into the propriety of lighting the Capitol with gas."

And it was adopted.

And the resolution so amended was adopted.

H. 69, bill in favor of the Banks in this State, being read the third time and the question put,

Mr. Hill moved to amend by adding as follows:

"And this act shall go into effect and be of force from and after its ratification."

And it was adopted.

The bill so amended then passed the third reading.

Ordered, That it be engrossed and sent to the Senate.

Mr. Yeates introduced a joint resolution, (H. R. 138 b,) upon the subject of Federal Relations, which the Speaker ordered to be referred under the rule to the Committee on Federal Relations.
Mr. Marsh moved that the rule be suspended so as to exempt this resolution from its operation, and the question thereon was put and

Decided in the affirmative; \{ Yeas .......................... 52

Nays .................................. 43

On motion of Mr. Yeates,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Hanes paired off with Mr. Bynum.
Mr. Meares paired off with Mr. Hoke.
Mr. Wooten paired off with Mr. Clark, of Craven.
Mr. Yeates then moved that the resolution be printed, and there being counted yeas 35, nays 51,

It was not adopted.

Bills, etc., of the titles following were introduced, read the first time, passed, and referred as follows, viz:

By Mr. Harris, a resolution (H. R. 138,) in favor of the
sureties of M. M. Plunkett. To Propositions and Grievances.
By Mr. Latham, a bill (H. 139,) to amend Revised Code, chapter 31, Courts, County and Superior. To Judiciary.
By Mr. Waugh, a bill (H. 140,) to improve the Road near Fisher's Gap, in Surry. Internal Improvements.
By Mr. Cheek, a bill (H. 141,) for the relief of Cynthia Chavis. To Propositions and Grievances.
The House considered the resolution of Mr. Batchelor proposing an amendment of the Rules, and the same being read was,

On motion of Mr. Fleming,
Referred to the Committee on the Judiciary.
Proceedings were had upon bills, etc., upon the Calendar as follows:
H. 3, bill to amend the Charter of the White Oak Navigation Company being read the second time, did not pass the second reading.
H. R. 35, resolution in favor of D. C. Lilly. Passed the second reading.
H. 38, bill to establish the county of Clay being read the second time, the amendments proposed by the Committee were adopted, and the bill passed the second reading.
On motion of Mr. Kallum,
This bill was read the third time, and the question thereon was put as follows, "shall this bill pass the third reading?"
and
Decided in the affirmative, \{ Yeas .................... 69 \} Nays .................... 26

On motion of Mr. Ward,
The yeas and nays being ordered. The following voted in the affirmative, viz:
Messrs. Alfred, Autry, Barringer, Barrow, Blue, Booth, Bowman, Burgin, Cannady, Carson, Clark of Davidson, Cline, Cowles, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Farrow, Fleming, Folk, Galloway, Gorrell, Hall, Hanes, Harris,

And the following in the negative, viz:


Mr. Wooten paired off with Mr. Clark, of Craven.

Ordered that it be engrossed and sent to the Senate.

H. R. 36, resolution in favor of Wm. Green. Passed the second reading.

On motion of Mr. Love, of Haywood,

This resolution was read the third time and passed the third reading.

Ordered that it be engrossed and sent to the Senate.

H. R. 48, resolution in favor of the sureties of George W. Glass. Passed the second reading.

On motion of Mr. Fagg,

This resolution was read the third time and passed the third reading.

Ordered that it be engrossed and sent to the Senate.

H. R. 66, resolution in favor of the Hillsboro' Military Academy, being read the second time was,

On motion of Mr. Fleming,

Referred to the Committee on Military Affairs.

H. 74, bill concerning Iredell county. Passed the second reading.

H. 86, bill to regulate criminal prosecutions, being read the second time was,

On motion of Mr. Martin,

Referred to the Committee on the Judiciary.
H. R. 98, resolution in favor of Joseph H. Gooch. Passed
the second reading, and then,
On motion of Mr. Williams, of Nash,
Being read the third time, was,
On motion of Mr. Fleming,
Recommittted to the Committee on Claims.
S. 118, Senate bill, to provide an additional inspection in
Wilmington,
On motion of Person,
Was read the third time and passed the third reading.
Ordered that it be enrolled.
Mr. Hill moved that the vote by which the House had
refused to print the resolutions of Mr. Yeates be reconsidered,
and it was adopted, there being counted, yea 40, nay 26,
and the question recurring upon the motion to print, it was
adopted, there being counted, yeas 44, nays 27.

At 1 o'clock and 20 minutes, Mr. Fagg, moved the House do
now adjourn, and the question thereon was put, and

Decided in the negative, { Yea ........... ................. 35
{ Nays ........... ................. 59

On motion of Mr. Hall,
The yeas and nays being ordered, the following members
voted in the affirmative, viz:
Messrs. Albritton, Barringer, Bridgers, Bullock, Cheek,
Clark of Davidson, Crumpler, Davis of Halifax, Davis of
Mecklenburg, Fagg, Faison, Galloway, Hanes, Harris, Hill,
Horton, Jenkins, Liles, McCleese, Marsh, Mebane, Mitchener,
Padgett, Patterson, Poindexter, Shaw, Siler, Simonton,
Stanford, White, Williams of Cumberland, Winslow,
Wishart, Woodard and Wooten—35.

And the following in the negative, viz:
Messrs. Alfred, Barrow, Batchelor, Baxter, Blue, Booth,
Bowman, Burgin, Cannaday, Carson, Cline, Cowles, Craw-
ford, Davis of Bladen, Davis of Rutherford, Dickson, Ewell,
Ferguson, Ferebee, Fleming, Folk, Foy, Gorrell, Hall,
Hayes, Henry, Howard, Jordan, Kallum, Kelly, Latham,

Mr. Foy, from the Committee on Enrolled Bills, reported that they had diligently compared the roll of S. 118, Senate bill to provide an additional inspector in Wilmington, with the original, and had found the same truly enrolled, whereupon the Speaker signed the same in the presence of the House.

Ordered, That it be sent to the Senate for the signature of the Speaker thereof.

H. 90, the bill to repeal an act concerning justices' process in Chatham county, then being read the second time, and the question thereon,

Mr. Bowman moved the same be indefinitely postponed, and the motion being withdrawn, the bill was informally passed over, when,

It being 1 o'clock and 40 minutes, the House,

On motion of Mr. Simonton,

Adjourned.

TUESDAY, 11TH DECEMBER, 1860.

Prayer by Rev. Dr. Mason.

Mr. Siler presented the memorial of W. H. Higdon and others, praying for the construction of a connecting link between two turnpikes in Macon and Jackson counties, which was, on his motion, referred to the Committee on Cherokee Lands and Western Turnpikes.

Mr. Rogers presented the proceedings and resolutions of a meeting of the people in Wake, which being read were referred to the Committee on Federal Relations.

Mr. Henry presented the following resolutions:
"Whereas, The present time is one of great political excitement throughout the whole country, threatening and menacing the perpetuity of the Union of the States, the downfall of civil and religious freedom, the utter ruin of every class of property, loss of confidence between States at home, and a want of dignity and credit at the courts of foreign nations: And,

"Whereas, In such a crisis, when doubt, gloom and uncertainty hang over the face of the nation, it becomes the solemn duty of every patriot and lover of his country to counsel as to the best means how to save a great people from bloodshed and carnage: Therefore,

"Resolved, That this General Assembly, do concur in the propriety of appointing two able and distinguished citizens of this State, viz: the Hon. William A. Graham and the Hon. Thomas Ruffin, to visit our sister State, Virginia, whose legislature is to meet in session on the 7th day of January, 1861, and to hold council and consult with the people of Virginia as to the best line of policy to be carried out in order to demand, secure, protect and defend in the Union, all of our constitutional rights.

"Resolved further, That the two Commissioners appointed by this General Assembly repair at an early day to the city of Richmond, in the State of Virginia, and appear before and make known to the legislature and Governor of said State, the object and intention of their mission, and that the said Commissioners freely and frankly confer with the people of Virginia, and return to the city of Raleigh and report to the General Assembly the success of their mission.

"Be it further Resolved, That copies of the foregoing resolutions be sent by his Excellency, Gov. Ellis, to the Governor and General Assembly of the State of Virginia."

Mr. Donnell introduced the following resolutions, viz:

"Be it Resolved by the House of Commons of the General Assembly of the State of North-Carolina, 1. That a message be sent to the Senate inviting the Senate to concur in a request on the part
of this General Assembly to the Supreme Court of the State of North-Carolina, to furnish the General Assembly with their opinion relative to the right or power of the General Assembly under the Constitution of the State, to call a Convention of the people of the State for any purpose, without a concurrence of two-thirds of all the members of each House of the General Assembly.

"2. And if the Senate concur in this resolution, that the Senate be further invited to concur in the appointment of a member on the part of each House, to present this resolution to the Court and request their earliest convenient response.

"3. And that the Senate be requested to give this message an early consideration."

Which being read, Mr. Person moved the same be laid upon the table, and the question thereon was put, and

Decided in the negative, Yeas..........................52
\{ Nays..........................53

On motion of Mr. Ransom,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Speaker, Albritton, Alfred, Barringer, Blue, Booth, Bowman, Burgin, Carson, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Farrow, Ferebee, Gaither, Galloway, Gorrell, Guthrie, Hanes, Harris,

Mr. Wooten paired off with Mr. Clark, of Craven.

So the House refused to lay the question upon the table, and it recurred, and was put, and

Decided in the affirmative, { Yeas...............................52

On motion of Mr. Ransom,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Bowman introduced the following:

"Resolved, That a message be sent to the Senate proposing to set aside next Saturday, the 15th instant, for the recom-
mendation and appointment of Justices of the Peace for the several counties in the State,

And the question being thereon,
On motion of Mr. Foy,
The same was laid upon the table.
On motion of Mr. Ward,
"Resolved, That the Committee on Finance be requested to enquire into the expediency of increasing the tax on bank dividends and report by bill or otherwise."

Mr. Davis, of Mecklenburg, presented the statement of the Bank of Charlotte, which was, on his motion, sent to the Senate with a proposition to print.
On motion of Mr. Fleming,
The House reconsidered the vote of yesterday, recommitting (H. R. 98,) the resolution in favor of Joseph H. Gooch, and the question recurring upon the passage of the same,
Mr. Fleming moved to amend as follows:
"Provided, the authority by this act conferred, shall not extend to executors or administrators, or to any person who will voluntarily swear before any justice of the peace for said county, that he or she verily believes that the arrears of taxes claimed from him or her have been paid."
And it was adopted.
Mr. Martin moved to amend as follows:
After "Granville county," insert "And Ealey Staley, former sheriff of Wilkes."
And it was adopted, and the resolution passed the second and third readings.
Bills, etc., of the titles following, were read the first time, passed the first reading and were referred as follows, viz:
By Mr. Padgett, a resolution (H. R. 142,) in favor of J. L. Ward. To Claims.
From the Senate, a bill (S. 143,) to prevent the felling of timber in certain streams in Iredell.
By Mr. Williams, of Nash, a resolution (H. 144,) in favor of James J. Harris.
By Mr. Mendenhall, a bill (H. 145,) to amend the Revised Code, chapter 82, and repeal an act of 1852, title Partition. To Judiciary.

By Mr. Ransom, a bill (H. 146,) to amend the charter of the Raleigh & Gaston Railroad Company. To Internal Improvements.

By Mr. Jenkins, a bill to amend Revised Code, chapter 118, Widows. To Judiciary.

By Mr. Foy, a bill (H. 148,) to establish a public road in Onslow. To Cherokee Lands and Western Turnpikes.

By Mr. Liles, a bill (H. 149,) to amend Revised Code, chapter 107, Slaves and Free Persons of Color. To Judiciary.

By Mr. Ferguson, a bill (H. 150,) to pay tales jurors in Bertie. To the Judiciary.

By Mr. Waugh, a bill (H. 151,) to increase the pay of witnesses. To Propositions and Grievances.

Bills, etc., of the titles following, upon the third reading, passed and were ordered as follows, viz:

H. R. 85, resolution in favor of D. C. Lilly. Ordered to be engrossed and sent to the Senate.

H. 74, bill concerning Iredell county court. Ordered to be engrossed and sent to the Senate.

Mr. Cowles’ bill (H. 18,) to prevent free passes on the North-Carolina Railroad and other State roads, which had been read, was put upon the second reading, when, Mr. Latham moved the same be indefinitely postponed, and the question thereon was put, and

Decided in the affirmative, { Yeas, .........................61
{ Nays, ..........................43

On motion of Mr. Cowles, The yeas and nays being ordered, The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Barrow, Batchelor, Baxter, Blue, Branch, Bridgers, Bullock, Cannady, Cheek, Clark of Davidson, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Donnell, Ewell, Fagg,

And the following in the negative, viz:

Messrs. Albritton, Autry, Booth, Bowman, Burgin, Bynum, Carson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferguson, Ferebee, Folk, Gaither, Gorrell, Guthrie, Harrington, Harris, Henry, Howard, Horton, Jordan, Kelly, Liles, Marsh, Martin, Mendenhall, Merrimon, Patterson, Perkins, Poindexter, Polk, Rogers, Shober, Siler, Small, Tapscott, Wilkerson, Williams of Nash, Winslow and Yeates—43.

Whereupon, it being 10 o’clock and 20 minutes, the House, On motion of Mr. Slade, Adjourned.

WEDNESDAY, 12TH DECEMBER, 1860.

Prayer by the Rev. Mr. Walthal.

Mr. Ewell presented the memorial of Celia Lynch, a free person of color, praying to be allowed to become the slave of Dr. J. T. Watson. Read and referred to the Committee on Propositions and Grievances.

Mr. Cline presented the proceedings and resolutions of a meeting of the people in the county of Catawba. Read and referred to the Committee on Federal Relations.

Reports of standing committees were submitted, received and filed as follows, viz:

By Mr. Person, from the Committee on the Judiciary,

H. 4, bill to amend the Revised Code, chapter 28, "County Revenue and Charges," asking to be discharged from the
consideration of the same, and that it be referred to the Committee on Finance, and it was so ordered.

Also, H. 11, bill to amend Revised Code, chapter 34, "Crimes and Punishments," with the recommendation the same do not pass.

H. 22, bill for the relief of the people, with the same recommendation.

H. 25, bill to amend an act concerning Chatham county, with a substitute therefor, and asking to be discharged from its further consideration.

H. 27, bill to extend the time of registration of deeds, etc., with the recommendation the same do pass.

H. 26, bill to authorize the appointment of special magistrates, with the recommendation the same do not pass.

H. 33, bill to regulate a practice in the county and superior courts, with the following amendment, viz:

Strike out the word "record," wherever the same occurs, and insert "minutes." And so amended, recommended the same do pass.

Also, H. 47, bill to amend Revised Code, chapter 118, "Widows," with the recommendation the same do not pass.

H. 59, bill concerning county taxes, recommending the same be referred to the Committee on Finance, and it was so ordered.

H. 60, bill to amend Revised Code, chapter 34, "Crimes and Punishments," with the recommendation the same do not pass.

H. 77, bill to amend Revised Code, chapter 107, "Slaves and Free Persons of Color," with the following amendment, which was read as follows:

In the second section after the words "to grant licences," insert "to free negroes," and so amended recommended it do pass.

Mr. Fleming from the Committee on Private Bills, reported back (H. 83,) bill to amend the charter of Western North-Carolina Railroad, with a substitute, which he recommended do pass.
Mr. Person, from the Committee on Federal Relations, submitted a report as follows:

"The joint select committee upon Federal Relations, to whom was referred all that part of the Governor's Message upon the subject of Federal Relations, and which recommends,

"1. That this General Assembly invite the Southern States to a conference, or such of them as may be inclined to enter into consultation with us, upon the present condition of the country, and in case that should be found impracticable, then,

"2. The sending of one or more delegates to our neighboring States, with the view of securing concert of action, and,

"3. That a Convention of the people of the State be called to assemble immediately after the proposed consultation with the other Southern States shall have terminated, and,

"4. The reorganization of the militia and the formation of a corps of ten thousand volunteers, with an organization separate from the main body of the militia, and that they be suitably armed and equipped;

And to whom was also referred sundry resolutions, some of which were introduced originally in the Senate and House of Commons, and others passed by meetings of the people in various parts of the State and laid before the Legislature at the request of those meetings; and to whom was also referred 'a bill to authorise and require the Governor of the State of North-Carolina to call a Convention of the people of the State, and for other purposes therein named,'" respectfully report,

"That they have considered the same, with a full appreciation of the momentous interests involved, and have come to the deliberate conclusion that the present crisis in our national affairs gravely imperils the rights and equality of North-Carolina in the Union, and that the sovereign people only
have the right to determine the mode and measure and time of redress; and therefore the committee submit for your consideration the accompanying bill for calling a Convention of the people, and earnestly recommend its passage.

"And they further report, that they are fully impressed with the belief that it is necessary to our safety that the militia should be thoroughly reorganized, and that a volunteer corps of —— thousand men should be speedily formed, and armed and equipped in the most efficient manner; and they earnestly recommend that both shall be done, and that

"And the Committee ask leave to report back all other it be referred to the Committee on Military Affairs, in order that they may furnish the details of measures for that purpose. matters referred to them, and to be discharged from their further consideration."

Respectfully submitted,

SAMUEL J. PERSON,

Chairman.

Mr. Mebane, in behalf of himself and Messrs. Newby and Outlaw, constituting a minority of said Committee, submitted a report, as follows:

"The undersigned, members of the Committee on Federal Relations, unable to concur in the views of the majority, submit the following report:

"The Convention is proposed to be called, in the opinion of the minority, at an earlier period than the exigencies of the occasion demands. It is declared in the bill that the purpose of the Convention is to consider all grievances impairing or affecting the equality and rights of the State of North-Carolina as a member of the United States, and determine the mode, measure and time of redress, and delegates are to be chosen on the 7th and assemble in Raleigh on the 18th of February next. As the bill and report of the majority do not indicate any specific grievances, the minority of your Committee on Federal Relations are unable to determine
whether it is intended to make the impression that the Federal Government has recently assumed any unusual and menacing attitude towards North-Carolina, affecting her equality and rights as one of the United States. Exercising the right of conjecture, the minority of your Committee suppose that the grievances complained of are the personal liberty laws enacted by some of the Northern States, hindering the proper execution of the Fugitive Slave Law. If the minority of your Committee be not mistaken in this conjecture, they would respectfully suggest that, inasmuch as these grievances have existed for a long time under the present and former administrations of the Federal Government, which administrations have met the approbation of a large majority of the people of this State, they cannot now constitute a very urgent reason for the present Legislature to call out the citizens upon such short notice, at an unusual and inclement season of the year to vote for delegates to a State Convention, called, as it is, for the purpose of changing the relations of the State to the Federal Government. The laws complained of are not the acts of the General Government, but of particular States, and being unconstitutional, are null and void. If, however, the grievance complained of and not disclosed is the election of Lincoln to the Presidency—an election effected by a minority vote, in consequence of divisions among his opponents—it is, in the opinion of the minority, an inadequate cause for calling a Convention so hastily, with extraordinary power, which may place North-Carolina out of the Union before the 4th of March next, and before the country can be officially informed of the policy of the incoming administration. Would it not be more prudent to abide the determination of the great efforts now being made at Washington city and elsewhere by patriotic men, to compromise all difficulties and obtain more secure guarantees against the unfriendly legislation of certain Northern States? Let the people have time to deliberate that North-Carolina may not be precipitated out
of the Union, and her influence as a peace maker between the North and South, utterly destroyed. It is further objected to the bill, as reported, that it is not in accordance with the provisions of the Constitution of the State and the usages of the Legislature. The first section of the fourth article of the State Constitution provides that no Convention of the people of the State shall be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and the latter part of said section provides for amendments by the General Assembly. The act of 1856-'57 of the Legislature, amending the Constitution, immediately following the enacting clause, has the words, (two-thirds of the whole number of each House concurring,) and the minority of your Committee, entertaining no doubt but that a concurrence of two-thirds of all the members of each House is demanded to call a Convention of the people, recommend that these words be inserted immediately after the enacting clause of the first section of the reported bill; and in conclusion the minority of your Committee respectfully suggest that measures be taken to procure a Convention of all the States of the Union, with a view to a final settlement of all subjects in controversy between the Northern and Southern States; and if such final settlement cannot be satisfactorily made, that a peaceable separation of the States and an equitable distribution of the property of the Federal Government among all the States may be brought about; and the minority further recommend that the bill reported by the majority do not pass."

Respectfully submitted,

GILES MEBANE,
NATHAN NEWBY,
DAVID OUTLAW.

A BILL TO AUTHORIZE AND REQUIRE THE GOVERNOR OF THE STATE OF NORTH-CAROLINA TO CALL A CONVENTION OF THE PEOPLE OF THIS STATE, AND FOR OTHER PURPOSES THEREIN NAMED.

"WHEREAS, The present crisis in our national affairs, in
the judgement of this General Assembly, gravely imperils the rights and equality of the State of North-Carolina in the Union; and, whereas, it is the privilege of the sovereign people to determine upon the mode and measure of redress; therefore,

"SECTION 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That upon the passage of this act, his Excellency, the Governor, be and he is hereby authorized and required to issue his proclamation, ordering an election to be held in each and every county in this State, on Thursday, the seventh day of February, 1861, upon the federal basis, for delegates to a convention of the people of this State, to convene at the seat of government in Raleigh, on Monday, the 18th day of February, in the year of our Lord, one thousand eight hundred and sixty-one.

"SEC. 2. Be it further enacted, That the said election for delegates shall be held and conducted in the same manner, and at the same places as elections for members of the General Assembly are now held in this State, and the vote shall be counted and the scrolls compared, and certificates issued to the delegates elect, in the manner prescribed by law in the case of an election for members of the House of Commons.

"SEC. 3. Be it further enacted, That in case any vacancy shall occur by the death, resignation, or removal from the State, or by the refusal to serve of any person elected a delegate to said Convention, the presiding officer of the Convention shall issue his writ, directed to the sheriff of the county in which such vacancy may have occurred, after giving such notice as may be ordered by the Convention, to open a poll and hold an election to fill such vacancy in the same manner and under the same rules and regulations as are herein before prescribed for the election of the original delegates.

"SEC. 4. Be it further enacted, That the said Convention
shall consist of one hundred and twenty delegates, and each county in the State shall be entitled to elect the same number of delegates to said convention as the several counties are now entitled respectively to members of the House of Commons under the last apportionment.

"Sec. 5. Be it further enacted, That no delegate elect shall be permitted to take his seat in the said Convention until he shall have taken and subscribed the following oath or affirmation before any Judge of the Supreme or Superior Courts, or any justice of the peace of Wake county, to wit: I, A. B. do solemnly swear, (or affirm, as the case may be,) that I will not do any act contrary to the act of the General Assembly under which this Convention is called; and that I will truly and faithfully discharge my duties as a member of this Convention according to the best of my knowledge and ability: So help me God.

"Sec. 6. Be it further enacted, That the said Convention when assembled may consider all grievances impairing or affecting the equality and rights of the State of North-Carolina as a member of the United States, and determine the mode and measure and time of redress.

"Sec. 7. Be it further enacted, That no ordinance of said convention dissolving the connection of the State of North-Carolina with the Federal Government, or connecting it with any other, shall have any force or validity until it shall have been submitted to, and ratified by a majority of the qualified voters of the State for members of the General Assembly, to whom it shall be submitted for their approval or rejection according to the mode prescribed for holding elections for members of the House of Commons.

"Sec. 8. Be it further enacted, That the said ordinance or ordinances shall be advertised for at least thirty days in the newspapers of this State before the people shall be called upon to vote on the same.

"Sec. 9. Be it further enacted, That the members of said Convention shall be entitled to the same mileage and per
diem pay received by the members of the present General Assembly, to be paid out of the treasury in the same manner as the said members are now paid, and said Convention shall by vote fix the pay of all their officers, and of any delegates or representatives whom they may appoint to any convention or State, and shall provide for all other expenses incurred by said Convention, to be paid out of any moneys in the treasury in the manner they may direct.

"Sec. 10. Be it further enacted, That the said Convention shall have power to elect such officers as they may deem necessary to their organization, and to do and perform all such acts and things as they may consider needful to carry out the true intent and meaning of this act, and the acts and purposes of said Convention.

"Sec. 11. Be it further enacted, That this act shall be in force from and immediately after its ratification."

The bill referred to in the report of the Committee was then entered upon the calendar as H. 152, and entitled "a bill to provide for calling a Convention of the people," and the same being read the first time, passed the first reading by the majority required by the Constitution.

Mr. Person, moved the bill and reports therewith filed be printed and made the special order for Tuesday next.

Mr. Hayes moved to amend by inserting Monday 7th of January.

Mr. Crumpler moved to amend the amendment by inserting "Monday next," and the question being thereon,

Mr. Ferebee moved to lay the bill, reports and amendments on the table, and to order that they be printed.

Mr. Person demanded a division of the question.

Mr. Davis, of Rutherford, moved the yeas and nays be ordered, when the Speaker having stated the question to be first upon the motion to print, the yeas and nays were not ordered, and the motion to print was adopted without division.

The question then being upon the motion to lay upon the table, was put, and
Decided in the negative \{ Yeas..............................51
\} Nays..............................58

On motion of Mr. McCleese,
The yeas and nays being ordered,
The following voted the affirmative, viz:

And the following in the negative, viz:

Mr. Booth paired off with Mr. Davis, of Halifax.
Mr. Mebane paired off with Mr. Green, of Franklin.
So the House refused to lay the question upon the motion of Mr. Person, etc., upon the table, and it recurred.

Mr. Crumpler then withdrew the amendment to the amendment, and the question being upon the amendment of Mr. Rogers, was put and
Decided in the negative \{ Yeas..............................54
\} Nays..............................55

On motion of Mr. Rogers,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


So the amendment not being adopted the question recurred.

Mr. Slade moved to amend by inserting, instead of "Tuesday," "Monday" next.

Mr. Merrimon moved to amend the amendment by inserting "the second of January at 12 o'clock, M."

And the yeas and nays being ordered thereon, Mr. Marsh moved to substitute for the propositions before the House, that "the bill and reports be made the special order for the third of January," and the question was put, and

Decided in the affirmative, { Yeas .........................56
\{ Nays .........................52

On motion of Mr. Clark, of Craven,

The yeas and nays being ordered, the following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Barringer, Blue, Bowman, Bur-

And the following in the negative, viz:

Pending the question, Mr. Person inquired whether this was not one of the cases that came under the rule in relation to the filling of blanks.

The Speaker said that the practice and rule upon that subject did not apply to the proposition of Mr. Marsh.

After the vote had been reported, it being 10 o’clock and 35 minutes,
Mr. Taylor moved the House adjourn, but having withdrawn the same,
Mr. Hill called for the question upon the motion of Mr. Person.

The Speaker said that, under the practice which had obtained in this House, the introduction of a substitute for a motion and amendments, and its adoption by the House, was a rejection of and displaced the original motion and amendments, and accordingly ruled that there was now no question pending.
There being no appeal, the same passed as the judgment of the House.

Ordered, That the bill be the special order for the third of January, 12 o’clock, M.

Mr. Taylor renewed the motion to adjourn, and the question thereon was put and

Decided in the negative, \{ Yeas ......................... 41 \} Nays ......................... 66

On motion of Mr. Batchelor,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Folk paired off with Mr. Waters.

Mr. Meares paired off with Mr. Hoke.

It being now 1 o’clock and 40 minutes, the House,

On motion of Mr. McCleese;

Adjourned.
THURSDAY, 13th DECEMBER, 1860.

Prayer by the Rev. Thomas E. Skinner.

A message was received from the Senate, informing the House of the appointment of Messrs. Morehead, Avery and Simpson the Senate branch of the committee on enrolled bill's.

Also, concurring in the proposition to print the Governor's Report concerning public arms, and the accompanying documents.

Also, transmitting the report of the Commissioners of the Sinking Fund, and proposing to print the same, in which the House concurred.

Also, proposing to print the bill and reports from the Committee on Federal Relations.

On motion of Mr. Person,

Ordered, That the Senate be informed that the House has already ordered the printing of the bill and reports from the Committee on Federal Relations.

Mr. Foust presented the memorial of and others, concerning the increase of public revenue, which being read was referred to the Committee on Finance.

Mr. Peebles presented the petition of W. H. Gaines and others, concerning free negroes.

Mr. Gaither presented the proceedings and resolutions of a meeting of the people in the county of Iredell. Read and referred to Federal Relations.

Mr. Person stated that Messrs. Stanford and Meares had been suddenly called home by information of public danger in their respective counties, and asked leave of absence for them, which was granted.

Mr. Marsh presented the proceeding and resolutions of the people in the county of Surry. Read and referred to Federal Relations.

On motion of Mr. Henry,

"Resolved, That the Treasurer of the State be requested to furnish the House of Commons with a detail of the items
for which he has charged in his report $13,479.07, as 'contingent expenses.'"

On motion of Mr. Blue,
"Resolved, That the Committee on Military Affairs be, and they are hereby instructed to enquire into the expediency of establishing one or more arsenals of deposit for the arms of the State, under proper superintendents, and also to enquire the number and kind of arms necessary to an efficient arming of the State, and that they report by bill or otherwise."

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

By Mr. Bynum, from the Committee on Agriculture,
H. 52, bill to encourage Agricultural Societies, with the recommendation the same do not pass.

By Mr. Fleming, from the Committee on Internal Improvements,
H. 116, bill to amend Revised Code, chapter 61, "Internal Improvements," with the recommendation the same do not pass.

Also, H. 121, bill to charter the University Railroad Company, with the following amendment, viz:
"Be it further enacted, That the North-Carolina Railroad Company is hereby authorized to subscribe stock in said company not exceeding $50,000, and to pay the same out of the nett earnings of their road."

And so amended, recommended it do pass.

Bills, etc., of the titles following were introduced, read, passed the first reading and referred as follows, viz:

By Mr. Wilkerson, a resolution, (H. R. 153,) in favor of J. Tapscott. To Claims.

By Mr. Clark, of Craven, bill (H. 154,) in favor of Daniel Daugherty and wife, and a memorial. To Propositions and Grievances.

By Mr. Fagg, bill (155,) to amend Revised Code, chapter 45, "Executions." To Propositions and Grievances, and ordered to be printed.
By Mr. Marsh, bill (H. 156,) to provide for limited partnerships. To Judiciary.

By Mr. Cowles, bill (H. 157,) to authorize the issue of small bills. To Banks and Banking.

By Mr. Davis, of Mecklenburg, bill (H. 158,) to charter the Industrial Savings Bank of Charlotte. To the same committee.

By Mr. Person, bill (H. 159,) to charter the Wilmington Water Works Company. To Private Bills.

By Mr. Faison, bill (H. 160,) concerning the License Law in Sampson county. To Propositions and Grievances.

By Mr. Ewell, bill (H. 161,) in favor of Celia Lynch. To Propositions and Grievances.

By Mr. Cowles, bill (H. 162,) in favor of W. W. Long. To the same Committee.

By Mr. Wright, bill (H. 163,) to charter the Lafayette Light Infantry. To Corporations.

By Mr. Barringer, bill (H. 164,) for the relief of the Sheriffs of North-Carolina. Ordered to be printed, and referred to the Committee on Finance.

By Mr. Small, bill (H. 165,) to amend Revised Code, chapter 107, "Slaves and Free Persons of Color." To Judiciary.

By Mr. Williamson, bill (H. 166,) concerning County Courts in Columbus. To Judiciary.

By Mr. Wilkerson, bill (H. 167,) to increase the pay of constables. To the Judiciary.

By Mr. Waugh, bill (H. 168,) to require registration of free persons of color. To Propositions and Grievances.

By Mr. Guthrie, bill (H. 169,) concerning Jurors. To Judiciary.

By Mr. Gorrell, bill (H. 170,) to abolish jury trials in the County Courts. To Judiciary.

From the Senate, bill (S. 171,) to amend Revised Code, chapter 120, "Wrecks."

By Mr. Gorrell, bill (H. 172,) for the relief of securities, To Judiciary.
By Mr. Cannady, bill (H. 173,) to reduce the salary of the Superintendent of Common Schools.

On motion of Mr. Martin, Referred to the Committee on Education.

A message was received from his Excellency, the Governor, by the hands of Graham Daves, his Private Secretary, enclosing the Report of the Managers of the Literary Fund, which being read, was

On motion of Mr. Ferebee, Sent to the Senate with a proposition to print.

H. 22, bill for the relief of the people, being read the second time, and the question thereon, Mr. Crumpler offered the following amendments, viz:

1. "Amend the 8th line by striking out the words, "of or over one hundred dollars," and, also, add as section 2;

2. "When any judgment shall be given against any citizen of this State, before any justice of the peace, in any action of debt or assumpsit, for any sum within the jurisdiction of a single justice, execution shall be stayed thereon for the space of nine months, by giving security for the payment thereof in the manner now prescribed by law for staying executions on judgments given by single justices, and if such judgment shall not be discharged at the time to which the execution has been stayed, any justice may issue execution against the principal or security or either of them.

3. "Make the ratifying section No. 3."

A division being demanded, the question was put first upon amendment No. 1, and it was adopted, when the question being upon amendment No. 2, Mr. Fagg moved the bill and amendments be laid upon the table, and the question thereon was put, and

Decided in the affirmative, } Yeas.............................57
                 \ Nays...............................49

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

12

And the following in the negative, viz:


On motion of Mr. Ward,

H. #130, Mr. Wishart’s bill to relieve the people and for a stay law, was taken up and referred to the Committee on Judiciary.

At 12 o’clock and 35 minutes, Mr. Taylor moved the House do now adjourn, and the question thereon was put, and

Decided in the negative

<table>
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<th>Yeas</th>
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<td>68</td>
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On motion of Mr. Potts,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Barringer, Booth, Bridgers, Bullock, Bynum, Carson, Donnell, Fagg, Ferebee, Gaither, Green of Franklin, Love of Haywood, McCleese, Marsh, Martin, Menden-
FRIDAY, 14TH DECEMBER, 1860.

Mr. Donnell presented the resolutions of the citizens of Long Acre district, Beaufort county, upon federal relations.

Mr. Batchelor presented the memorials of Richard Boyd and others, concerning the Roanoke Navigation Company, which being read were referred to the Committee on Propositions and Grievances.

Mr. Pope presented the proceedings and resolutions of the people in the county of Halifax, which being read, were referred to the Committee on Federal Relations.

Mr. Davis, of Bladen, presented the proceedings and resolutions of the people of Bladen county, which,

On motion of Mr. Faison,

Were referred to the Committee on Federal Relations.

Reports were submitted, filed and received from standing committees as follows, viz:
By Mr. Baxter, from the Committee on Propositions and Grievances,
H. 5, bill to establish the county of Mitchell, with the recommendation the same do pass.

By Mr. Wright, from the Committee on Private Bills,
H. 89, bill to abolish jury trials in Watauga county, with the recommendation the same do pass.

By Mr. Baxter, from the Committee on Propositions and Grievances,
H. 92, bill to establish the county of Transylvania, with the recommendation the same do pass.

By Mr. Waugh, from the Committee on Corporations,
H. 96, bill to amend Revised Code, chapter 26, "Corporations," with a substitute therefor, and recommending the same do pass.

By Mr. Baxter, from the Committee on Propositions and Grievances,
H. 110, bill for the relief of Ellen Ransom, with the recommendation the same do pass.

Mr. Ferebee from the Committee on Education,
H. 120, bill to amend the charter of Haywood Male and Female Academy, and memorial, with the recommendation the same do pass.

Also, (H. 132,) bill to amend Revised Code, chapter 66, Literary Fund and Common Schools, with the recommendation the same do not pass.

By Mr. Baxter from the Committee on Propositions and Grievances,
H. 141, bill for the relief of Cynthia Chavis, with the recommendation the same do pass.

Also, (H. 156,) bill and memorial in favor of Daniel Daugherty and wife, with the recommendation the same do pass.

Bills, etc., of the titles following, were introduced, read, passed the first reading and were ordered as follows, viz:
By Mr. Simonton, bill (H. 174,) to amend charter of Statesville. To Private Bills.

By Mr. Merrimon, bill (H. 175,) to charter the Buncombe Savings Bank. To Banks and Banking.

By Mr. Davis, of Bladen, bill (H. 176,) to charter the Bladen Guards. To Military Affairs.

By Mr. Fagg, bill (H. 171,) in favor of G. A. McDowell. To Private Bills.

A message was received from His Excellency, the Governor, (No. 9,) enclosing a letter from the Governor and proceedings of the Legislature of Texas, upon the subject of Federal Affairs, which being read, were,

On motion of Mr. Hayes, Sent to the Senate with a proposition to print.

Bills, etc., of the titles following, being read the second time, passed the second reading and other proceedings were had, as follows, viz:

H. 5, bill to establish the county of Mitchell, being read the second time, the question was put as follows: "Shall this bill pass the second reading?" and

Decided in the affirmative, \{ Yeas .................................. 59 \\
\{ Nays...................................... 41

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Davis of Rutherford, paired off with Mr. Cannady.

H. 96, bill to amend Revised Code, chapter 26, Corporations,

On motion of Mr. Mendenhall,
The Calendar Rule being suspended, was read the second time, and the question being upon the substitute recommended by the Committee on Corporations,

Mr. Green of Franklin offered the following amendment:

"Be it further enacted, That two of the Directors in all corporations, under this act, shall be residents of North-Carolina."

And the question being thereon,
Mr. Fleming offered the following amendment thereto:

"Be it further enacted, That each stockholder shall be individually liable for the debts of every such company to double the amount of his stock."

And the question being thereon,
On motion of Mr. Hays,
The bill was recommitted to the Committee on Corporations.

H. 25, bill to amend an act concerning Chatham county, was read the third time, and the question being thereon,

Mr. Potts moved to amend by adding "Mecklenburg,"
Mr. Watson, "Columbus."

And they were adopted.

Other amendments were proposed by the members from several counties, as follows:

By Mr. Faison, so as to include Sampson, by Mr. Slade,
the county of Rockingham, and by Mr. Kallum, the county of Stokes.

And they were adopted.

Mr. Hall offered the following amendment:

"Be it further enacted, That the jurisdiction hereby conferred, shall extend only to cases where the petitioners or some one of them, in person or by their guardian, next friend, agent or attorney, shall make oath that the value of the real estate proposed to be sold is not more than five hundred dollars."

And the question being thereon, and it being 2 o'clock and 6 minutes, Mr. Clark, of Craven, moved the House adjourn.

Mr. Bynum moved the yeas and nays be ordered, and the motion was withdrawn, and the question recurring,

Mr. Marsh moved the same be indefinitely postponed, and the question being thereon,

Mr. Clark, of Craven, moved the House adjourn,

And it was adopted.

And so at 2 o'clock and 12 minutes, the House adjourned.

SATURDAY, 15TH December, 1860.

Jesse C. Griffith, Esq., sheriff of Caswell county, in obedience to a writ of election, to him addressed, under an order of the House, on the 27th of November last, made a return thereto, in open House, as follows, viz: that an election had been held in said county, on the 12th December, 1860, to fill the vacancy in this House, caused by the resignation of Mr. John Kerr, late a member from the county of Caswell, with the following result, viz:

Elijah K. Withers had received 414 votes; Thomas A. Donnaha 28 votes; Calvin Graves 34 votes; William Long 6 votes; James E. Williamson 5 votes; John A. Graves and D. Burch, 2 votes each; A. A. Pattillo, Joseph S. Thompson,
George N. Thompson and C. N. B. Evans, 1 vote each, and that Elijah K. Withers had been duly elected.

On motion of Mr. Hill,

The House concurring, the said Elijah K. Withers appeared at the Clerk's desk, and in open House, in the presence of the Speaker and the House "took and subscribed," the oaths prescribed by law, and immediately thereafter took a seat in the hall, and "entered upon the execution of his office," and he filed with the Clerk a certificate of his said election, and the oaths subscribed by him as aforesaid.

Mr. Siler presented the memorial of Barak Morecum and others, citizens of the county of Jackson, praying to be attached to the county of Macon. Read and referred to the Committee on Propositions and Grievances.

Mr. Marsh presented the proceedings and resolutions of a meeting of the people in the county of Beaufort, upon the subject of federal relations, which being read were left on the table.

Mr. Henry presented the proceedings and resolution of a meeting of the people in the county of Bertie, upon federal relations, which being read were left on the table.

Mr. Love, of Jackson, presented the memorial of Henry Gillespie and others, concerning obstructions in certain rivers, which was referred to the Committee on Propositions and Grievances.

A message was received from the Senate, concurring in the proposition to print the letter of the Governor of Texas, and accompanying papers.

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

By Mr. Gorrell, from the Committee on Private Bills,

H. 62, bill concerning Guilford county, recommending its passage, with the following amendment:

"Provided, That if it shall appear to the satisfaction of the court that the applicant for removal is insolvent and unable to give said bond, then and in that case, said appli-
I860.]

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cant may remove his cause to the courts of Guilford, without giving said bond.''

H. 79, bill to charter the Buncombe Powder Manufacturing Company, with the recommendation the same do pass.

H. 81, bill to charter the Greensboro' Gas Light Company, with the same recommendation.

Mr. Baxter, from the Committee on Propositions and Grievances, reported

H. 84, bill to prevent and punish damage by camp-fires, with the following amendment:

"Provided, That the said enactment shall apply only to the counties of Cumberland, Harnett, Bladen and Moore."

And so amended recommended it do pass.

Mr. Gorrell, from the Committee on Private Bills, also reported as follows:

H. 85, bill to charter the Asheville Water Company.

H. 102, bill for the relief of the sureties of John S. Willis.

H. 112, bill to charter Green Hill Cemetery.

H. 122, bill to amend the charter of Thomasville, with the recommendation the same do pass.

Also, (H. 167,) bill to increase the pay of constables, with the following amendment:

Strike out "'execution,'" after "'every,'" and before "'fifty,'" and insert "'levy'" in the seventh line from the top. Also the words "'for each continuance of the case one dollar,'" in the ninth line from top.

And so amended recommended it do pass.

H. 177, bill in favor of A. D. McDowell, recommending the same do not pass.

Mr. Yeates, from the Committee on the Judiciary, reported,

H. 89, bill to amend Revised Code, chapters 62 and 31, "Justices of the Peace," and "Courts, County and Superior," with the recommendation the same do not pass.

Mr. Fleming, from the same committee, reported,

H. 97, bill concerning official bonds of Coroners, with a substitute, recommending it do pass.
Mr. Newby, from the Committee on Private Bills, reported H. 174, bill to amend the charter of Statesville, with the recommendation the same do pass.

Mr. Foy introduced the following resolution:

"Resolved, That the Committee on the Judiciary, to whom was referred bill (H. 17) to suspend the law of the State concerning civil executions, for two years, be requested to report the same back to the House at an early day."

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

By Mr. Jordan, a resolution (H. R. 178) in favor of the sheriff of Henderson. To Propositions and Grievances.

By Mr. Mendenhall, a bill (H. 179,) to charter the Greensboro' Hotel Company. To Private Bills.

By Mr. Love, of Jackson, bill (H. 180,) to prevent obstructions in Caney Fork, in Jackson. To Propositions and Grievances.

By Mr. Bridgers, bill (No. 181,) to amend charter of the North-Carolina State Agricultural Society. To the Committee on Agriculture.

Mr. Donnell moved that "a message be sent to the Senate, proposing that on Thursday next, at 12 o'clock, the two Houses proceed to the election of a United States Senator for the term commencing on the 4th of March next," and that the yeas and nays be ordered thereon. Mr. Person objecting that, by the 33d rule of the House, Saturday was devoted "to private bills and private business only," the Speaker held that, by rule 13, "motions and messages to elect officers were always in order," and entertained the motion, and there being no appeal, the same passed as the judgment of the House, and the question being thereon,

Mr. Fleming moved the same be laid upon the table, and this question was put, and

Decided in the affirmative, { Yeas.........................45

{ Nays..........................44
On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following members of the House were present and voted in the affirmative, viz:


And the following members were present and voted in the negative, viz:


Mr. Booth paired off with Mr. Davis of Halifax; Mr. Davis of Rutherford with Mr. Cannady; Mr. Folk with Mr. Waters; Mr. Liles with Mr. Woodard; Mr. Martin with Mr. Bullock; Mr. Rogers with Mr. Ransom; Mr. Whitehurst with Mr. Logan; Mr. Yeates with Mr. Batchelor.

Mr. Marsh then introduced the following resolution.

"Resolved, That a message be sent to the Senate, proposing on Wednesday next at 12 o'clock, to go into the election of a United States Senator, for the term commencing on the 4th March next;"

And demanded tellers. He said that upon the vote just taken there had been recorded the names of two more members, as present and voting, than in fact were actually pres-
ent and voting. The speaker said, that the roll of members present and voting, had been distinctly read, and the names of 45 members were recited and recorded, as present and voting in the affirmative, and 44 names of members recorded and recited as voting in the negative; that if there was any mistatement or mistake, it could be corrected, and held there was no occasion for tellers, and refused to order tellers, and there being no appeal, this passed as the judgement of the House.

The question then being upon the adoption of the resolution,

Mr. Love, of Jackson, moved the same be laid upon the table, and the question being thereon, and at 12 o'clock and 8 minutes, Mr. Person moved the House do now adjourn, and this question was put and

Decided in the negative, { Yeas .................. 45
Nays .......................... 48

On motion of Mr. Marsh,

The yeas and nays being ordered, the following members were present and voted in the affirmative, viz:


And the following were present and voted in the negative, viz:

Messrs. Albritton, Alfred, Barringer, Blue, Booth, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Dickson, Donnell, Farrow, Ferebee, Foust, Gaither, Gorrell, Green of Chatham, Hanes, Harris, Hayes, Henry, Howard, Horton, Jordan, Kelly, Latham, Liles, Marsh, Martin, Mebane, Mendenhall, Merrimon,
Newby, Patterson, Perkins, Poindexter, Polk, Russ, Shober, Siler, Simonton, Taylor, Whitehurst, Williams of Pasquotank and Winslow—48.

So the House refused to adjourn, and the question was then put upon the motion of Mr. Love, of Jackson, to lay upon the table and

Decided in the affirmative

\[
\begin{align*}
\text{Yeas} & \quad \ldots \quad 46 \\
\text{Nays} & \quad \ldots \quad 45
\end{align*}
\]

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered, the following members were present and voted in the affirmative, viz:


And the following members were present and voted in the negative, viz:


At 12 o'clock, and 31 minutes, Mr. Wooten moved the House do now adjourn, and the question thereon was put and

Decided in the negative

\[
\begin{align*}
\text{Yeas} & \quad \ldots \quad 44 \\
\text{Nays} & \quad \ldots \quad 51
\end{align*}
\]

On motion of Martin,
The yeas and nays being ordered,
The following members were present and voted in the affirmative, viz:


And the following were present and voted in the negative, viz:


At 12 o'clock and 40 minutes, Mr. Baxter moved the House do now adjourn, and the question thereon was put, and

Decided in the negative, \{\begin{align*}
\text{Yeas} & \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots 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\text{Nays} & \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdOTS
\end{align*}\}

On motion of Mr. Henry,
The yeas and nays being ordered,
The following members were present, and voted in the affirmative, viz:

Messrs. Autry, Barrow, Baxter, Branch, Bridgers, Bynum, Cline, Davis of Bladen, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Galloway, Green of Franklin, Hall, Harrington, Hill, Jenkins, Kallum, Love of Haywood, Love of Jackson, McMillan, Mordecai, Padgett, Pearson, Peebles, Person, Potts, Shaw, Slade, Small, Speight, Tapscott,

And the following were present and voted in the negative, viz:


At 12 o’clock and 49 minutes, Mr. Padgett again moved the House adjourn.

Mr. McCleese moved the yeas and nays be ordered, and the motion was withdrawn.

Mr. Marsh moved there be a call of the House, and then the motion was withdrawn.

Mr. Person moved the calendar be suspended, and the bill (174) to amend the charter of the town of Statesville considered, and the House concurred, the bill was read the second and third times, passed the second and third readings.

Ordered, That it be engrossed and sent to the Senate.

On motion of Mr. Ward,

Leave of absence was granted Mr. Wooten, from and after Monday next to the 1st of January.

Mr. Fleming moved that the House consider the bill (No. 90,) upon the calendar,

And it was not adopted.

Mr. Yeates gave notice that on Monday next, at 12 o’clock, he will call up his resolutions upon the subject of federal relations; and then the House,

On motion of Mr. Liles,

And at 12 o’clock and 23 minutes, adjourned.
MONDAY, 17TH DECEMBER, 1860.

The Journal of Saturday was read, and first being,
On motion of Mr. Marsh,
Corrected, was approved.

Mr. Potts presented the proceedings of a meeting of the people at Morrows' Turnout, Mecklenburg county, upon the subject of federal relations. Left upon the table.

Mr. Jordan presented the proceedings of a meeting of the people in the county of Henderson, upon the subject of federal relations. Left upon the table.

Mr. Foy presented the proceedings of a meeting of the people in the county of Onslow, upon federal relations. Left upon the table.

Reports of standing committees were submitted, received and filed as follows, viz:

By Mr. Fleming, from the Committee on the Judiciary,
H. 113, bill to amend an act concerning the Superior Courts of Rowan, with the recommendation the same do pass.

By Mr. Batchelor from the same committee, (H. 114,) bill in favor of witnesses, with the recommendation the same do not pass.

Also, H. 125, bill to amend Revised Code, chapter 28, "County Revenue and Charges," with the recommendation that the same be referred to the Committee on Finance. The House concurred.

By Mr. Baxter from the Committee on Propositions and Grievances,
H. R. 138, (a) resolution in favor of the administrators of M. M. Plunkett, with the recommendation the same do pass.

By Mr. Batchelor, from the Committee on the Judiciary.
H. 139, bill to amend Revised Code, chapter 31, "Courts, County and Superior," with the recommendation the same do not pass.

Mr. Love, from the Committee on Cherokee Lands, reported back

H. 148, bill to establish a Public Road in the county of
Onslow, with the recommendation the same be referred to the Committee on Internal Improvements. In this the House concurred.

By Mr. Baxter, from the Committee on Propositions and Grievances,

H. 151, bill to increase the pay of witnesses, with the recommendation the same do pass.

Also, H. 160, bill concerning the License Law in Sampson county, with the recommendation the same do pass.

H. 161, bill in favor of Celia Lynch with the recommendation the same do pass.

Mr. Fleming from the Committee on the Judiciary reported back, the resolution of Mr. Padgett, concerning justices of the peace, with the request they be discharged from its further consideration, inasmuch as the change contemplated, requires an alteration in the Constitution of the State. The House concurred.

Mr. Batchelor, from the same Committee, reported the resolution of Mr. Ferguson upon the subject of revenue, with the recommendation that the same be referred to the Committee on Finance. In this the House concurred.

Mr. Blue introduced the following resolution, viz:

"Resolved, That the Committee on Finance be and they are hereby instructed to exclude from the forthcoming Revenue Bill, the tax heretofore imposed on Collateral descents," and the question being thereon,

On motion of Mr. Mendenhall,

The same was laid upon the table.

Mr. Ferebee introduced the following resolution:

"Resolved, That a message be sent to the Senate proposing to raise a joint select committee of three on the part of this House, and two on the part of the Senate to take into consideration whether it is the sense of the General Assembly to adjourn over at Christmas to any definite period, and if so, when and to what time, and that they report the same at as early a day as practicable."

13
And the question being thereon, Mr. Foy moved the same be laid on the table, and it was not adopted, and the question then being upon the resolution, it was adopted; and the message was sent accordingly.

Bills, etc., of the following titles were introduced, read the first time, passed the first reading and were referred or otherwise ordered as follows, viz:

By Mr. Bowman, a resolution (H. R. 182,) in favor of sureties of S. M. Bray. To Propositions and Grievances.

By Mr. Waters, a bill (H. 183,) to establish the Manufacturer's Bank. Ordered to be printed, and referred to the Committee on Banks and Banking.

By Mr. Clark, of Craven, bill (H. 184,) to amend Revised Code, chapter 48, "Fences." To Judiciary.

By Mr. White, bill (H. 185,) to charter the Dallas and King's Mountain Railroad. Ordered to be printed, and referred to Internal Improvements.

By Mr. Hayes, bill (187,) concerning betting in public buildings. To Judiciary.

By Mr. Simonton, bill (H. 187,) to amend charter of the Iredell Blues. To Military affairs.

By Mr. Person, a bill (H. 188,) to provide a mechanics' lien. To Judiciary.

By Mr. Waugh, bill (189,) in favor of W. Haymore, sheriff of Surry. To Propositions and Grievances.

By Mr. Williams, of Nash, bill (H. 190,) to provide for Commissioners on Federal Affairs. To Federal Relations.

By Mr. Hayes, bill (H. 191,) to repeal an act of 1840, concerning rivers in Cherokee. To Judiciary.

By Mr. Albritton, bill (H. 192,) for the relief of the Greenville and Raleigh Plank Road Company. To Judiciary.

At 12 o'clock and 40 minutes, Mr. Yeates moved that the House proceed to the consideration of H. R. 138, (b.) concerning South-Carolina, when Mr. Harris moved the same be laid upon the table, and it was adopted, there being counted yeas 60, nays 32.
A message was received from the Senate concurring in the proposition to raise a joint committee upon the subject of an adjournment at Christmas, and that Messrs. Dobson and Ramsay, had been appointed on the part of the Senate. Whereupon the Speaker appointed Messrs. Ferebee, Hill and Green on the part of the House. The Senate having further informed the House of the appointment of Messrs. Dickson, Dockery and Humphrey to the committee on enrolled bills for the week, the Speaker appointed Messrs. Merrimon, Williams, of Cumberland, Patterson, Lemmonds and Yeates on the part of the House.

At 1 o'clock and 40 minutes the House, on motion of Mr. Folk, adjourned.

TUESDAY, 18TH, December, 1860.

Mr. Harris presented the proceedings of a meeting of the people in the county of Cabarrus upon the subject of federal relations, which were read and left on the table.

Mr. Liles presented the proceedings of a meeting of the people in Anson upon the same subject. Left on the table.

Mr. Hill presented the proceedings of the people in the county of Caswell.

Mr. Green, of Franklin, the proceedings of the people in Franklin, both upon the subject of federal relations, which being read, were left upon the table.

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

By Mr. Baxter, from the Committee on Propositions and Grievances,

H. R. 64, resolution in favor of James S. Ives, with the recommendation the same do pass.

H. R. 73, resolution in favor of the sureties of John S. Willis, with the recommendation the same do pass.
H. 123, bill concerning the Wardens of the Poor in Wake county, with the recommendation the same do pass.

By Mr. Person, from the Committee on the Judiciary,
H. 166, bill concerning County Courts in Columbus, with the recommendation the same do pass.

By Mr. Baxter, from the Committee on Propositions and Grievances,
H. R. 178, resolution in favor of the sheriff of Henderson, with the recommendation the same do not pass.

By Mr. Bynum, from the Committee on Agriculture,
H. 181, bill to amend the charter of the State Agricultural Society, with the recommendation the same do pass.

By Mr. Baxter from the Committee on Propositions and Grievances,
H. R. 182, resolution in favor of the sureties of S. M. Ray, with the recommendation the same do pass.

Mr. Simonton, from the Committee on Military Affairs, reported,
H. 193, a bill to provide for the purchase of arms, and the same was read the first time and passed the first reading.

Mr. Waters moved the same be read the second time, and the question thereon was put, and (two-thirds not voting therefor)

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 62 \{ Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 52

On motion of Mr. Padgett,
The yeas and nays being ordered, the following voted in the affirmative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Batchelor, Baxter, Booth, Bowman, Branch, Bridgers, Bullock, Cannady, Cheek, Cline, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Faison, Ferguson, Fleming, Foy, Galloway, Green of Franklin, Hall, Harrington, Hayes, Hill, Jenkins, Kallum, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Mitchener, Mordecai, Padgett, Pearson, Peebles, Person, Pope, Potts, Ransom, Shaw, Siler, Slade, Small, Speight, Stanford, Tapscott, Ward,

And the following in the negative, viz:


Mr. Clark, of Craven, paired off with Mr. Wooten.

Mr. Merrimon moved the bill be printed, and it was no adopted.

Mr. Fagg, from the Committee on Military Affairs, to whom the resolution of Mr. Merrimon, concerning a State foundry had been referred, submitted a report as follows, viz:

"The joint select committee on military affairs, to whom was referred a resolution from the House of Commons, instructing them "to enquire into the expediency of establishing a State Foundry at some point on Deep river, in this State," ask leave to report: That in the judgment of the committee, the establishment by the State of a foundry for the casting of cannon, and the establishment of a manufactory of arms of all kinds would be expedient and proper, but the committee is without information as to the extent and cost of such works as this State would probably need, and is therefore unable to act in the matter. For the purpose of obtaining information upon this important point, the committee ask to report the following resolution:

"Resolved, That his Excellency, the Governor of this State, be requested to furnish to this House such information as he may have in his possession, and such as he can procure in the next thirty days, as to the probable cost of such
works as will enable the State of North-Carolina to cast her own cannon and manufacture her own arms.’’

In this report and resolution the House concurred.

Mr. Ferebee, from the Committee on Adjournment at Christmas, submitted the following report and resolutions, viz:

‘‘The joint select committee to whom was referred the proposition to adjourn during the Christmas holidays, have had the same under consideration, and beg leave to submit the following resolutions, viz:

‘‘Resolved. That a general leave of absence be granted to all such members as choose to accept it, from and after Thursday, the 20th instant, until Monday, January 7th, 1861.

‘‘Resolved, That no bill or resolution of a public nature shall be acted upon from December 20th, 1860, to January 7th, 1861.’’

The question being thereon,

Mr. Fleming moved to amend the same by striking out ‘‘the 7th January,’’ and inserting ‘‘the 2nd January.’’

Mr. Hayes offered to amend by substituting the 1st of January, instead of the 2nd.

And it was accepted.

And the question being thereon,

Mr. Cheek offered the following amendment:

Strike out the ‘‘1st of January,’’ and insert ‘‘the day upon which a bill to arm and equip the State of North-Carolina shall pass both Houses and be ratified.’’

The Speaker ruled the amendment not in order, and the question being upon the amendment of Mr. Fleming, was put and

Decided in the affirmative, { Yeas ......................... 63
                               Nays ......................... 55

On motion of Mr. Slade,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:


The question recurring, Mr. Cheek offered the following substitute:

"Resolved, That the General Assembly will not take a recess until both Houses shall have acted finally upon a bill to arm and equip the State."

And the question being thereon,

Mr. Yeates moved the same be laid upon the table, and the question thereon was put, and

Decided in the negative, Yeas.................................50
Nays.................................................65

On motion of Mr. Cheek,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


Pending which a message was received from his Excellency, the Governor, by the hand of Graham Daves, his private secretary, announcing the arrival of two Commissioners from the State of Alabama, with authority to confer upon the subject of federal affairs, viz: "Hon. Richard H. Smith and Hon. I. W. Garrott, and the same being read,

Mr. Mebane moved the same be sent to the Senate.

Mr. Person moved that a message be sent to the Senate, communicating the message, and proposing that a joint select committee of three on the part of the House and two on the part of the Senate, be appointed to make arrangements for the due reception of the Commissioners of Alabama, and to tender them the freedom of the two Houses of the Assembly during their stay; and that the Governor's mes-
sage be printed. The amendment was accepted, and the House concurring, the message was ordered and sent accordingly.

On motion of Mr. Davis, of Rutherford,
Leave of absence was granted Washington M. Hardy, assistant clerk of the House, until the 3d day of January next.

The House resumed the question upon the resolutions of Mr. Ferebee and substitute.

Mr. Clark, of Craven, moved the same be indefinitely postponed, and the question thereon was put and

Decided in the negative, \{ Yeas ................................... 44
\{ Nays ................................... 72

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Autry, Barrow, Batchelor, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Check, Cline, Cowles, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Ewell, Faison, Ferguson, Fleming, Foy, Gaither, Gorrell, Green of Franklin, Green of Stanly, Hall, Hanes, Harris, Hill, Howard, Hoke, Jenkins, Kallum, Kelly, Latham, Lemmonds, Liles, Logan, Love of Haywood, Love of Jackson, McMillan, Martin, Mitchener, Mordecai, Padgett, Pearson, Peebles, Person, Pope, Potts, Ransom, Shaw, Shober, Simonton, Small, Speight,

And the question was put upon the substitute of Mr. Cheek, and

Decided in the negative yeas ........................................... 42
Nays ................................................................. 72

On motion of Mr. Fleming,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:


And the question recurring, Mr. Marsh, moved to amend by striking out all after the word "until," in resolution No. 1.

And it was not adopted.
The question was then put upon the resolutions as amended and
Decided in the affirmative, Yeas............................62
Nays............................53

On motion of Mr. Person,
The yeas and nays being ordered, the following voted in
the affirmative, viz:
Messrs. Autry, Barringer, Barrow, Baxter, Blue, Booth,
BOWMAN, Branch, Burgin, Cannady, Carson, Clark of
Davidson, Cline, Cowles, Davis of Bladen, Davis of Rutherford,
Fleming, Gaither, Galloway, Green of Chatham, Green
of Franklin, Green of Stanly, Hanes, Harrington, Harris,
Hayes, Hill, Howard, Horton, Jenkins, Kallum, Kelly,
Latham, Logan, Love of Haywood, Love of Jackson, McMillan,
Martin, Mebane, Mitchener, Mordecai, Patterson, Pearson,
Peebles, Potts, Ransom, Russ, Shober, Siler, Simonton,
Small, Stanford, Tapscott, Watson, White, Whitehurst,

And the following in the negative, viz:
Messrs. Albritton, Alfred, Batchelor, Bridgers, Bullock,
Bynum, Cheek, Clark of Craven, Crawford, Crumpler, Davis
of Mecklenburg, Dickson, Donnell, Ewell, Fagg, Faison,
Farrow, Ferguson, Ferebee, Folk, Foy, Gorrell,
Guthrie, Hall, Henry, Hoke, Jordan, Lemmonds, Liles,
McCleese, Marsh, Mendenhall, Merrimon, Newby, Perkins,
Person, Poindexter, Polk, Pope, Rogers, Shaw, Slade,
Speight, Taylor, Ward, Waters, Waugh, Williams of Cumberland,
Williams of Nash, Williams of Pasquotank, Woodward and Wright—53.

A message was received from the Governor, transmitting
the report of the Managers of the Cape Fear and Deep River
Navigation Company, and the same was,
On motion of Mr. Hoke,
Ordered, To be sent to the Senate,
Mr. Marsh, moved that a message be sent to the Senate,
proposing the appointment of a joint select committee, of five members of each House, upon the subject of Slaves and Free Negroes.

And it was adopted.

Other resolutions and bills were introduced, read the first time, passed the first reading, and proceedings had as follows, viz:

By Mr. Mebane, resolution (H. R. 194,) to provide for a Convention of all the States. Ordered to be printed, and

On motion of Mr. Person,
Postponed until the 3rd of January.

By Mr. Marsh, a resolution (H. R. 195,) in favor of Joseph Potts and others. To Claims.

By Mr. Henry, a resolution to provide a United States flag for the Capitol.

Mr. Crumpler, moved the same be read the second time, and passed the second reading, and the question thereon was put and

Decided in the negative, (two thirds Yeas ..........62 not voting therefor,) as follows, Nays ..........49

On motion of Mr. Henry,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Baxter, Bridgers, Bullock, Bynum, Can-

Pending which, Mr. Person presented the memorial of B. H. Prevett and others concerning an over payment of taxes, which was, on his motion, referred to the Committee on Finance ; and

Mr. Yeates presented the memorial of L. R. Jernagain and others concerning free persons of color, which was left on the table.

Mr. Galloway introduced a resolution (H. R. 197,) for a general conference of the States at New York.

Ordered to be printed and referred to Federal Relations.

Mr. Fleming, a bill (H. 198,) to amend a charter of the Bank of Salisbury. Read and passed the first reading, and referred to banks and Banking.

Mr. Merrimon, a bill (H. 199,) which was not read, when at 1 o'clock and 58 minutes, Mr. Gaither moved to adjourn.

Mr. Martin moved to amend by inserting until this, P. M. at 3 o'clock, and it was not adopted.

The motion of Mr. Gaither was then adopted, there being counted, yeas 56, nays 42, and so it being 2 o'clock the House adjourned.

WEDNESDAY, 19TH DECEMBER, 1860.

A message was received from the Senate transmitting an engrossed bill (S. 200,) to repeal an act of 1858-'9 concerning Burke county, and the same being read the first time, passed the first reading, and then,

On motion of Mr. Pearson,
The same was read the second and third times and passed the second and third readings.

Ordered to be enrolled.

Mr. Williams, of Cumberland presented the memorial of Anson Parker and others against the Cape Fear and Deep River Navigation Company, which being read, was referred to the Committee on Claims.

Mr. Waugh presented the memorial of the Grand Jury of Surry, and the same, without being read, was left upon the table.

Mr. Merrimon presented the proceedings of a meeting and adjourned meeting of the people in Buncombe county, upon federal relations, which being read, were left on the table.

Mr. Shober presented the proceedings of a meeting of the people in the county of Guilford, which being read, were left on the table.

Mr. Wright presented the proceedings of a meeting of the people in the county of Cumberland, which being read, were left on the table.

A message was received from the Senate concurring in the proposition to raise a joint select committee for the reception of the Commissioners of Alabama, and that Messrs. Burton and Eure had been appointed on their part, whereupon the Speaker appointed Messrs. Ransom, Hill and Merrimon, on the part of the House.

A message was received from the Senate transmitting an engrossed bill (S. 201,) to provide arms and munitions of war, which being read the first time passed the first reading.

Mr. Green, of Franklin, moved that the bill be read the second time.

Mr. Martin objected, and moved that the yeas and nays be ordered, and the question thereon was put and

Decided in the affirmative, { Yeas ......................... 81

On motion of Mr. Martin,
The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Bowman, Carson, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Farrow, Ferebee, Foust, Gaitner, Green of Chatham, Guthrie, Hayes, Henry, Howard, Horton, Liles, McCleese, Marsh, Martin, Mebane, Mendenhall, Merrimon, Patterson, Poindexter, Polk, Rogers Russ, Taylor, Williams of Pasquotank and Winslow—33.

Mr. Clark, of Craven, paired off with Mr. Wooten.

The bill was then read the second time, and the question put, shall this bill pass the second reading? when Mr. Waugh offered the following amendment:

"Be it further enacted, That the arms purchased under this act shall be distributed to the several counties of the State in proportion to the number of men in each county, liable to military duty; and from the share of each county shall be deducted the arms already received by each county, under supplies heretofore furnished, and all arms purchased under this act shall be kept and held under the provisions of the 89th chapter of the Revised Code, entitled, "Public Arms," and the bond provided for in the third section of
said chapter shall be required in all cases with good and sufficient securities."

Mr. Crumpler offered the following amendment thereto, viz:

"Provided, That the said bonds shall be sold only to citizens of North-Carolina."

And it was not adopted.

Mr. Crumpler then offered the following:

"And the bonds issued under the provisions of this bill, and purchased by citizens of this State, shall be subject to the same tax as shall be levied on money at interest."

And the question being thereon, Mr. Ferebee moved the bill and amendments be postponed until the 7th January, and the question thereon was put and

Decided in the negative, \{ Yeas .................... 33 \}

\{ Nays .................... 79 \}

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following members voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Check, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Fleming, Folk, Foy, Galloway, Green of Franklin, Hall, Harrington, Harris, Hayes, Hoke, Jenkins, Jordan, Kallum, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Mendenhall, Mitchener, Mordecai, Newby, Padgett, Pearson, Peebles, Perkins, Person,
So the House refused to postpone, and the question being upon the amendment of Mr. Crumpler, it was not adopted, and then the question being upon the amendment of Mr. Waugh, was put and

Decided in the negative, \{ Yeas .................................. 48
\} Nays .................................. 66

On motion of Mr. Waugh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
And the question recurring,
Mr. Cowles offered the following amendment to the amendment:

"Provided, That each county in this State shall pay off the interest hereafter accumulating on said appropriation of three hundred thousand dollars, in proportion to the cost of the arms it receives."

And the question being thereon, was put and

Decided in the negative, \{ Yeas .......................... 36
Nays .......................... 75 \}

On motion of Mr. Cowles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Fagg offered as a substitute for the bill and amendments, (H. 117,) the bill for arming the State.

Mr. Russ moved to amend the same as follows:

"Provided, The State Treasurer shall borrow the money from the banks of North-Carolina, as provided for in their charters."

And the Speaker stating the question thereon,

Mr. Mebane moved the bill and amendments be referred to the Committee on Military Affairs, and ordered to be printed,

And it was not adopted.

Mr. Fagg withdrew the substitute offered by him, and then the question being upon the amendment of Mr. Russ, was put, and

Decided in the negative, \{ Yeas ...................... 47
\} Nays ...................... 63

On motion of Mr. Yeates,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barrow, Batchelor, Baxter, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Faison, Ferguson, Fleming, Folk, Foy, Galloway, Green of Franklin, Hall, Hayes, Hill, Hoke, Jenkins, Kallum, Lemmonds, Logan, Love of Haywood, McMillan, Mitchener, Mordecai, Newby, Padgett, Pearson,
Mr. Yeates offered the following amendment:

"Strike out all in relation to coupon bonds."

And the question thereon was put and

Decided in the negative

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<tr>
<th>Yeas</th>
<th>Nays</th>
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<td>40</td>
<td>68</td>
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</table>

On motion of Mr. Crumpler,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following voted in the negative, viz:


And the question recurring,

A message was received from the Senate concurring in the proposition of the House, with regard to the Commissioners of Alabama.
At 2 o'clock and 10 minutes, Mr. Davis, of Rutherford, moved the House do now adjourn, and the question thereon was put and

Decided in the negative; \{ Yeas...........................................20
                      \{ Nays................................................95

On motion of Mr. Small,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

So the House refused to adjourn, and then the question being upon the amendment of Mr. Crumpler, Mr. Davis of Rutherford, offered the following amendment thereto, viz:

"Provided, that the bonds hereby authorized to be issued
shall not be sold for a less sum than the par value of the same."

And the question thereon was put, and

Decided in the negative

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<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>42</td>
<td>68</td>
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</table>

On motion of Mr. Davis, of Rutherford,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Perkins paired off with Mr. Ewell.

The question was then taken upon the amendment of Mr. Crumpler, and

Decided in the negative

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<th>Yeas</th>
<th>Nays</th>
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<tr>
<td>28</td>
<td>74</td>
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</table>

On motion of Mr. Crumpler,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:


At 2 o'clock and 40 minutes, Mr. Martin moved the House do now adjourn, and the question was put, and

Decided in the negative, Yeas ..........................17
Nays ............................................88

On motion of Mr. Gaither,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Burgin, Carson, Clark of Davidson, Crumpler, Donnell, Farrow, Ferebee, Gaither, Guthrie, Harris, Henry, McCleese, Martin, Mebane, Poindexter, Shober and Taylor—17.

And the following in the negative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Bynum, Cannady, Check, Clark of Craven, Cline, Cowles,

So the House refused to adjourn, and the question recurring,

Mr. Crumpler offered the following amendment:

"And the bonds issued under the provisions of this bill, and purchased by citizens of this State, shall be subject to the same tax as shall be levied on money at interest."

And it was not adopted.

Mr. Gorrell offered the following amendment:

"Strike out that part of the amendment which requires a reduction in number for the arms which have already been received by any county."

And it was not adopted.

Mr. Gorrell offered the following amendment:

"Provided, That the company or companies, whether volunteers or not, or the person receiving arms for them from the State, shall, upon receiving the same, give bond with sufficient security to cover the cost of said arms, which bond shall be forfeited by a removal of said arms from the State of North-Carolina, and the securities of said bonds shall be residents of this State, and possessed of property subject to attachment under our present attachment laws.

And the question thereon was put, and
Decided in the negative, \{ 
\begin{align*}
\text{Yea} & : & 39 \\
\text{Nay} & : & 58
\end{align*}
\}

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

At 3 o’clock and 35 minutes, Mr. Gaither moved the House do now adjourn, and the question was put, and
Decided in the negative, \{ 
\begin{align*}
\text{Yea} & : & 25 \\
\text{Nay} & : & 68
\end{align*}
\}

On motion of Mr. Davis of Rutherford,
The yeas and nays being ordered,
The following members voted in the affirmative, viz:

And the following in the negative, viz:

At 3 o'clock and 35 minutes, Mr. Crumpier moved the House do now adjourn, and the question was put, and

Decided in the negative, { Yeas.................................18
Nays........................................85

On motion of Mr. Crumpier,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Albritton, Autry, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Clark of Craven, Cline, Cowles, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Ferguson, Fleming, Folk, Foy, Galloway, Gorrell, Green of Franklin, Hall, Harrington, Harris, Hayes, Henry, Hill, Howard, Hoke, Jenkins, Jordan, Kallum, Kelly, Latham, Lemmonds, Liles, Logan, Love of Haywood, Love of Jackson, McMillan, Merrimon, Mitchener, Mordecai, Newby, Padgett, Patterson, Pearson, Peebles, Person, Pope, Potts, Ransom, Rogers, Russ, Shaw, Siler, Slade, Small, Stanford, Tapscott,

So the House refused to adjourn,

And the question recurring, Mr. Martin moved the same be postponed until to-morrow at 11 o'clock, and he moved the yeas and nays be ordered thereon. Pending which, Mr. McCleese moved the same be postponed until the 8th January next, and the question thereon was put and

Decided in the negative, \{ Yeas .................................................. 22  
\{ Nays .......................................................... 73

On motion of Mr. Crumpler,

The yeas and nays being ordered,


The question recurring upon the motion of Mr. Martin, and at 4 o'clock, Mr. Henry moved the House do now adjourn, and the question was put and
Decided in the negative, \{ Yeas..........................15 \\
Nays..............................81 \}

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question was then put upon the motion of Mr. Martin, and, it was not adopted. Mr. Martin then offered the following amendment: "Strike out $300,000, and insert $100,000."

And the question thereon was put, and

Decided in the negative, \{ Yeas..........................28 \\
Nays..............................64 \}

On motion of Mr. Martin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Barringer, Bowman, Burgin, Carson, Clark of Davidson, Cowles, Crumpler, Farrow, Ferebee, Foust, Gaither, Guthrie, Hanes, Henry, Howard, Horton,
McCleese, Marsh, Martin, Mebane, Mendenhall, Poindexter, Polk, Shober, Taylor, Whitehurst and Winslow—28.

And the following voted in the negative, viz:


Mr. Martin then, it being 4 o’clock and 26 minutes, moved the House do now adjourn.

And the question thereon was put, and

Decided in the negative, \{ Yeas \} \{ Nays \}

On motion of Mr. Gaither,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Antry, Barringer, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Cowles, Crawford, Davis of Bladen, Davis of Mecklenburg, Donnell, Faison, Ferguson, Fleming, Folk, Foy, Galloway, Green of Franklin, Hall, Harrington, Harris, Hayes, Howard, Hoke, Jenkins, Lemmonds, Logan, Love of Jackson, McCleese, McMillan, Merrimon, Mitchener, Mordecai, Newby,

Mr. Love, of Haywood, paired off with Mr. Yeates.

So the House again refused to adjourn, and the question recurring, Mr. Martin moved to substitute as follows:

"Strike out all after the enacting clause, and insert (H. 106,) the bill to provide a military code," and the same was being read at the desk when Mr. Marsh rose to a point of order. He said that by the rules of the House all bills were to be read three times, and that the reader of the amendment had (according to a copy in his hand) omitted to read several sections of the same, naming them.

The Speaker said there was no evidence that the copy in Mr. Marsh's hand and that at the desk were the same, and ruled the point not well taken, and ordered the reading to proceed.

Mr. Marsh appealed, and the question being, shall the decision of the chair pass as the judgment of the House, was put and decided in the affirmative.

At 4 o'clock and 40 minutes Mr. Russ moved the House do now adjourn, and the question thereon was put, and Decided in the negative, { Yeas..............................25
\{ Nays..............................71

On motion of Mr. Gaither,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barrow, Blue, Booth, Branch,

The reading of the substitute being resumed and completed, Mr. Martin offered to withdraw the same. Objection being made, the Speaker ruled he had that right, and the same was withdrawn, and the question recurring, Mr. Batchelor offered the same bill as a substitute, and the question being thereon, demanded a division of the question.

Mr. Crumpler then offered the following amendment to the original bill.

"Provided, that forty stands of arms, to be purchased under the provisions of this bill, shall be reserved for each county in the State, for the space of six months, unless said arms shall, within that time, be required to repel insurrection or invasion; and if any county in the State shall fail within said time to demand the said arms in the manner prescribed by law, then the same may be distributed to other counties."

Pending which, and at 5 o'clock and 24 minutes, Mr. Gaither moved the House do now adjourn, and the question thereon was put and

Decided in the negative, Yeas ......................25
\[ Nays ......................74 \]

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

...

And the following in the negative, viz:


Mr. Burgin paired off with Mr. Crawford.

Mr. Davis, of Bladen, with Mr. Winslow.

The question recurring upon the motion to strike out, Mr. Davis, of Rutherford, offered the following amendment:

"Provided, That the commissioners shall be required to purchase arms manufactured in the Southern States."

And the question thereon was put, and it was not adopted. Mr. Davis then offered the following amendment:

"Provided, That three depositories be established in Wilmington, Salisbury and Rutherford, and the arms hereby authorized to be purchased shall be equally distributed between the said depositories."

And the question thereon was put and

Decided in the negative, \{ Yeas ...................... 16
\{ Nays ...................... 72

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Gaither, Guthrie, Henry, Horton, Liles, Martin, Patterson, Poindexter, Shober, Taylor and Winslow—16.
And the following in the negative, viz:

Mr. Hanes paired off with Mr. Love, of Jackson.
Then, the question upon the motion of Mr. Batchelor, to strike out, was put and decided in the negative.
Mr. Crumpler then offered another amendment, when the Speaker said that the House having refused to strike out, no further amendments were in order, and there was no appeal.
At 5 o’clock and 50 minutes, Mr. Gaither moved the House do now adjourn, and the question thereon was put and

Decided in the negative

\[
\begin{align*}
\text{Yeas} & \quad 19 \\
\text{Nays} & \quad 77
\end{align*}
\]

On motion of Mr. Gaither,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Carson, Clark of Davidson, Crumpler, Farrow, Ferebee, Foust, Gaither, Green of Chatham, Guthrie,
And the following in the negative, viz:


Mr. Burgin paired off with Mr. Crawford.

And the House having refused to adjourn, the question occurred, "Shall this bill pass the second reading?" when Mr. Crumpler moved the same be postponed until the 25th of March, and the question thereon was put, and

Decided in the negative, Yeas .........................21
  Nays ...................................70

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Autry, Barrow, Batchelor, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Davis of Bladen, Davis of Mecklenburg, Dickson, Fagg, Faison, Fleming, Folk, Galloway, Green of Franklin,

And the House refusing to postpone the question, it recurred and was immediately put, and decided in the affirmative. So the bill passed the second reading.

Mr. Batchelor moved the bill be read the third time, and objection being made, the question was stated and put, and (two-thirds not voting therefor,)

Decided in the negative, \{Yea\} \{Nay\}

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Bowman, Carson, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Farrow, Ferebee, Foust, Gaither, Green of Chatham, Green of Stanly,
Guthrie, Harris, Henry, Horton, Jordan, Kelly, McCleese, Marsh, Martin, Mebane, Mendenhall, Merrimon, Patterson, Poindexter, Polk, Shober, Simonton, Taylor, Whitehurst, Williams of Pasquotank, Winslow and Yeates—36.

Mr. Liles paired off with Mr. Ewell.

After the call had commenced, Mr. Ferebee moved there be a call of the House. The Speaker ruled the motion not in order pending the vote.

At 6 o'clock and 35 minutes, Mr. Crumpier moved the House adjourn, but yielded the floor to Mr. Batchelor, who gave notice under the rule that he would to-morrow move to suspend the Calendar rule, and put the bill upon the third reading. The motion of Mr. Crumpier was then put, and

Decided in the negative, \{ Yeas \ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldot
I860.
HOUS* JOURNAL.
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Pasquotank, Williamson, Wishart, Withers, Woodard, Wright and Yeates—73.
A message was received from the Senate transmitting several engrossed bills.
Immediately after which, and at 6 o'clock and 50 minutes, the House,
On motion of Mr. Guthrie, Adjourned.

THURSDAY, 20TH DECEMBER, 1860.
Prayer by the Rev. J. W. Tucker.
On motion of Mr. Ferebee, Ordered, That the Speaker have leave of absence until the 7th of January, and that he be authorized to appoint a Speaker pro tem. during his absence.
A message was received from the Governor, transmitting a letter from Hon. Jacob Thompson, Commissioner of the State of Mississippi to this State, which was read as follows:

To the Honorable, the General Assembly of the State of North-Carolina.

"GENTLEMEN:—Herewith I transmit a communication from the Hon. Jacob Thompson, a distinguished citizen of the State of Mississippi, now present in this city as a Commissioner from that State to the State of North-Carolina.

"The communication discloses in firm, yet dispassionate language, the sentiments of Mississippi upon the subject of our national troubles, and will, I doubt not, meet with a cordial response upon the part of the people of North-Carolina, believing as I do, that it is a settled conviction with them that all controverted questions touching the institution of African slavery in the United States, should and must now be definitively adjusted, and the agitating subject forever removed from the minds of men.

"Apart from the grave character of the mission, it is a pleasing
circumstance that Mississippi should select as her messenger to us a native of North-Carolina, upon whom she has here-tofore conferred the choicest honors in the gift of her people, and it is with high satisfaction that I now make a public recognition of this courtesy."

JOHN W. ELLIS.

EXECUTIVE DEPARTMENT, Dec. 20, 1860.

"Raleigh, N. C., Dec., 1860.

"To His Excellency, John W. Ellis,

"Governor of the State of North-Carolina:

"Sir: I have the honor to inform you that I have been duly appointed a Commissioner from the State of Mississippi to the State of North-Carolina. I have been instructed by the Governor of Mississippi, to report myself in person to your Excellency, and through your kind offices, to inform the people of this Commonwealth 'that the Legislature of Mississippi has passed an act calling a Convention of the people of the State, to consider the threatening relations of the Northern and Southern sections of the United States; aggravated by the recent election of a President upon principles of hostility to the States of the South, and to express the earnest hope of Mississippi that North-Carolina will co-operate with her, in the adoption of efficient measures for the common defence and safety of the South.'"

"It affords me great pleasure to accept this appointment, and to obey these instructions; yet I most sincerely regret the public necessity which impels my adopted State to ask for the counsel and co-operation of my native State. Common dangers threaten the peace, honor and safety of both; and it is certain that an unresisting submission to the aggressive and hostile policy of the Northern States will inevitably involve both in a common humiliation and ruin. The crisis demands action. It is unbecoming a free people
to close their eyes to the issue forced upon them, and to cry peace, peace, when there is no peace. The antagonism of opinion upon the questions growing out of the recognition by the Constitution of the right of property in slaves, so long and angrily discussed, has at last culminated in the adoption by a majority of the Northern people of the doctrine of the 'Irrepressible conflict.' The leading idea of this creed is that the Union of these States cannot endure, half of them slaveholding, and the other half non-slaveholding. This Conflict is to be inaugurated under the forms of the Constitution on the 4th of March next, and if adhered to and carried out, the assertions of its most violent advocates that 'Freedom is triumphant' and 'that slavery is overthrown,' are self-evident propositions.

"It is admitted that each State must decide for herself, both the mode and measure of redress for present and prospective evils and grievances. One destiny, however, awaits all the slaveholding States of this Union, and fate has indissolubly linked their fortunes together: Therefore, it is meet, and wise, and proper, and expedient, that they should consult and advise together for their common defence and general welfare. Thus the hasty and precipitate will be checked, the laggard and spiritless aroused to action, and a universal confidence will be felt, that our rights will be secure, and our government placed on the safest and surest foundation.

"Mississippi is content with the compact which our fathers formed. The Constitution of the United States already affords guarantees which are ample for our security. But they are found on parchment only. The people of the Northern States have not kept faith with us. Not only have a majority of the non slaveholding States rendered all legislation for our protection nugatory and inoperative by State enactments, but, on the 6th of November last, a majority of the people of all the free States endorsed a platform of principles in direct conflict with the Constitution and the decisions
of the Supreme Court, and thus the will of a numerical majority—a majority trained from infancy to hate our people and their institutions, were to be substituted in their stead.

"The executive and judicial departments of the government, and the Senate of the United States have always held that property in slaves was recognized by the Constitution, and therefore, under a common flag was entitled to protection. The dominant party deny this proposition, and thus, by their construction, the Constitution will be changed, this common government will be revolutionized, and instead of throwing its broad shield over all the citizens of all the States, protecting each and all equally in the possession and enjoyment of their rights of property, it will be perverted into an engine for the destruction of our domestic institutions, and the subjugation of our people.

"The question which is now submitted both to Mississippi and North-Carolina, is this, shall we sit quietly down without a murmur, and allow all our constitutional rights of property to be taken away by a construction of the Constitution which originates in hostility and hatred, or shall we, as men who know our rights, bestir ourselves, and by a firm, united and cordial "co-operation," fortify and strengthen them, that they may be transmitted unimpaired to our children, and our children's children, throughout all generations? Wisdom dictates that all the questions arising out of the institution of slavery should be settled now and settled forever.

"A people jealous of their liberty will detect danger while it is yet afar off and provide the remedy. If ever there was a people answering this description the past glorious history of North-Carolina will point out your fellow-citizens as that people.

"I bear this message of Mississippi to you, and through you to the people of North-Carolina; and I hope that you will allow me to inform Mississippi that North-Carolina is fully alive to the importance of the present crisis, and will
co-operate with her in the adoption of efficient measures for
the common defence and safety of the South.'
I have the honor to be, with great respect,
Your obedient servant,
J. THOMPSON,
Commissioner from Mississippi.'

On motion of Mr. Ransom,
Ordered, That a message be sent to the Senate, transmitting the correspondence, and proposing that the privilege of the two Houses be extended to the Honorable Commissioner of Mississippi, and that he be regarded as the guest of the State during his sojourn with us, and,

On motion of Mr. Love, of Haywood,
Proposing to print the message and letter.

On motion of Mr. Bullock,
A message was sent to the Senate, proposing to proceed forthwith to elect seven Counsellors of State, nominating Messrs. WILLIAM A. FERGUSON, COUNCIL WOOTEN, JOHN J. LONG, JOHN W. CUNNINGHAM, DAVID MURPHY, JESSE T. GRAVES and WILLIAM L. HILLIARD for that office.

Pursuant to previous notice,
Mr. Batchelor moved that the rule be suspended, and (S. 201.) a bill to provide for arms and munitions of war, put upon the third reading, and the question thereon was put, and (two-thirds not voting therefor,)

Decided in the negative,

Yeas..............................36
Nays..............................68

On motion of Mr. Mebane,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Barringer, Bowman, Carson, Cowles, Crumpler, Davis of Rutherford, Farrow, Ferebee, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Harris, Henry, Horton, Jordan, Kelly, Liles, Marsh, Martin, Mebane, Mendenhall, Merrimon, Patterson,

And the following in the negative, viz:


Mr. Clark, of Davidson, paired off with Mr. Ferguson.
Mr. Hans paired off with Mr. Ewell.
So the rules were not suspended.

A message was received from the Senate concurring in the proposition to vote forthwith for seven Counsellors of State; whereupon, the Speaker having appointed Messrs. Bullock and Yeates to superintend the same in this House, an election was held with the following result, viz:

The following members of the House voted for Messrs. Ferguson, Wooten, Long, Cunningham, Murphy, Graves and Hilliard, viz:

son, Williams of Cumberland, Williams of Nash, Williams of Pasquotank, Williamson, Wishart, Withers, Woodard and Wright.

The following voted for Messrs. John D. Flanner, James S. Cannon, Daniel G. Fowle, B. A. Kittrell, John Shimpock, D. W. Rankin and John W. Cameron, viz:


Messrs. Eurgin, Carson, Cowles, Crumpler, Gaither, Gorrell, Liles, Patterson, Polk and Taylor voted for the above with others.

At 12 o'clock, on motion of Mr. Ferebee, a message was sent to the Senate informing them that seats were prepared for the Senators in the Commons Hall, and inviting them, in obedience to the joint resolution of yesterday, to repair to the Commons Hall for the purpose of receiving the Commissioners from Alabama and Mississippi.

Soon after, the Senate, preceded by their Speaker and Secretary, arrived in the Hall and were seated to the right of the Speaker. When the two Houses were seated the Commissioners of the States of Alabama and Mississippi were announced, and the former delivered a message from that State to the people of North-Carolina, in writing, which was read, as follows:

"To His Excellency, the Governor, and to the Honorable the members of the General Assembly of the State of North-Carolina:

"The General Assembly of the State of Alabama, on the eleventh day of January, A. D., 1830, by joint resolutions, made it the duty of his Excellency, the Governor of Alabama, upon the election of a President of the United States advocating the principles and action of the party in
the Northern States, calling itself the Republican party, to issue his writs of election for delegates to a Convention of the State, 'to consider, determine and do whatever, in the opinion of said Convention, the rights, interests and honor of the State of Alabama require to be done for their protection.'

"In consequence of the results of the late Presidential election, the Governor of Alabama has issued the writs of election required. The election is to be held on the twenty-fourth day of this month, and the Convention is to assemble on the seventh day of January next.

"North-Carolina and Alabama have been true and loyal to the Constitution and to the Union. There is no plighted faith which each has not kept. They have stood together in fidelity to the Government, and to each of the States composing the Confederacy. They are bound together by a common duty, a common interest, a common danger and a common honor. North-Carolina has largely contributed to the population of our State, and her sons have brought along with them those principles of integrity, honor, obedience to law and love of well regulated liberty, for which she is known and admired, and which have imparted so much of worth and prosperity to the States in which her children have settled. It is therefore fit, that now, in this their hour of trial, North-Carolina and Alabama should consult and advise together; and his Excellency, the Governor of Alabama, has charged us with a commission to this, our native State, 'to consult and advise with his Excellency, the Governor, and with the members of this Legislature, as to what is best to be done to protect the rights, interests and honor of the slaveholding States, and to report the result of such consultation.' We feel complimented in accepting the invitation of this General Assembly to appear before them in discharge of the duties imposed upon us.

"We believe that the exhibitions of public opinion in Alabama are so marked and distinct as to justify us in
declaring that her approaching Convention will withdraw her from the Federal Union. A result so sad and so
pregnant with consequences to herself and to her sister
States, requires that she should have grave and conclusive
reasons for the step; light and transient causes will not
justify it; much less should restlessness, passion or ambition
influence her action. Her obligations to the other States, to
the cause of free government and to the civilized world,
forbid it. Her hopes of reconstructing, with the other
States of the South, a well-regulated government which
shall 'establish justice, insure domestic tranquility, provide
for the common defence, promote the general welfare and
secure the blessings of liberty to ourselves and our posterity,'
alone forbid it.

"Our people consider that the Constitution of the United
States is the charter of our national rights and duties by
which our fathers bound us to the Union, and under which,
in its integrity, our people would be content to live, and
would envy none the prosperity it brings; but they think
that the past and present conduct and apparently settled
rule of action of the non-slaveholding States are violative of
its plain letter and spirit, and the people of Alabama, we
believe, will no longer be bound by its obligations while
deprived of its benefits.

"They think the history of the country shows that some
of the non-slaveholding States have, throughout our political
existence, proven themselves sectional and hostile to the
rights and interest of the common country. Some of them
have opposed every war in which we have been involved,
from that of 1812, with Great Britain, to the war with Mex-
ico; have opposed the acquisition of the rich territories we
have obtained, even that which gave us the Mississippi river
and the vast plains watered by it; and yet these States, with
the other non-slaveholding States, have adopted and are acting
on the settled policy that we of the South shall be excluded
from the territories obtained by the common exertions and
treasures of the nation; and that to maintain this sectional policy, the Constitution of the United States, as expounded by the grave, well and earnestly considered decision of the Supreme Court of the United States, is to be set at naught, and the court itself, which made the decision, is to be reformed, not only for general partizan purposes, but for the particular purpose of obtaining a reversal of that decision. A party which announces as a cardinal article of its creed the degradation of the highest court in the world, does, in the opinion of the people of Alabama, offer no rule of government consistent with well regulated, constitutional freedom. Beyond this is the fact that the plain letter of the Constitution, providing for the rendition of fugitive slaves, has not only been annulled by the non-slaveholding States, but several of them have, by their so-called 'personal liberty bills,' made it a highly penal offence for a master to attempt the enforcement of the fugitive slave law of Congress. So it has come to this, that degrading punishment is the consequence of a citizen of the South going into these States, with the Constitution of the United States in his hand, asking simply for the performance of the guarantees therein provided. Nor are those non-slaveholding States that have not passed such bills behind their co-operators in practically annulling the clause of the Constitution referred to, for it is well known that in most, if not all of the non-slaveholding States, the rights of the master of the slave are defied and set at naught, and that public opinion, aided by mobs, has as effectually overthrown the Constitution and the law, as though neither had any existence. Were this state of things the result of some sudden gleam of passion, the people of Alabama might hope that a returning sense of justice would bring obedience to duty, but, unhappily, the past and present prove that such a hope is illusory. The violations of their obligations to us have been so long continued, and so often repeated, that the principle has incorporated itself into their education and religion, until the doctrine of the law of conscience has been
set up over the supreme law of the land, and hatred to the
South and her institutions has usurped the teachings of the
Bible. The spirit of sectional animosity has so 'grown with
their growth and strengthened with their strength,' that
their matured, cultivated and trusted statesmen have pro-
claimed, that the conflict between the sections is 'irrepressi-
ble,' and their people have, in the late Presidential election,
responded affirmatively to the announcement.

"The election of a President of the United States of any
opinion, however heretical, and however much calculated to
disturb the public mind, would, of itself, we think, be con-
sidered by our people as of secondary importance, but the
recent Presidential election is the inauguration of a system
of government as opposed to the Constitution as it is to our
rights and safety. It ushers in as a settled policy, not only
the exclusion of the people of the South from the common
territories of the country but proposes to impair the value of
slave property in the States by unfriendly legislation; to
prevent the further spread of slavery by surrounding us with
free States; to refuse admission into the Union of another
slave State, and by these means to render the institution
itself dangerous to us, and to compel us, as slaves increase,
to abandon it or be doomed to a servile war. The establish-
ment alone of the policy of the Republican party, that no
more slave States are to be admitted into the Union, and that
slavery is to be forever prohibited in the territories, (the
common property of the United States,) must, of itself, at no
distant day, result in the utter ruin and degradation of most
if not all of the gulf States. Alabama has at least eight
slaves to every square mile of her tillable soil. This popula-
tion outstrips any race on the globe in the rapidity of its
increase; and if the slaves now in Alabama are to be restric-
ted within her present limits, doubling as they do once in
less than thirty years, the children are now born who will
be compelled to flee from the land of their birth and from the
slaves their parents have toiled to acquire as an 'inheri-
stance' for them, or to submit to the degradation of being reduced to an equality with them, and all its attendant horrors. Our people and institutions must be secured the right of expansion, and they can never submit to a denial of that which is essential to their very existence.

"The non-slaveholding States, while declaring that we shall not expand, and that thereby we shall be crushed by our slave population, are charging upon us a design to re-open the African slave trade, and seize upon two or three ineffectual attempts by Northern vessels to import Africans into Southern ports as an evidence of the fact. The charge is a slander upon our people and a reflection upon their intelligence. There may be here and there found an advocate for the measure, as there may in every community be found individual advocates of any heresy; but our people, with almost entire unanimity, would reject the proposition as offensive to their sense of propriety and adverse to their interests. They feel no desire to depreciate the value of their own property, nor to demoralize their slaves by throwing among them savages and cannibals. They will look, as heretofore, to the redundant slave population of the more northern of their associated sister States of the South for such additions to their negroes as their wants may require.

"The state of opinion and of conduct in the non-slaveholding States, finds no justification or apology in any general or special direction of federal legislation to their injury. On the contrary, such legislation has been greatly to their advantage and prosperity. The benefits that have been conferred upon them in the shape of tariff laws, navigation laws, fishing bounties, land laws, and internal improvement laws, have been important aids to their material prosperity—a prosperity which is in fact to a great extent the result of burdens upon the agricultural interests of the South.

"The apologists of the present state of public mind at the North sometimes maintain that it finds palliation, at least, in the repeal of the act of 1820, known as the Missouri
Compromise; which, in other words, is a complaint that the North can no longer keep in force a law which the Supreme Court of the United States has declared to be unconstitutional. But the well-remembered history of recent events teaches us, that it was the South who but a few years since endeavored, in a spirit of concession, to extend the line of thirty-six degrees, thirty minutes, to the Pacific Ocean, and the North who refused the offer.

The sectional strife has now been conducted with increasing rancor for more than twenty years, until every question of government furnishes a theme for its discussion. The halls of Congress have ceased to be places for statesmen, and have degenerated into arenas for strife. Our people have grown tired of the controversy, and can see no good in prolonging the quarrel, and no way to end it in the Union. Submission would but invite new and greater aggressions, until Alabama would become a despised and degraded province. Our people see little hope for the adjustment within the Union of questions upon which the public mind of the sections has been driven so wide apart, and discern in the present temper and conduct of the non-slaveholding States, no spirit of atonement for their wrongs which could offer peace to the country. Indeed, when the plain letter of the law has been so long and persistently violated, they would not rely upon any adjustment short of farther constitutional guaranties.

Alabama hopes that, among other evils which public affairs have brought and are bringing upon her, there may not be added that of a divided South. She sets up no rule of action for her sister States, but hopes to obtain their consultation, advice and assistance; and she repeats, through us, her Commissioners, the expression of her fervid desire that North Carolina may be with her in counsel and in action, and with her in attempting to uphold the principles of liberty which are engrafted into the Constitution of the United States and in the hearts of her people, and that the States of the South.
may be enabled to snatch that Constitution and those principles from the desecrating touch of fanatical "higher law."

I. W. GARROTT,
ROB'T H. SMITH.

When the Speaker of the Senate, after some remarks in reply, accompanied by the Senate, withdrew. The Commissioners remained in the Hall.

On motion of Mr. Person,

A message was sent to the Senate proposing to print the message of the State of Alabama, through their Commissioners to this State.

The Senate immediately concurred.

Mr. Fagg moved that a message be sent to the Senate, informing that body that the House had reconsidered its action upon the joint report upon the adjournment at Christmas, and adopted the same.

Mr. Blue moved to add, and that the adjournment be extended to the 7th of January, and it was accepted, and the question thereon was put and

Decided in the affirmative, \{ Yeas ......................... 63 \}
\{ Nays .......................... 39 \}

On motion of Mr. Jenkins,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Barringer, Barrow, Blue, Booth, Branch, Burgin, Carson, Cheek, Clark of Craven, Clark of Davidson, Cowles, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Farrow, Ferebee, Folk, Foust, Gaither, Green of Chatham, Green of Stanly, Guthrie, Harrington, Harris, Hayes, Henry, Hill, Horton, Kallum, Kelly, Lemmonds, Liles, Love of Haywood, McMillan, Marsh, Martin, Meares, Mebane, Mendenhall, Merrimon, Newby, Patterson, Perkins, Polk, Potts, Rogers, Russ, Shober, Simonton, Tapscott, Taylor, White-
hurst, Wilkerson, Williams of Pasquotank, Winslow, Wishart, Withers and Yeates—63.

And the following in the negative, viz:


The Senate proposed, by message, that a joint select committee of two on the part of the Senate, and three on the part of the House, be raised to wait on the Governor elect, inform him of his election, ask his acceptance, and inquire when it will suit his convenience to appear before the two Houses and take the oaths of office, and to arrange the same.

The House concurred, and the Speaker appointed Messrs. Hill and Wishart on the part of the House.

On motion of Mr. Blue,

Leave of absence was extended the Speaker until the 7th of January.

The Speaker thereupon appointed Mr. Love, of Haywood, to fill the chair as Speaker, pro tem., until his return, on the 7th of January. The House concurred.

Mr. Yeates, from the Committee to superintend the election of seven Counsellors of State, reported that W. A. Ferguson had received 88 votes, Council Wooten 89, John A. Long 88, John W. Cunningham 92, David Murphy 88, Jesse L. Gaines 88, W. L. Hilliard 91, John D. Flanner 58, Joseph S. Cannon 55, Daniel G. Fowle 64, B. A. Kittrell 56, John Shimpack 49, D. W. Rankin 55, John W Cameron 55, and others 45. Whole number of votes cast 147, necessary to a choice 74, and the seven first named had been duly elected.

In this the House concurred.
Mr. McMillan presented the memorial of J. W. McCallum and others concerning jury trials in Robeson, which was read and referred to the Committee on Propositions and Grievances.

On motion of Mr. Faison,

The use of the Hall was granted to-night to the Commissioners of Alabama and Mississippi.

Mr. Liles presented the proceedings of the people of Anson county upon the subject of federal relations, which were read and left upon the table.

Mr. Williams, of Cumberland, from the committee on enrolled bills, reported that they had carefully compared the roll of

H. R. 48, resolution in favor of the sureties of George W. Glass.

S. 200, bill to repeal an act of 1858, concerning Burke county, with the original, and found them truly enrolled.

Whereupon the said acts received the signature of the Speaker, and were ordered to be sent to the Senate.

Mr. Waugh moved that the vote by which the House refused to suspend the calendar rule, in favor of the Senate bill 201, concerning public arms, be reconsidered.

Mr. Mebane moved the same be laid upon the table, and the question thereon was put, and

Decided in the negative, \{ Yeas..........................1 \} Nays..........................62

On motion of Mr. Marsh,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Yeates paired off with Mr. Williams of Nash.

The question recurring, and at 1 o'clock and 30 minutes, Mr. Marsh moved the House do now adjourn, and this question was put, and

Decided in the negative,} Yea...36

On motion of Mr. Marsh,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Barringer, Blue, Burgin, Carson, Clark of Davidson, Cowles, Crumpler, Dickson, Farrow, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes Harris, Hayes, Henry, Howard, Horton, Kelly, Marsh, Mebane, Mendenhall, Merrimon, Newby, Patterson, Pindexter, Polk, Rogers, Shoher, Simonton, Whitehurst, Williams of Pasquotank, Winslow and Yeates—36.

And the following in the negative, viz:

Messrs. Albritton, Barrow, Batchelor, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Faison, Fleming, Folk, Foy, Galloway, Green of Franklin, Hall, Harrington, Hill, Hoke, Jenkins, Kallum, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Martin, Meares, Mitchener, Mordecai, Pearson, Peebles, Person, Pope, Potts, Ransom, Russ, Shaw, Siler,

The question was then put upon the motion to reconsider, and

Decided in the affirmative, { Yeas

Decided in the affirmative, { Nays

On motion of Mr. Martin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


The question then recurred, shall the rules be suspended? and was put, and, (two-thirds not voting therefor,)

Decided in the negative, { Yeas

Decided in the negative, { Nays

On motion of Mr. Martin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Barringer, Bowman, Burgin, Carson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferebee, Fonst, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harrington, Harris, Henry, Howard, Horton, Jordan, Kelly, Liles, Marsh, Martin, Mebane, Mendenhall, Merrimon, Patterson, Pindexter, Polk, Rogers, Russ, Shober, Simonton, Taylor, Whitehurst, Williams of Pasquotank and Winslow—42.

And the following in the negative, viz:


Mr. Davis, of Rutherford, presented the proceedings of a meeting of the people in the county of Polk, upon federal relations. Read and ordered to be printed.

On motion of Mr. Ransom,

Resolved, That this House will not go into any election until after the 7th of January.

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

By Mr. Fleming, from the Committee on Internal Improvements,

H. 44, bill to amend the charter of the Cheraw and Coalfield Railroad, with the recommendation the same do not pass.

H. 91, bill to charter the Black Mountain Turnpike Company, with the same recommendation.

H. 48, bill to establish a public road in the county of Onslow, with the same recommendation.
H. 140, bill to improve a road near Fisher's gap, in the county of Surry, with the following amendment:

In the 2nd section, after "John Allen" insert "Elijah Thompson." In the same section, after the words "on said road," insert "in addition to what has been already expended for work already done."

At 2 o'clock and 12 minutes, Mr. Yeates moved the House do now adjourn, and the question thereon was put, (and the Speaker voting in the affirmative,)

Decided in the affirmative, \{ Yeas ....................... 50 \}
\{ Nays ....................... 49 \}

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Speaker, Albright, Alfred, Barringer, Barrow, Blue, Booth, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferebee, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harrington, Harris, Hayes, Henry, Horton, Jordan, Kelly, Liles, Marsh, Martin, Mebane, Mendenhall, Merrimon, Newby, Patterson, Perkins, Poindexter, Polk, Rogers, Russ, Shober, Simonton, Taylor, Whitehurst, Williams of Pasquotank, Winslow and Yeates—50.

And the following in the negative, viz:


And so at 2 o'clock and 22 minutes the House adjourned.
FRIDAY, 21st December, 1860.
The House met at 11 o'clock and 12 minutes, when no quorum being present,
On motion of Mr. Davis, of Rutherford,
The House adjourned until to-morrow at 10 o'clock.

SATURDAY, 22nd December, 1860.
The House met pursuant to adjournment, Mr. Love, of Haywood, in the chair as Speaker pro tem., when no quorum being present, the House,
On motion of Mr. Pearson,
Adjourned.

MONDAY, 24th December, 1860.
The House met at 10 o'clock, when no quorum being present,
On motion of Mr. Hoke,
The House adjourned.

TUESDAY, 25th December, 1860.
The House met at 10 o'clock, when no quorum being present,
On motion of Mr. Jordan,
The House adjourned.

WEDNESDAY, 26th December, 1860.
The House met at 10 o'clock, and no quorum being present,
On motion of Mr. Love, of Jackson,
The House adjourned.
THURSDAY, 27TH DECEMBER, 1860.
The House met at 10 o'clock, and no quorum being present,
On motion of Mr. Logan,
The House adjourned until to-morrow 9 o'clock A. M.

FRIDAY, 28TH DECEMBER, 1860.
The House met at 7 o'clock A. M., and no quorum being present,
On motion of Mr. Waters,
Adjourned until to-morrow at 11 o'clock.

SATURDAY, 29TH DECEMBER, 1860.
The House met pursuant to adjournment, and no quorum being present,
On motion of Mr. Crumpler,
Adjourned.

MONDAY, 31ST DECEMBER, 1860.
The House met at 10 o'clock, and no quorum being present,
On motion of Mr. Waters,
Adjourned.

TUESDAY, 1ST JANUARY, 1861.
The House met at 10 o'clock, and no quorum being present,
On motion of Mr. Foy,
Adjourned to 15 minutes to 12 o'clock this day.
At 11 o'clock and 45 minutes the House met pursuant to adjournment, and no quorum appearing,
On motion of Mr. Person,
Adjourned until to-morrow at 10 o'clock.
WEDNESDAY, 2nd January, 1861.
The House met pursuant to adjournment, and no quorum being present,
On motion of Mr. Autry,
Adjourned.

THURSDAY, 3rd January, 1861.
The House met pursuant to adjournment, and no quorum being present,
On motion of Mr. White,
Adjourned until to-morrow at 10 o'clock.

FRIDAY, 4th January, 1861.
The House met pursuant to adjournment, and no quorum being present,
On motion of Mr. Jordan,
The House adjourned.

SATURDAY, 5th January, 1861.
The House met at 10 o'clock, when no quorum being present,
On motion of Mr. Davis, of Rutherford,
The House adjourned.

MONDAY, 7th January, 1861.
The House met at 11 o'clock A. M. The Speaker resumed the chair, when the Journals of the House since the 20th of December were read and approved.
The Speaker announced the following committee on enrolled bills for the week, viz: Messrs. Henry, Cannady, McMillan, Kelly and Patterson.
Mr. Folk introduced the following, viz:
Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of requiring the Chairman of the Boards of Superintendents of Common Schools in the different counties in this State, to take an oath of office before entering on the discharge of his duties.''

And it was adopted.

Mr. Mitchener presented the proceedings of a meeting of the people in the county of Johnston, upon the subject of federal relations. Left on the table.

Proceedings of meetings of the people in several counties of the State, upon the subject of federal relations, were introduced, read and referred to the committee on that subject as follows, viz:

By Mr. Kelly, proceedings of a meeting in the county of Moore.

By Mr. Poindexter, similar proceedings in the county of Forsythe.

By Mr. Martin, similar proceedings in the county of Wilkes.

By Mr. Whitehurst, similar proceedings in the county of Carteret.

By Mr. Dickson, similar proceedings in the county of Caldwell.

By Mr. Patterson, similar proceedings in the county of Orange.

Mr. Davis, of Rutherford, introduced the following resolution, viz:

"Resolved, That the House will meet at 10 o'clock A. M., and take a recess from 2 o'clock P. M. till 7 o'clock P. M., and adjourn at 10 o'clock P. M."

Laid over one day under the rule.

Mr. Fleming introduced the following:

"Resolved, That from and after the passage of this resolution, this House shall meet at half-past 10 o'clock A. M., and adjourn at 2 o'clock P. M., and meet again at 7 o'clock P. M., and adjourn at 9 o'clock P. M., except on Saturday,
on which day the meetings and adjournments shall be at the same hour as now required by the rule of this House.'"
Laid over one day under the rule.

Bills, etc., which had been already introduced and left on the Clerk's table for reading, were then read the first time and passed the first reading as follows, viz:

H. 199, Mr. Merrimon's bill in favor of Mechanics.
S. R. 202, resolution from the Senate in favor of John M. Morehead and Wm. H. Arendell. Referred to propositions and Grievances.
S. 203, bill in favor of Sheriff of McDowell county.
S. 204, bill to charter the Bumcombe Riflemen.
H. 205, to amend Revised Code, chapter 31, Courts, County and Superior, in the county of Wake.
H. 206, to charter the Chatham Railroad Company.
H. 207, to charter the Catharine Mills and Charlotte Railroad Company. To Corporations.
H. 208, to alter the jurisdiction of the courts, and the rules of pleading.

Bills, etc., of the titles following, were introduced, read the first time, passed the first reading and otherwise ordered as follows, viz:

By Mr. Green, of Stanly, a bill (H. 210,) to protect the owners of damaged stock. To Judiciary.

By Mr. Crumpler, a bill (H. 211,) to charter the Statesville and Tennessee Turnpike Company. Ordered to be printed and referred to the Committee on Internal Improvements.

By Mr. Jordan, bill (H. 212,) to amend charter of the Greenville and French Broad Railroad Company. To Internal Improvements.

By Mr. Bridges, bill (H. 213,) to prevent cumulative disabilities. To Judiciary.

Also, bill (H. 214,) to encourage the improvement of land. To Judiciary.
By Mr. Barringer, a bill (H. 215,) to prevent horse stealing. To Judiciary.

By Mr. Wright, a bill (H. 216,) to charter the Fayetteville Mill Company. To Corporations.

By Mr. Merrimon, a bill (H. 217,) to establish the Bank of Asheville. Ordered to be printed and referred to Banks and Banking.

By Mr. Waugh, a bill (H. 218,) to resurvey the county line between Surry and Wilkes. To Propositions and Grievances.

By Mr. Love, of Haywood, a bill (H. 219,) to charter the Richland Institute. To Education.

By Mr. White, a bill (H. 220,) to amend Revised Code, chapter 12, Bastardy. To Judiciary.

By Mr. Martin, a bill (H. 221,) concerning public roads. To Judiciary.

Mr. Hill introduced a bill, (H. 222,) to authorize a court of oyer and terminer in the county of Caswell, and the same being read the first time, passed the first reading; and then,

On motion of Mr. Hill,
The same being read the second time, and the question put,

Mr. Person moved to amend by inserting after the word "clerk," the words "of the county court," and the same was adopted, and so amended the bill passed the second reading; and then,

On motion of Mr. Hill,
The bill being read the third time, and the question put,

Mr. Person moved to amend by inserting at the end of section 2, as follows: "which shall be summoned by the sheriff; and the court shall have power to order a special venire as in other cases of felony."

And it was adopted.

So amended the bill passed the third reading.

Ordered, That it be engrossed and sent to the Senate.

On motion of Mr. Person,
Ordered, That (H, 152,) the bill to provide for calling a Convention of the people, and the accompanying reports, and (H. R. 194,) for a Federal Convention, be made the special order for Wednesday next at 12 o'clock.

Mr. Green, of Franklin, gave notice that he would to-morrow move to suspend the rule so that S. 201, to provide for Arms and Munitions of war, be put through the third reading.

A message was received from the Senate, transmitting the report of the Public Treasurer, and proposing to print the same. In this the House concurred.

And then it being 1 o'clock and 25 minutes, the House, On motion of Mr. Gaither, Adjourned.

TUESDAY, 8th January, 1861.

A message was received from the Senate informing the House of the appointment of Messrs. Blount, Eure and Lane, to the committee on enrolled bills for the week.

Also, of the concurrence of the Senate in the proposition to raise a joint select committee upon the subject of Slaves and Free Persons of Color, and stating that Messrs. Hall, Eure, Morehead and Pitchford, had been appointed on their part; whereupon the Speaker appointed Messrs. Marsh, Wright, Davis of Mecklenburg, Davis of Rutherford, and Pope, to the same Committee.

Proceedings of the people, upon the subject of federal relations, held in several counties, were presented and read as follows, viz:

By Mr. Fleming, resolutions and proceedings in the county of Rowan.

By Mr. Cannady, similar proceedings in the county of Granville.

By Mr. Carson, similar proceedings in the county of Alexander.
By Mr. Whitehurst, proceedings in the county of Carteret.
By Mr. Harrington, similar proceedings, in the county of Harnett.

Mr. Merrimon presented the memorial of A. Burgin and others craving the passage of a stay law, which was referred to the Committee on the Judiciary.

Also, the proceedings of a meeting of the people in the county of Buncombe, upon the subject of federal relations.

Mr. Clark presented the memorial of James W. Bryan and others of Craven, upon the subject of the Pilot and Navigation Law, which was referred to the Committee on Proposals and Grievances.

Mr. Love, of Jackson, presented the memorial of Abner Hawkins and others upon the subject of jury trials in Jackson county, which was referred to the Committee on the Judiciary.

Mr. Williams, of Nash, presented the memorial of Wright Lucas, a free person of color, praying to be allowed to become the slave of J. H. Beale, of Nash, which was referred to the Committee on Proposals and Grievances.

Mr. Love, of Jackson, presented the memorial of Thomas H. Galloway and others, of Jackson, praying to be annexed to the county of Henderson, which was referred to the Committee on Proposals and Grievances.

Mr. Wright, on his motion, was excused from service upon the Committee on Slaves and Free Persons of Color, and thereupon Mr. Woodard was appointed in his place.

A message (No. 12) was received from his Excellency, the Governor, transmitting the Report of the Western North-Carolina Railroad Company, which was,

Sent to the Senate with a proposition to print.

Mr. Merrimon, from the Committee on the Judiciary, reported back House bills Nos. 46, 49, 101 and 111 respectively, and recommended the same be referred to the Committee on Slaves and Free Persons of Color, and it was so ordered.
Mr. Merrimon also reported from the same committee, H. 108, bill to amend Revised Code, chapter 57, section 1, "Idiots and Lunatics" with the following amendment:

"Provided, That if any person is confined in any asylum for lunatics and insane persons, the certificate of the superintendent of such asylum declaring such person to be of insane mind and memory, which certificate shall be sworn to and subscribed before the clerk of any court of record of the county in which such asylum is situated, and certified under the seal of such court, shall be sufficient evidence to authorize the county court to appoint a guardian for such idiot, lunatic, or person of insane mind and memory.

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

And so amended, recommended the same do pass.

Bills, etc., of the following titles were introduced, read the first time, passed the first reading, and were severally ordered and disposed of as follows, viz:

By Mr. Ransom, a resolution, (H. R. 223,) in favor of Edward Yarborough, passed the first reading, and then the same having been read the second time, and the question put, Mr. Mendenhall moved to amend the same as follows, viz:

"The same being the amount of expenses due under House resolution, No. ——."

And it was not adopted.

The resolution then passed the second reading, and the same was read the third time, and passed the third reading. Ordered that it be engrossed and sent to the Senate.

By Mr. Love, of Haywood, resolution (H. R. 224,) in favor of Jesse McGee.

By Mr. Mendenhall, resolution (H. R. 225,) in favor of Jacob Siler, To Propositions and Grievances.

By Mr. Winslow, (H. 226,) bill for the increase of the public revenue. To Judiciary.

By Mr. Peebles, (H. 227,) bill to alter the term of the sheriff's office. To Judiciary.
By Mr. Ward, (H. 228,) bill to charter Trenton and Dover Plank-road Company. To Internal Improvements.

By Mr. Cline, (H. 229,) bill to prevent felling of timber in Jacob's Fork, etc., in Catawba and Burke. To Proposals and Grievances.

By Mr. Cannady, (H. 230,) bill to charter Tally Ho! Female Academy. To Corporations.

By Mr. Batchelor, (H. 231,) bill to amend Revised Code, chapter 93, "Secretary of State." To Public Library.

By Mr. Jordan, (H. 232,) bill to prevent felling of timber in the French Broad River. To Proposals and Grievances.

By Mr. Mendenhall, (H. 233,) bill to charter the Concord Mining Company. To Corporations.

By Mr. Davis, of Mecklenburg, bill (H. 234,) to charter the Hornet's Nest Riflemen. To Corporations.

Pursuant to notice, Mr. Green, of Franklin, moved the rules be suspended, and the bill (S. 201,) to provide for arms and munitions of war, read the third time, and the question being thereon, was put, and

Decided in the affirmative, { Yeas..............................79
{ Nays..............................14

On motion of Mr. Martin,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


The bill was then read the third time, and the question being, shall the bill pass the third reading?

Mr. Henry offered the following amendment:

"Be it further enacted, That the arms procured by the above appropriation shall be distributed by the Governor to each county in the State in proportion to the number of men capable of bearing arms."

And the question thereon was put and

Decided in the negative, { Yea, ...................... 42
{ Nays, .......................... 56

On motion of Mr. Martin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Autry, Batchelor, Blue, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Faison, Fleming, Folk, Foy, Galloway, Green of Franklin, Hall, Harris, Hill, Hoke, Jenkins, Lemmonds, Logan, Love of Haywood, McMillan, Meares, Mitchener, Mordecai, Newby, Pearson, Peebles, Person, Pope, Potts, Ransom, Shaw, Slade, Stanford, Tapscott, Ward, Waters, Watson,
White, Wilkerson, Williams of Nash, Williamson, Withers, Woodard, Wooten and Wright—56.

And the question recurring,

Mr. Shober offered the following amendment, viz:

"Be it further enacted, That the arms purchased under the provisions of this act, shall be distributed among the several volunteer companies in the several counties, in proportion to the population in each county capable of bearing arms, and it shall be the duty of the Governor to take bonds with sufficient security, from the captains for the safe-keeping of the arms. And if there shall be any such company or companies in any particular county, or not a sufficient number to exhaust the quota of such county, it shall be the duty of the Governor to hold the same for three months, and if none should be formed within that time, or not a sufficient number to exhaust said quota, the same shall be distributed among the other counties having more volunteer companies than could be supplied by the first distribution in the same proportion and upon the same terms."

When Mr. Crumpler offered the following amendment thereto, viz:

"Insert after the words 'shall be held for three months,' the words, 'unless such arms shall be required within that time to repel insurrection or invasion.'"

And it was accepted.

The question recurring upon the amendment, was put and Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots 41 \} Nays \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 58

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferebee, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harrington, Henry, Howard, Horton, Jordan, Kelly, Latham, Love of Jackson, Marsh, Martin, Mendenhall,
Merrimon, Patterson, Poindexter, Rogers, Russ, Shober, Simonton, Waugh, Whitehurst, Wilkerson and Winslow—41.

And the following in the negative, viz:


The question recurring, Mr. Ferebee offered the following amendment:

"Provided, That the arms so purchased shall be for the use of the people of North-Carolina, and shall not be carried out of the State."

And the question thereon was put and

Decided in the negative, Yeas..........................23
Nays...........................................71

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Batchelor, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Cowles, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Dickson, Ewell, Faison, Fleming, Folk, Foy, Galloway, Green of Chatham, Green of Franklin, Hall, Harrington, Harris, Hill, Hoke, Jenkins,

The question recurring, Mr. Gaither offered the following amendment, viz:

"Be it further enacted, That a direct tax be levied for the purpose of raising funds necessary to pay for the arms to be purchased by the provisions of this bill."

And it was not adopted.

The question was then put and

Decided in the affirmative, \{ Yeas..........................73 \\
Nays..........................26 \}

On motion of Mr. Martin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Carson, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferebee, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie,

So the bill passed the third reading.

Ordered that the bill be enrolled.

On motion of Mr. Hill,
The use of the Hall was granted Mr. James M. Lilly, for the purpose of exhibiting a useful mechanical invention at half-past nine o'clock to-morrow.

Whereupon, it being 2 o'clock and 10 minutes the House,

On motion of Mr. Williams, of Nash,

Adjourned.

WEDNESDAY, 9TH JANUARY, 1861.

Prayer by the Rev. Thomas Skinner.

A message was received from the Senate proposing to raise a joint select committee to consider the report and resolutions, and vouchers of the commission upon the Atlantic and North-Carolina Railroad, and report what part shall be printed.

In this the House having concurred, the Speaker appointed Messrs. Clark, of Craven, Wooten and Mendenhall on the part of the House.

Proceedings and resolutions of the people upon the subject of Federal relations, held in several counties of the State, presented as follows:

By Mr. Clark, of Craven, proceedings and resolutions of the people in the county of Craven.

By Mr. Whitehurst, similar proceedings in the county of Carteret.

By Mr. Liles, similar proceedings in the county of Anson.

By Mr. Perkins, similar proceedings in the county of Pitt.

By Mr. Ewell, similar proceedings in the county of Martin.

By Mr. Hall, similar proceedings in the county of Rowan.

By Mr. Winslow, similar proceedings in the county of Randolph.
By Mr. Blue, similar proceedings in the county of Richmond.

By Mr. Polk, similar proceedings in the county of Anson.

Mr. Wright presented the memorial of H. E. Colton and others, and a bill upon the subject of public arms, which being read were, on his motion, referred to the Committee on Military Affairs, and ordered to be printed.

The Speaker laid before the House the statement of the Bank of Wadesboro'.

Ordered to be sent to the Senate.

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

Mr. Batchelor, from the Committee on the Judiciary, reported a substitute for (H. 45,) bill to prevent the transfer of post obit interests, and recommended that the same do pass.

Mr. Horton, from the Committee on Cherokee Lands, reported,

H. 56, the bill concerning the Western Turnpike Roads, with amendments, recommending its passage.

Mr. Person, from the Committee on the Judiciary,

H. 80, bill to amend Revised Code, chapter 102, Salaries and Fees, with the recommendation that the same do not pass. Also,

H. 36, bill to regulate criminal prosecutions, with the same recommendation.

By Mr. Ferebee, from the Committee on Education,

H. 88, bill to amend Revised Code, Literary Fund and Common Schools, with the recommendation that the same do not pass.

By Mr. Person, from the Committee on the Judiciary,

H. 104, bill to amend Revised Code, chapter 46, Executors and Administrators, with the recommendation the same do not pass.

By Mr. Waugh, from the Committee on Corporations,

H. 128, bill to charter Gibson Hill Mining Company, with
the following amendment: before the word "laws" in the last line of the 2nd section add "Constitution and." In the 4th line of the 3d section, strike out "one" and insert "two," and in the 4th section strike out "sixty" and insert "thirty."

By Mr. Person, from the Committee on the Judiciary, H. 129, bill relating to sales in Randolph, with the recommendation the same do not pass.

By Mr. Jenkins, from the Committee on Education, H. 173, bill to reduce the salary of Superintendent of Schools, with the recommendation the same do not pass.

By Mr. Simonton, from the Committee on Military Affairs, H. 187, bill to amend the charter of the Iredell Blues, with the following amendment: strike out in section 1, "and from paying poll taxes," and so amended recommended it do pass.

By Mr. Waugh, from the Committee on Corporations, H. 209, bill to charter the St. Catharine's Mills and Charlotte Railroad, with the recommendation the same do pass.

By Mr. Ferebee, from the Committee on Education, H. 219, bill to charter the Richland Institute, with the following amendment: at the end of the first section add, "Provided, That the same shall not exceed in value $100,000."

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

By Mr. Mendenhall, resolution, (H. R. 235,) in favor of James M. Lilly's invention.

By Mr. Hoke, resolution (H. R. 236,) in favor of the sheriff of Lincoln. To Claims.

From the Senate, (S. 237,) bill to charter the Salem and Thomasville Turnpike Company.

Mr. Wright gave notice that he would, to-morrow, move that H. R. 73, be read the second time and passed.

On motion of Mr. Hill,

A message was sent to the Senate proposing to print all bank statements heretofore and hereafter to be submitted.
At 12 o'clock, M., the House considered the special order, viz:

H. 152, the bill to provide for calling a convention of the people, which being read, and the question put, shall this bill pass the second reading?

On motion of Mr. Hill, the House resolved itself into a committee of the whole upon the condition of the State and the Union, Mr. Hill in the chair, when Mr. Person offered a substitute for the same, and the same being under consideration,

On motion of Mr. Folk,

The Committee rose, and the Speaker resumed the chair.

Mr. Hill, from the Committee of the Whole, reported that they had had under consideration the bill, 152, to provide for a convention of the people, without coming to any conclusion thereon, and asked leave to sit again at 12 o'clock to-morrow, and leave being granted,

On motion of Mr. Davis, of Rutherford,

Ordered, That the substitute offered by Mr. Person in Committee of the whole, to H. 152, be printed, when, it being 1 o'clock and 40 minutes.

On motion of Mr. Bullock,

The House adjourned.

THURSDAY, 10th January, 1861.

Proceedings of public meetings held in several counties of the State upon the subject of federal relations, were read and laid upon the table, as follows, viz:

Presented by Mr. Howard, proceedings of a meeting in the county of Davie.

By Mr. Wright, proceedings of a meeting in the county of Cumberland.

By Mr. Polk, proceedings of a meeting in the county of Anson.
Mr. Guthrie presented the memorial of Calvin Bishop, praying a tax to be refunded him. To Claims.

Mr. Siler presented the memorial of J. H. Siler and others, praying an amendment of Charter of Franklin.

Reports were submitted and received from Standing Committees as follows, viz:

Mr. Waugh, from the Committee on Corporations, reported H. 42, bill to charter the Kilwinny Lodge, A. Y. F. M., with the recommendation the same do pass.

H. 111, bill to amend Revised Code, chapter 107, Slaves and Free Persons of Color, recommending the same do not pass.

A message was received from the Senate proposing an amendment to the Joint Rule, in regard to the committee on enrolled bills, which being read, was concurred in.

Bills, etc., of the titles following were introduced, read the first time, passed the first reading, and were ordered as follows, viz:

By Mr. Guthrie, (H. R. 238,) resolution in favor of Calvin Bishop. To Claims.

By Mr. Hill, (H. R. 239,) resolution for the purchase of a State Flag. Passed the first reading. Mr. Hill moved the resolution be read the second time, and the question being thereon, was put, and (two thirds not voting therefor,)

Decided in the negative, \{ Yeas .........................59 \\
Nays .........................48 \}

On motion of Mr. Cowles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Antry, Barrow, Batchelor, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Mecklenburg, Ewell, Fagg, Faison, Fleming, Foy, Green of Franklin, Hall, Henry, Hill, Hoke, Jenkins, Kallum, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Meares, Mitchener, Mordecai, Newby, Padgett, Pearson, Peebles, Person,

And the following in the negative, viz:


By Mr. Williams, of Nash, (H. R. 240,) resolution in favor of L. N. B. Battle.

Mr. Merrimon introduced a resolution, (H. R. 241,) for the purchase of a State Flag, and a United States Flag, for the use of the State. Passed the first reading. Mr. Merrimon moved the same be read the second time, and the question thereon was put, and (two thirds not voting therefor,)

Decided in the negative

\[
\begin{align*}
\text{Yea} & : 58 \\
\text{Nay} & : 54
\end{align*}
\]

On motion of Mr. Merrimon,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:


From the Senate, a bill, (S. 242,) in favor of James H. Allen, sheriff of Brunswick.

The House then considered the resolution of Mr. Fleming, upon the sessions of the House, and the question being thereon, Mr. Fleming offered the following substitute, viz:

"Resolved, That the House will meet at 10 o'clock, A. M., and take a recess from 2 o'clock, P. M., till 7 o'clock, P. M., and adjourn at 10 o'clock, P. M."

And it was adopted.

Mr. Faison moved the vote be reconsidered,
And it was adopted.

And the question recurring,
Mr. Fleming moved the same be amended so as to add, "and that this resolution go into effect from and after Wednesday next."

And it was adopted.

And the question recurring,
The resolution was adopted.

Mr. Love, of Jackson, introduced the following resolution:

"Resolved by the General Assembly of North-Carolina, That the Union being formed by the assent of the States, respectively, and being consistent only with freedom and the republican institutions guaranteed to each, cannot and ought not to be maintained by force; that the Government
of the Union has no power to declare or make war against any of the States which have been its constituent members; that when any one or more of the States has determined, or shall determine under exciting circumstances to withdraw from the Union, we are unalterably opposed to any attempt on the part of the Federal Government to coerce the same into re-union or submission, and that we will resist the same by all the means in our power.'"

Ordered that the same be referred to the Committee on Federal Relations under the rule.

Mr. Fleming gave notice that he would to-morrow move to suspend this rule.

Mr. Love, of Jackson, then offered the following resolution:

"Resolved, That the Committee on Federal Relations, to whom was referred a resolution denying the right of the Federal Government to coerce a seceding State or States, be requested to report the same back on to-morrow, in order that this General Assembly may take a definite action thereon."

And the question being thereon, was put and

Decided in the affirmative, { Yea...} 64  { Nay...} 45

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

On motion of Mr. Merrimon,
S. 204, to charter the Brunswick Riflemen, was, together with a memorial of Captain McDowell upon the subject, referred to the Committee on Claims.

At 12 o’clock and 15 minutes, the House resumed in Committee of the Whole, (Mr. Hill being chairman,) the consideration of bill (H. 152,) to call a Convention of the people of the State, and the question being thereon,
Mr. Dortch offered the following amendment, viz:

"Be it further enacted, That, whereas both of the political parties of the State, in the late campaign for Governor and members of the General Assembly, were pledged against a change of the laws of representation in the Senate and the House of Commons; and whereas we are opposed to strife and contention between the different sections of our State, now bound together by so many ties of interest and good feeling: we therefore most respectfully recommend to the committee not to make any alteration of the Constitution of the State, changing the basis of representation in the Senate and House of Commons. And we do further most respectfully recommend that the action of the Convention be submitted to a vote of the people, for ratification or rejection."

And the question being thereon,
The Speaker resumed the chair, when
Mr. Hill, from the Committee of the Whole, reported
that they had had under consideration the bill (H. 152,) to call a State Convention, without coming to any resolution thereon, and asked leave to sit again at 11 o’clock to-morrow, and it was granted.

On motion of Mr. Wright,

H. R. 73, resolution in favor of sureties of John S. Willis, was made the special order for Saturday next at 11½ o’clock.

Bills, etc., of the following titles then being introduced and read, passed the first reading and were otherwise disposed of as follows:

From the Senate, bill (No. 243,) to amend the Revised Code, chapter 35, "Pilots."

Also, (S. R. 244,) in favor of John Pate.

S. 245, bill for the relief of the sureties of W. W. Ward, which was also read the second and third times, and passed the second and third readings.

Ordered to be enrolled.

Also, (S. 246,) to extend the time of registration.

And the following:

By Mr. Williamson, bill (247,) in favor of Wright Lucas.

To Propositions and Grievances.

By Mr. Hoke, bill (243,) to charter Salem Camp Ground.

To Corporations.

By Mr. Meares, bill (249,) concerning free negroes. To Slaves and Free Persons of Color.

By Mr. Dickson, bill (250,) to charter Patterson Manufacturing Company.

By Mr. Blue, bill (251,) to amend charter of Laurel Fair, passed in 1792.

By Mr. Wright, bill (252,) to charter Cross Creek Company. To Corporations.

By Mr. Wright, bill (249,) to charter Fayetteville Gas Light Company.

By Mr. Peebles, bill (254,) concerning Court of Wardens in Northampton.

By Mr. Small, bill (255,) to amend the charter of Edenton. To Corporations.
By Mr. Bowman, bill (256,) to prevent adulteration of sp’ris. To Propositions and Grievances.

By Mr. Hanes, bill (287,) to charter Yadkin College, in Davidson. To Education.

By Mr. Davis, of Rutherford, bill (258,) to abolish jury trials in Polk.

By Mr. Ward, bill (259,) to amend Revised Code, chapter 52, General Assembly.

By Mr. Mendenhall, bill (260,) to charter Greensboro’ Cemetery. To Private Bills.

By Mr. Guthrie, bill (261,) to amend charter of the North Carolina Railroad Company. To Internal Improvements.

Pending the presentation of these bills, various motions were made to adjourn, when, it being 2 o’clock and 40 minutes, the House adjourned.

FRIDAY, 11th January, 1861.

Mr. Hall presented the memorial of James Beatty and others, of the counties of Iredell and Rowan, praying the establishment of a new county. Referred to Propositions and Grievances.

Mr. Love, of Jackson, presented the memorial of Alexander Wilson, upon the subject of Western Turnpikes. Referred to the Committee on that subject.

Mr. White presented the proceedings of a public meeting in the county of Gaston upon the subject of federal relations.

Mr. Williamson presented similar proceedings in the county of Columbus, both of which being read were left upon the table.

Mr. Crumpler presented the memorial of J. Koonce and others, of Ashe, concerning a mill dam. Referred to Propositions and Grievances.

Mr. Henry, from the committee on enrolled bills for this week, reported that they had examined the following bills, and found them to be correct, viz:
Resolution in favor of Edward Yarboro'.
An act to authorize the holding of a court of oyer and terminer in Caswell county.
An act to provide for the purchase of arms and munitions of war.
An act to authorize and empower the sureties of William Pollock, late sheriff of the county of Jones, to collect the arrearage of taxes.
Other reports were submitted, received and filed as follows, viz:

By Mr. Waugh, from the Committee on Corporations, H. 94, bill to charter Carrolton Copper Mining Company, with the following amendments, viz:
In section 2d, before "laws," in the last line, insert "Constitution and." In the 3rd section strike out "one" and insert "two." In section "five," strike out "sixty" and insert "thirty."

Also, H. 109, bill to charter the Chatham Mining Company, with the following amendments, viz:
Before "laws," in the first line of the second section, insert "Constitution and," in the first line of the fourth section strike out "one" and insert "two, in the same section strike out "him" and insert "them," and in the last line of the fifth section, strike out "fifty" and insert "thirty." And recommended the same do pass.

Mr. Love, of Jackson, from the Committee on Cherokee Lands, reported, (H. R. 224,) in favor of Jesse McGee, with the recommendation that the same do pass.

Mr. Person, from the Committee on Federal Relations, reported that they had had under consideration the resolution of Mr. Love, of Jackson, upon the subject of Coercion, and in obedience to the order of yesterday, submitted a written report.

On motion of Mr. Merrimon,
The same was ordered to be printed, and made a special order for Monday at 11 o'clock.
At 11 o'clock and 10 minutes, the House, in Committee of the Whole, Mr. Hill in the chair, resumed the consideration of the bill, (152,) to call a State Convention; pending which, a message being announced from the Senate, Mr. Hill left the chair, and the Speaker having received and examined the message, the House was again resolved into a Committee of the Whole, Mr. Hill resuming the chair; and after some time spent therein,

On motion of Mr. Bridgers,

The Committee rose and the Speaker resumed the chair, when Mr. Hill, from the Committee of the Whole, reported that they had had under consideration (H. 152,) the bill to call a State Convention, and had come to no conclusion thereon, and asked leave to sit again at half past 11 o'clock on Monday, and it was concurred in and leave granted.

Bills, etc., of the titles following, were introduced, read, passed the first reading, and were otherwise ordered as follows, viz:

By Mr. Foy, a resolution (H. R. 262,) in favor of M. L. F. Redd. To Propositions and Grievances.

By Mr. Crumpler, a bill (H. 263,) to open south fork of New river in Ashe. To the same Committee.

By Mr. Crumpler, bill (H. 264,) to charter Jefferson Academy. To Education.

By Mr. Batchelor, bill (H. 265,) to amend Revised Code, chapter 167, "Slaves and Free Persons of Color," being read the first time and passed, was,

On motion of Mr. Batchelor,

Read the second time, and the question being thereon, Mr. Hill offered a substitute which was adopted, and the same passed the second reading, and, on motion of Mr. Batchelor, being amended so as that the same shall take effect from and after its ratification, passed the third reading.

Ordered that it be engrossed and sent to the Senate.

By Mr. Bynum, bill (266,) to prohibit the sale of spirituous liquors in the county of Chatham, with sundry memorials. To Education.
By Mr. Wright, bill (267,) to charter the Tokay Wine Company. To Corporations.

By Mr. Hayes, bill (268,) to charter the Cherokee Mining and Manufacturing Company. To the same Committee.

By Mr. Hayes, bill (259,) to charter Peachtree Paint and Mineral Manufacturing Company. To the same Committee.

By Mr. Martin, bill (278,) to authorize a sale of the old jail in Wilkes. To Private Bills.

By Mr. Autry, bill (271,) to exempt certain articles from taxation. To Finance.

By Mr. Carson, bill (272,) to increase the fees of county surveyors. To Judiciary.

By Mr. Gorrell, bill (273,) to amend Revised Code, chapter 28, "County Revenue and Charges." To Judiciary.

A message was received from the Senate, announcing the appointment of Messrs. Lane and Humphrey the joint committee upon the report of the Atlantic and North-Carolina Railroad.

The House, on motion of Mr. Rogers, suspended the rule and considered the bill (206,) to charter the Chatham Railroad Company, and the same was read the second time, and the question put, when Mr. Ward moved the same be referred to the Committee on Internal Improvements, and it was not adopted, and the bill passed the second reading.

Mr. Rogers moved the bill be read the third time, and the question being thereon, and the yeas and nays ordered,

On motion of Mr. Martin,

And at 2 o'clock and 11 minutes the House adjourned.

SATURDAY, 12th January, 1861.

Mr. Marsh presented the proceedings of a meeting of the people in the county of Beaufort, upon the subject of federal relations.

Mr. Green, of Chatham, similar proceedings in Chatham.
Mr. Green, of Stanly, similar proceedings in Stanly.

Mr. Crumpler presented the memorial of A. Gentry and others, in behalf of Francis Russell. Resolved, with (H. 278,) to the Committee on Propositions and Grievances.

A message was received from the Governor, (No. 13,) in reply to the resolution of the House, upon the subject of a Public Armory, and transmitting a letter of Joseph B. Anderson.

On motion of Mr. Crumpler,

The same was ordered to be printed.

Reports were submitted, received and filed from Standing Committees as follows, viz:

By Mr. Bynum, from the special committee, bill, (H. 13,) to abolish the office of State Geologist, with the recommendation the same do pass.

By Mr. Fleming, from Internal Improvements, (H. 41,) to charter the Greensboro' and Danville Rail Road Company, recommending the same do not pass.

Also, from same committee, (H. 105,) bill to charter the Caswell Rail Road Company, with the like recommendation.

H. 115, bill to charter New River Canal Company, with amendments.

By Mr. Person, from the Committee on the Judiciary, H. 145, bill to repeal an act of 1852, concerning Partition, with an amendment, recommending it do pass.

By Mr. Fleming, from Internal improvements, (H. 146,) bill to amend charter of the Raleigh and Gaston Rail Road Company, with the recommendation the same do not pass.

By Mr. Person, from the Judiciary, H. 147, bill to amend Revised Code, chapter 118, Widows, with the recommendation the same do not pass.

Also, H. 150, bill to pay talis jurors in Bertie county, with the like recommendation.

By Mr. Williams, of Nash, from Claims, (H. R. 153,) resolution in favor of J. Tapscott, with the recommendation the same do pass.
By Mr. Person, from the Committee on the Judiciary, (H. 156,) bill to provide for limited partnerships, recommending the same be printed, and it was so ordered.

Also, H. 163, bill to amend Revised Code, chapter 107, "Slaves and Free Negroes," with an amendment.

Also, H. 169, bill concerning Jurors, recommending the same do pass.

Also, H. 170, bill to abolish jury trials in the County Courts, recommending the same do not pass.

And H. 172, bill for the relief of securities, with the like recommendation.

H. 134, bill to amend Revised Code, chapter 48, Fences, with the same recommendation.

By Mr. Fleming, from the Committee on Internal Improvements, H. 185, bill to charter the Dallas and King's Mountain Rail Road, with an amendment, strike out "the South Carolina line," and insert "some point on the Wilmington, Charlotte and Rutherford Rail Road."

Mr. Person, from the Committee on the Judiciary, reported H. 192, bill for the relief of the Greenville and Raleigh Plank Road Company, recommending the same do pass.

H. 208, bill to alter the rules of pleading, etc., and for a stay law, with the recommendation the same do not pass.

H. 210, bill to protect the owners of damaged stock, with the recommendation the same do not pass.

By Mr. Bridgers, from the Committee on the Judiciary, (H. 213,) to prevent cumulative disabilities, and (H. 214,) to encourage the improvement of land, with the recommendation the same do pass, the latter being first amended.

By Mr. Person, from the same Committee, H. 215, to prevent horse stealing, with the recommendation the same do not pass.

H. 220, bill to amend Revised Code, chapter 12, Bastardy, recommending the same do not pass.

H. 221, bill concerning public roads, with the same recommendation.
By Mr. Martin, from the Committee on Propositions and Grievances, (H. R. 225,) resolution in favor of Jacob Siler, with the recommendation the same do pass.

By Mr. Person, from the Committee on the Judiciary, (H. 226,) bill for the increase of the public revenue, with the recommendation the same do not pass.

H. 227, bill to alter the term of office of sheriffs, with the recommendation the same do pass.

By Mr. Martin, from the Committee on Propositions and Grievances, (H. 229,) to prevent felling of timber in Catawba and Burke, with an amendment, and (H. 232,) bill to prevent felling of timber in French Broad, with an amendment.

By Mr. Williams, of Nash, from the Committee on Claims, (H. R. 238,) resolution in favor of Calvin Bishop, recommending the same do pass.

By Mr. Stanford, from the same committee, (H. R. 240,) resolution in favor of L. N. B. Battle, with the same recommendation.

By Mr. Martin, from the Committee on Propositions and Grievances, (H. R. 247,) in favor of Wright Lucas, with the recommendation that the same do pass.

H. 256, bill to prevent adulteration of spiritous liquors, with the recommendation the same do not pass.

H. 258, bill to abolish jury trials in Polk, with the recommendation the same do pass.

H. 259, bill to amend Revised Code, chapter 52, General Assembly, recommending the same do not pass.

By Mr. Fleming, from the Committee on Internal Improvements, H. 261, bill to amend the charter of the North-Carolina Railroad Company, and recommend the same do pass.

H. R. 262, resolution in favor of M. L. F. Redd, recommending the same do not pass.

On motion of Mr. Gorrell,

A message was sent to the Senate proposing, on Saturday
next, to proceed to the nomination of justices of the peace for the several counties of the State.

Mr. Davis, of Mecklenburg, introduced the following:

"Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of, and report a bill at the earliest date possible, defining what shall be treason against the State of North-Carolina, and fixing the penalties therefor."

Bills, etc., of the titles following, being introduced, read the first time, passed the first reading, and were ordered as follows, viz:

By Mr. Wishart, a resolution (H. R. 274,) in favor of Reuben King. To Claims.

By Mr. Williamson, a resolution (H. R. 275,) in favor of Lewis Williamson. To same Committee.

By Mr. Logan, a resolution (H. R. 276,) in favor of Benjamin Justice. To same Committee.

By Mr. Poindexter, a bill (277,) to prevent felling of timber in Forsythe county. To Propositions and Grievances.

By Mr. Crumpler, bill (278,) in favor of Frances Russell. To same Committee.

By Mr. Merrimon, bill (279,) to charter Sulphur Springs Hotel Company. To Corporations.

By Mr. Merrimon, bill (280,) to charter Sulphur Springs Manufacturing Company. To same Committee.

By Mr. Padgett, bill (281,) to alter the county line between Rutherford and Polk. To Propositions and Grievances.

By Mr. Love of Jackson, bill (282,) to amend the charter of Tuskasegee and Keonee Turnpike Company. To Western Turnpike Roads.

By Mr. Branch, bill (283,) to prevent felling of timber in Duplin. To Propositions and Grievances.

By Mr. Shaw, bill (284,) to establish Pittman's Landing. To the same Committee.

By Mr. Merrimon, bill (285,) to extend the time for register-
Ordered to be engrossed and sent to the Senate.

By Mr. Wishart, bill 286, to amend the charter of Lumberton. To Judiciary.

By Mr. Logan, bill (287,) concerning jury trials in Clevelanland. To Judiciary.

By Mr. Wright, bill (288,) to charter Fayetteville and Florence Railroad Company. Ordered to be printed and referred to Internal Improvements.

By Mr. Barrow, bill (289,) concerning the poor in Forsythe county. To Propositions and Grievances.

By Mr. Stanford, bill (290,) to charter Warren Lodge, A. Y. F. M. To Private bills.

By Mr. Marsh, bill (291,) to provide a military corps for Washington. To Corporations.

Mr. Henry, from the committee on enrolled bills, submitted the following report, viz:

"The Committee on enrolled bills have examined the following bill, find it correct and ready for the signature of the Speaker, viz:

"An act for the relief of the sureties of William W. Ward, late sheriff of Martin county."

The bill was then signed by the Speaker and sent to the Senate.

Bills, etc., of the titles following being read the second time, passed the second reading, and other proceedings were had, as follows, viz:

H. 42, bill to charter Kilwinny Lodge, A. Y. F. M.

H. 58, (a,) bill to amend charter of Jonathan's Creek Turnpike Company.

H. R. 64, resolution in favor of James S. Ives.

H. R. 73, resolution in favor of John S. Willis. Rule suspended, and ordered to be engrossed and sent to the Senate.

H. 89, bill to abolish jury trials in Watauga county court.
H. 90, bill to repeal an act concerning justices' process in Chatham county.

H. 91, bill to charter Black Mountain Turnpike Company.

H. 94, bill to amend charter of Carrollton Copper Mining Company. The amendments of the Committee being first adopted.

H. R. 99, resolution in favor of Jonas Cline, being read the second time, and the question put, Mr. Hanes moved to amend by inserting E. D. Hampton, and it was adopted. Other members moved to amend by adding as follows:


Mr. Fagg moved that it be amended so as to include all the sheriffs and ex-sheriffs of the State, and it was not adopted. The several amendments were then adopted.

Mr. Rogers then moved to add W. H. High, other members, G. W. Crumpler, I. Aldridge and A. C. Latham, when

Mr. Fagg moved the resolution be laid upon the table, and it was not adopted, and the question being upon the amendment,

On motion of Mr. Waters,

The bill was referred to the Committee on the Judiciary.

At 1 o'clock and 20 minutes, Mr. Taylor moved the House adjourn, and it was not adopted.

Mr. Yeates gave notice that he would, on Friday next at 12 M., call up his resolutions upon the subject of public lands.

On motion of Mr. Peebles,

The House considered the bill (H. 54,) concerning the Court of Wardens, in the county of Northampton, and the same passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

At 10 o'clock and 25 minutes, Mr. Clark, of Craven, moved the House do now adjourn, and the question thereon was put and
Decided in the negative, { Yeas ............................ 21
{ Nays .............................. 68

On motion of Mr. Merrimon,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

So the House refused to adjourn, and considered
H. 128, bill to charter Gibson Hill Mining Company.
And the amendments of the Committee being first adopted,
the same passed the second reading.
At 1 o'clock and 48 minutes, Mr. Gaither moved the
House do now adjourn, and the question thereon was put, and

Decided in the negative

On motion of Mr. Merrimon,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Autry, Bridgers, Bullock, Burgin, Bynum, Carson, Cheek, Davis of Bladen, Davis of

And the following in the negative, viz:


The House resumed the Calendar, when the following bills on the second reading passed, and were further ordered, as follows, viz:

H. 107, bill to charter the Chatham Mining Company, passed the second and third readings. Ordered to be engrossed and sent to the Senate.

H. 116, bill for the relief of Ellen Ransom.

H. 120, bill to amend charter of the Haywood Male and Female Academy, passed the second and third readings. Ordered to be engrossed and sent to the Senate.

H. 128, bill to charter Gibson Hill Mining Company, the amendments of the Company being first adopted.

H. 133, bill to amend Revised Code, chapter 12, "General Assembly."

When it being 1 o'clock and 56 minutes, the House adjourned, on motion of Mr. Kallum.

MONDAY, 14th January, 1861.

The Speaker announced the following committee on
enrolled bills, viz: Messrs. Watson, Green of Stanly, Potts, Winslow and Clark of Davidson.

By unanimous consent, the rules being suspended, Mr. Clark, of Craven, having introduced a bill (292,) concerning a State Convention, the same was read the first time and passed the first reading, and was referred to the Committee of the Whole, and ordered to be printed.

Proceedings of meetings of the people in several counties of the State, upon the subject of federal relations, were introduced, read and laid upon the table as follows, viz:

By Mr. Blue, proceedings and resolutions had and adopted in the county of Richmond.

By Mr. Cowles, similar proceedings, etc., in the county of Yadkin.

By Mr. Waugh, similar proceedings in the counties of Surry and Stokes.

By Mr. Marsh, similar proceedings in the county of Beaufort.

At 11 o'clock, the Speaker stated the question, under a special order, to be upon the resolutions of Mr. Love, of Jackson, and the substitute therefor, offered by the Committee on Federal Relations, which latter had been ordered to be printed, and the same being read,

Mr. Marsh moved to amend by striking out all after the enacting clause, and inserting a substitute as follows, viz:

"Resolved by the General Assembly of the State of North-Carolina, That the Union being formed by the assent of the various States respectively, and being consistent only with freedom, republican institutions and equal rights guaranteed to each, ought not and cannot be maintained by force; that the government of the Union has no power to declare and make war against any of the States which have been its constituent members; that whenever any one or more of the States under existing circumstances shall determine to withdraw from the Union, we are unalterably opposed to any
attempt on the part of the Federal Government to coerce the same into re-union or submission."

And the question being thereon,
Mr. Ferebee moved the same be postponed until to-morrow at 12 o'clock.

Mr. Love, of Jackson, moved the yeas and nays be ordered.
Mr. Ferebee withdrew the motion.
Mr. Merrimon moved the special order be postponed until to-morrow at 11 o'clock, and this question was put and adopted. There being counted yeas 54, nays 51.

On motion of Mr. Harris,
The resolutions of Mr. Love and Mr. Marsh were ordered to be printed.

Mr. Wangh, from the Committee on Claims, reported H. R. 142, in favor of J. C. Ward, with the recommendation the same do pass.

H. 163, bill to charter the Lafayette Light Infantry, with the recommendation the same do pass.

Mr. Williams, of Nash, presented the report of the Committee on Claims upon the memorial of A. J. Tarwater, and asked to be discharged from the further consideration of the subject, and it was so ordered.

At half past 11 o'clock, the House pursuant to special order considered in Committee of the Whole, Mr. Hill in the chair, the bill 152, to call a Convention of the people of the State, and after some time spent thereon, the Committee rose, when Mr. Hill from the Committee of the Whole, reported that the committee had had under consideration the bill 152, to call a Convention, without coming to any resolution thereon, and asking leave to sit again at 12 o'clock to-morrow, and leave was granted accordingly.

Mr. Folk introduced resolutions, (H. R. 293,) upon the subject of Federal Relations, and the status quo of federal facts, etc., and the same being read the first and second times, passing the first and second readings, and the question being, shall the resolution pass the third reading? and at 1 o'clock
On motion of Mr. Batchelor,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:

So the House refused to adjourn, and the question recurred, and was put, and decided in the affirmative. Mr. Merrimon moved the rule be suspended and the resolution engrossed and sent to the Senate, and it was so ordered.

Mr. Henry offered the following resolution:

"Resolved, That the Representatives of the people of the State of North Carolina, now assembled, deem it inexpedient at this time for the General Government to use or put in force, any military power against any of the seceding States."

Referred to the Committee on Federal Relations.
Mr. Hoke introduced a resolution (H. R. 294,) to provide for testing State arms, and the same being read, passed the first reading, and being read the second time, Mr. Liles moved the House do now adjourn, and the question thereon was put, and decided in the negative, there being counted yeas 33, nays 54. Mr. Liles moved the resolution be indefinitely postponed, and it was not adopted,

The resolution then passed the third reading, Ordered to be engrossed and sent to the Senate.

Whereupon, it being 2 o'clock and 45 minutes, the House, On motion of Mr. Henry, Adjourned.

TUESDAY, 15TH JANUARY, 1861.

Mr. Merrimon introduced the proceedings and resolutions of a meeting of the people in the county of Buncombe, upon the subject of federal relations.

Mr. Love, of Jackson, introduced similar proceedings in the county of Haywood.

Mr. Williams, of Cumberland, similar proceedings in the county of Harnett.

Mr. Folk, similar proceedings in the county of Watauga. Each of which, except the last named, being read, were left upon the table.

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

By Mr. Waugh, from the Committee on Corporations, (S. 204,) bill to charter the Buncombe Riflemen, with the recommendation the same do pass.

H. 230, bill to charter Tally Ho! Female Academy, with the recommendation the same do pass.

H. 248, to charter the Salem Camp Ground, with the recommendation the same do pass.

H. 254, bill to amend the charter of Edenton, with the recommendation the same do pass.
Bills and resolutions of the titles following were introduced, read the first time, passed the first reading, and were otherwise ordered as follows, viz:

By Mr. Siler, (H. R. 295,) a resolution in favor of Clark Byrd. Referred to Cherokee Lands.

By Mr. Hall, bill (H. 296,) to establish the county of Brevard. To Propositions and Grievances.

By Mr. Mendenhall, (H. 297,) bill to charter the Melville Hill Mining and Melting Company. To Corporations.

By Mr. Merrimon, (H. 298,) bill to amend the charter of Asheville. To the same Committee.

By Mr. Harriss, (H. 299,) bill to establish a causeway in Cabarrus. To Propositions and Grievances.

At 11 o'clock and 30 minutes, the Speaker announced the special order, viz: the resolutions of Mr. Love, of Jackson, upon the subject of coercion, and the substitute therefor offered by the Committee on Federal Relations, and by Mr. Marsh, and the question being upon the latter, Mr. Slade offered the following amendment thereto, viz:

"Resolved, That without intending any menace or threat, it is the opinion of this General Assembly that in case any State shall, through the voice of her people, withdraw from the Union, the General Assembly ought not to attempt coercion, as it would tend directly to the subversion of our Southern institutions, and in case such attempt at coercion is made, we pledge ourselves to resist the same by all the means in our power."

Mr. Rogers moved to amend by striking out the words, "we pledge ourselves," and insert the words, "the people of North-Carolina ought,"

And it was adopted.

And the question being on the amendment, the hour for the special order at 12 m., to wit: the bill, (H. 152,) to provide for a call of the State Convention, arrived, when,

On motion of Mr. Yeates,

The same was postponed until 1 o'clock, and the House
resumed the consideration of the special order of 11½ o'clock, and the question recurring upon the substitute of Mr. Marsh, it was withdrawn. The question recurring upon the substitute of Mr. Slade, Mr. Love, of Jackson, moved to amend, by adding in the resolution of the committee, after the word "Florida," the word "Alabama."

And it was adopted.

Mr. Person moved to amend the same by adding the words, "whether that act be called revolution or secession."

And it was adopted.

Mr. Love, of Jackson, then accepted the resolution as a substitute, and withdrew his own resolution, and the question being upon the motion of Mr. Slade, to strike out all after the word "Resolved," and insert his substitute,

Mr. Batchelor demanded a division of the question, and the same was stated to be first upon the motion to strike out.

The hour of 1 o'clock having arrived,

On motion of Mr. Bullock,

The special order was postponed for one hour, there being counted yeas 48, nays 35, and the question recurring, Mr. Ferebee offered the following amendments, viz:

To the first resolution against coercion add, "Yet we concede that the President of the United States cannot, officially recognize the fact of secession and independence on the part of any State, that the General Government alone can do that, and that until the General Government takes action thereon, so as to relieve the President from his obligations, it is his duty to execute the laws of the United States; but in consideration of the highly excited state of the public mind, we think it would be prudent on the part of the President, to forbear any use of force until the General Government and the Government of any seceding State have opportunity for adjustment."

Add to the second resolution, "But as treason consists in levying war against the Government, and adhering to their enemies, giving them aid and comfort, while we are a part
of it, and as all the authorities in the State are under oath to support the Government, therefore, in order to avoid treason and perjury, it is necessary before such resistance, that North Carolina should herself secede from the Union and declare her independence.'

And the question being upon these amendments of Mr. Ferebee, at 2 o’clock the hour for the special order again arrived when, Mr. Love, of Jackson, moved the special order be postponed.

And it was not adopted.

The House then resumed, in Committee of the Whole, the consideration of the bill (152,) to call a State Convention, when, after a few minutes spent therein, the committee rose. Mr. Hill, from the same, reported that the committee had had under consideration the bill (152,) to call a State Convention and had come to no resolution thereon, and asked leave to sit again at 12 o’clock to-morrow. Leave was granted, and the House resumed the pending question, when it being 2 o’clock and 10 minutes, Mr. Davis, of Rutherford, moved the House adjourn, and the question thereon was put and

Decided in the negative, \{ Yeas.................................21
\} Nays.................................86

On motion of Mr. Slade,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following voted in the negative, viz:

Messrs. Alfred, Autry, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Cheek, Cline, Crumpler, Davis of Bladen, Davis of Mecklenburg, Dickson, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Galloway, Green of Franklin, Hall, Hanes,

At 2 o'clock and 40 minutes, Mr. Marsh moved the House do now adjourn, and the question thereon was put and

Decided in the negative, \{ Yeas ...................... 37 \\
Nays ......................... 66 \}

On motion of Mr. Love, of Jackson,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
The question recurring, Mr. Meares moved the House do take a recess until 7 o'clock and 30 minutes this evening. Mr. Marsh moved to amend by striking out and inserting until 10 o'clock and 25 minutes to-morrow, and the question being thereon,

Mr. Henry moved the House do now adjourn, and the question thereon was put and

Decided in the negative, { Yea{s} .................................................. 33
{ Nays .................................................. 72

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Albritton, Autry, Barrow, Baxter, Booth, Branch, Bridgers, Bullock, Bynum, Cheek, Clark of Craven, Cline, Cowles, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Ewell, Faison, Fergus-


Immediately upon which, and at 3 o'clock and 25 minutes, Mr. Henry moved the House do now adjourn. Mr. Meares rose to a point of order, and he stated his point to be, that it was not competent to move to adjourn now, when no busi-
ness had been done since the House had refused a similar motion.

The Chair, (Mr. Batchelor,) held the point well taken, and refused to put the motion. Mr. Henry appealed, when the question being, shall the decision of the chair stand as the judgment of the House? Mr. Henry withdrew the appeal, and the question recurring upon the amendment of Mr. Marsh, to the motion of Mr. Meares, it was put and

Decided in the negative, \( \text{Yeas,} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 17 \)
\( \text{Nays,} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 74 \)

On motion of Mr. Meares,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Bynum, Cannady, Clark of Davidson, Cowles, Dickson, Farrow, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harris, Kelly, Liles, McMillan, Pindexter, Polk and Small—17.

And the following in the negative, viz:


The question recurring upon the motion of Mr. Meares, and at 4 o'clock, Mr. Crumpler moved the House do now adjourn, and it was not adopted. The question recurring,

Mr. Liles moved to amend by striking out and inserting 11 o'clock and 24 minutes, and it was not adopted.
Mr. Horton moved the House do now adjourn, and the question thereon was put and

Decided in the negative, \{ Yeas.................................21
{ Nays.................................79

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Liles moved the House adjourn until the usual hour to-morrow, and the motion being withdrawn, and at 4 o'clock and 48 minutes, Mr. Fagg moved the House do now adjourn, and the question thereon was put and

Decided in the negative, \{ Yeas.................................28
{ Nays.................................68

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


The question then recurring upon the motion of Mr. Meares, the same was put and adopted, and so, at 4 o'clock and 25 minutes, the House took a recess until to-night at 7½ o'clock, P. M.

Night Session—Tuesday, 15th January, 1861.

The House met pursuant to order. The Speaker stated the question to be upon the amendments of Mr. Ferebee, and a division being demanded, the question was first put upon the amendment No. 1 and

Decided in the negative, Yeas.............................32 Nays.............................54

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


The question was then put upon the amendment No. 2 and

Decided in the negative, \{ Yeas ......................... 49 \\
Nays ......................... 57 \\

On motion of Mr. Ferebee,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barrow, Baxter, Blue, Booth, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Craw-

The question was then put upon the motion to strike out, and it was

Decided in the negative: ¥ Yeas ............................................33
¥ Nays .................................................................53

On motion of Mr. Bridgers,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

So the House refused to strike out, and the question recurring upon the resolutions of the committee, Mr. Folk
moved that the vote by which the House had refused to
strike out be reconsidered, and the question being thereon,
and the yeas and nays being ordered, Mr. Williams, of
Nash, moved the same be laid upon the table, and the
question thereon was put and

Decided in the negative, \{ Yeas..............................50
\} Nays..............................54

On motion of Mr. Marsh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Autry, Barrow, Baxter, Branch, Bridgers, Bul-
lock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of
Bladen, Davis of Mecklenburg, Ewell, Fagg, Faison,
Ferguson, Fleming, Foy, Green of Franklin, Hall, Hill,
Jenkins, Kallum, Logan, Love of Haywood, Love of Jack-
son, McMillan, Meares, Mitchener, Padgett, Pearson, Person,
Pope, Potts, Ransom, Shaw, Small, Stanford, Tapscott,
Ward, Watson, White, Williams of Cumberland, Williams of
Nash, Williamson, Wishart, Withers, Woodard and
Wooten—50.

And the following in the negative, viz:
Messrs. Albritten, Alfred, Batchelor, Blue, Booth, Bow-
man, Burgin, Carson, Clark of Claven, Clark of Davidson,
Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow,
Ferebee, Folk, Foust, Gaither, Galloway, Gorrell, Green of
Chatham, Green of Stanly, Guthrie, Hanes, Harrington,
Hayes, Henry, Howard, Horton, Jordan, Kelly, Latham,
Liles, Marsh, Martin, Mendenhall, Merrimon, Newby, Pat-
terson, Perkins, Poindexter, Polk, Rogers, Russ, Simonton,
Slade, Waters, Waugh, Whitehurst, Williams of Pasquo-
tank, Winslow, Wright and Yeates—54.
The House having refused to lay the motion to reconsider
upon the table, it recurred and was put and

Decided in the affirmative, \{ Yeas..............................59
\} Nays..............................48

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question recurring upon the motion,
Mr. Folk moved to amend as follows, viz:
"Resolved, That any attempt on the part of the Federal Government, to coerce a seceding State, will be dangerous and destructive of public liberty, and that, therefore, we are unalterably opposed to any such policy on the part of the Federal Government, and we will aid and assist any State against which such coercion shall be attempted, and will resist by all the means in our power the passage of federal troops across the territory of this State, or any waters over which she may have jurisdiction, for any such purpose."

And it was not adopted.
The question recurring upon the motion to strike out,
Mr. Person moved to amend the resolution proposed by the committee as follows:

Strike out the first resolution and substitute, as follows viz:

"Resolved, That the Federal Government has no Constitutional right to coerce any State that has withdrawn or may withdraw from the Union, through a Convention of her people, and any attempt to coerce such State would be an usurpation of power."

When it being 10 o'clock and 10 minutes, Mr. Winslow moved the House do now adjourn, and the question thereon was put and

Decided in the negative, { Yeas ........................................... 24
{ Nays ...................................................... 77

On motion of Mr. Winslow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Guthrie offered the following amendment, viz:

"Resolved, That nothing contained in these resolutions shall be so construed as to deny the right of the General Government to collect imposts and duties at the port of Charleston, as she has been doing since the formation of the Government, nor shall anything be so construed as to deny the full and complete title of the Federal Government to Fort Sumter, now in possession of the United States troops, under Col. Anderson."

And the question thereon was put and

Decided in the negative, \{ Yeas.................. 35 | Nays.................. 64

On motion of Mr. Bullock,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

At 10 o'clock and 30 minutes, Mr. Yeates moved the House do now adjourn, and it was not adopted.

Mr. Slade withdrew his amendment, and then the question being upon the amendment of Mr. Person, it was withdrawn, and the question recurring,

Mr. Crumpler offered an amendment, viz:

"Resolved, That it is the deliberate opinion of this General Assembly that any attempt on the part of the Federal Government to coerce any State which has or may declare itself out of the Union, will destroy all hope of a peaceable solution of our difficulties, and be fatal to the perpetuity of the Union."

And the question thereon was put and

Decided in the negative

**Yea**.................................47

**Nay**.................................57

On motion of Mr. Bullock,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Ewell, Fagg, Faison, Fleming, Foy, Green of Franklin, Hall, Harrington, Hill, Hoke, Jenkins, Kallum, Logan, Love of Haywood, Love of Jackson, McMillan, Meares, Mitchener, Padgett, Pearson, Peebles, Person, Pope, Potts, Ransom, Shaw, Slade, Small, Stanford, Tapscott,
Mr. Liles offered the following, viz:

"Resolved, That the in opinion of this General Assembly there is no error in that portion of President Buchanan's Message, which declares that a State has no constitutional right to secede.

"Resolved, That we see much force, beauty and truth, in the following declaration made by that true and well-tried Democratic President, Jackson, in 1833, when South-Carolina was in a state of revolt against the General Government, viz:

'To say that a State may at pleasure secede from the Union, is to say that these United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury and ruin, without committing any offence. Secession like any other revolutionary act may be reasonably justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.'"

And the yeas and nays being ordered thereon, on motion of Mr. Henry,
Mr. Cowles moved the House do now adjourn, and the question thereon was put and

Decided in the negative, { Yeas.................................24
Nays.................................75

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albrighton, Alfred, Carson, Clark of Craven,
Cowles, Crumpler, Farrow, Ferebee, Foust, Gorrell, Green of Stanly, Guthrie, Hanes, Harrington, Hayes, Henry,
Howard, Horton, Kelly, Liles, Martin, Mendenhall, Russ and Winslow—24.

And the following in the negative, viz:

Mr. Gaither then moved the resolutions be laid upon the table, and the question thereon was put and

Decided in the negative, { Yeas ......................... 28
{ Nays ..................................... 66

On motion of Mr. Gaither,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Autry, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Bynum, Cannady, Check, Clark of Craven, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Dickson, Ewell, Fagg, Faison, Ferguson, Fleming, Folk, Foy, Green of Franklin, Hall, Hill, Hoke, Jenkins, Kallum,

At 11 o'clock and 20 minutes, Mr. Horton moved the House do now adjourn, and the question thereon was put and

Decided in the negative, { Yeas......................................20
{ Nays........................................74

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question was then put upon the amendment of Mr. Liles,

And it was not adopted.

Mr. Marsh then offered the following amendment, viz:
"Resolved, That in the foregoing resolutions this Legislature does not intend to aid or deny the right of secession, but simply to express disapprobation of coercion."

And the question thereon was put and

Decided in the negative, \{ Yeas ......................... 36 \} \{ Nays ......................... 57 \}

On motion of Mr. Marsh,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


The question recurring upon the passage of the resolution, the second reading, Mr. Hoke moved to amend by striking out, and inserting the following substitute, viz:

1. "Resolved, That in the judgment of this General Assembly, the Federal Government has no right to coerce a State, and South Carolina, Florida and Mississippi, acting in their sovereign character, through Conventions, having withdrawn from the present Union, the federal authorities have
no power, under the Constitution, to make war upon and
subjugate these States, or any other States which may here-
after adopt the like action.

2. "Resolved, That it will be the duty of North Carolina,
to resist by force the passage of federal troops through her
territory to coerce and subjugate a Southern State, and that
North Carolina ought to resist any attempt at coercion,
either by land or sea, by all means in her power."

And demanded a division of the question. The Speaker
accordingly stated the question to be first on the motion to
strike out, when it being now 12 o'clock, Mr. Burgin moved
the House do now adjourn,

And it was not adopted.

Mr. Marsh offered the following amendment to the sub-
stitute, viz:

"Resolved, That in the foregoing resolutions, the right of
secession is not admitted by implication."

The question was then put upon the motion to strike out,
And it was not adopted.

Whereupon, it being now 12 o'clock and 10 minutes, Mr.
Marsh moved the House do now adjourn, and the question
thereon was put and

Decided in the negative, \{Yeas \ldots \ldots \ldots \ldots 25

{Nays \ldots \ldots \ldots \ldots 70

On motion of Mr. Marsh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Burgin, Clark of Craven, Clark
of Davidson, Cowles, Dickson, Farrow, Ferebee, Foust,
Gaither, Gorrell, Green of Stanly, Guthrie, Hanes, Hayes,
Howard, Horton, Kelly, McCleese, Marsh, Martin, Menden-
hall, Perkins and Winslow—25.

And the following in the negative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Blue, Booth,
Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline,
Crawford, Crumpler, Davis of Bladen, Davis of Halifax,

And the question recurring, Mr. Horton moved the same be laid upon the table.

The Speaker said the same motion had been already made and negatived.

Mr. Horton then moved the resolutions be indefinitely postponed, and this question was put and

Decided in the negative;

On motion of Mr. Horton,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Gaither then moved that the House take a recess, and it was not adopted.

The question was then put, shall these resolutions pass the second reading? and

Decided in the affirmative, { Yeas ....................... 64
Nays ....................... 26

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Batchelor gave notice that he would, on to-morrow, call the resolutions up for the third reading.

Mr. Bullock moved the resolutions be now read the third time, and the question thereon was put and

Decided in the negative, { Yeas ....................... 60
(two-thirds not voting therefor,) { Nays ....................... 32

On motion of Mr. Simonton,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Williams of Cumberland, Williams of Nash, Williamson, Wishart, Withers, Woodard, Wooten and Wright—63.
WEDNESDAY, 16TH JANUARY, 1861.

Prayer by Rev. Mr. Walthal.

Mr. Blue presented the proceedings of a meeting of the people in Richmond, upon the subject of federal relations.

Mr. Gaither said he had voted yesterday for the motion of Mr. Cowles, to adjourn.

Mr. Davis, of Bladen, said he had voted for the suspension of the rules for the third reading of the resolutions (242 a) upon federal coercion, etc.

Ordered, that the Journal be corrected accordingly.
The Speaker laid before the House a letter from the Public Treasurer in reply to a resolution for information upon the subject of contingencies in his department, which was read and left on the table.

A message was received from the Senate, transmitting the names of the Senate branch of the committee on enrolled bills.

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

By Mr. Waugh from the Committee on Corporations,

H. 216, bill to charter Fayetteville Mill Company, with an amendment recommending its passage.

H. 252, to charter Cross Creek Academy, with an amendment recommending its passage.

Bills, etc., were introduced, read the first time, passed the first reading and were referred as follows, viz:

By Mr. Gorrell, a bill (H. 300,) to charter the Aetna Mining Company. To Corporations.

By Mr. Guthrie, (H. R. 301,) resolution in favor of Henry Bagley. To Claims.

By Mr. Gorrell, (H. R. 302, for amendments to the Federal Constitution. To Federal Relations.

By Mr. Ferebee, (H. R. 303,) for the distribution of certain reports. Passed and ordered to be sent to the Senate for concurrence.

By Mr. Person, bill (H. 304,) to amend an act concerning Lillington county. To Propositions and Grievances.

By Mr. Hayes, resolution (H. R. 305,) in favor of H. H. Davidson. To Claims.

By Mr. Mendenhall, bill (H. 306,) to charter Rich Fork Mining Company. To Corporations.

By Mr. Williamson, bill (H. 307,) to increase the pay of witnesses in Columbus. To Judiciary.

By the same, bill (H. 308,) to authorize the appointment of swamp overseers in Columbus county.

By Mr. Davis, of Mecklenburg, (H. 309,) bill to charter the North-Carolina Shoe Manufacturing Company.
By Mr. Shaw, bill (H. 310,) to charter Colvin's Creek Academy.

By Mr. Peebles, bill (H. 311,) for Court of Oyer and Terminer, in the county of Northampton, passed the second and third readings.

Ordered to be engrossed and sent to the Senate.

By Mr. Baxter, bill (H. 312,) to enlarge the powers of the county courts.

By Mr. Bowman, bill (313) to change the lines of the 92nd and 105th regiments of North-Carolina State Militia.

To Military Affairs.

Mr. Fagg, from the Committee on Military Affairs, reported a substitute for (H. 106,) bill to provide a Military Code, which was ordered to be printed.

Pursuant to previous notice, Mr. Batchelor moved that the rule be suspended, and (H. R. 242, a,) upon the subject of Federal Coercion, be read the third time. Mr. Marsh objected that the notice was given after 12½ o'clock last night, and that one day's notice had not been given. The Speaker overruled the objection, and the question thereon was put, and (two-thirds not voting therefor,)

Decided in the negative, 65

44

On motion of Mr. Farrow,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Cumberland, Williams of Nash, Williamson, Wishart, Withers, Woodard, Wooten and Wright—65.

And the following in the negative, viz:

Messrs. Alfred, Barringer, Bowman, Burgin, Check, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferebee, Foust, Gaither, Gorrell, Green of Stanly, Guthrie, Hanes, Harris, Hayes, Henry, Howard, Horton, Jordan, Kelly, Latham, Liles, Marsh, Martin, Mendenhall, Merrimon, Patterson, Poindexter, Polk, Rogers, Russ, Siler, Simonton, Waugh, Whitehurst, Williams of Pasquotank, Winslow and Yeates—44.

A message was received from the Senate, transmitting certain proceedings on federal relations, in the county of Burke, which being read,

Mr. Siler moved the same be printed, and it was not adopted.

Mr. Wright presented the proceedings of a meeting of the people in the county of Harnett, upon the subject of federal relations.

Mr. Blue presented the memorial of J. W. Dawkins, of Rockingham, upon the subject of the liquor traffic.

Mr. Foy gave notice that he would, on to-morrow, move to take up the bill to provide for a stay of execution in certain cases.

Mr. Wishart presented the proceedings of a meeting of the people in the county of Robeson, upon the subject of federal relations. Read and left on the table.

Mr. Davis, of Bladen, similar proceedings in the county of Bladen. Read and left upon the table.

At 12 o'clock the Speaker announced the special order:

H. 152, the bill to call a State Convention, when Mr. Hill took the chair, and the House considered the same in Committee of the Whole, and after some time passed therein, the Committee rose, when Mr. Hill, from the Com-
mittee of the Whole, reported that they had had under consideration the bill to call a State Convention, and had come to no resolution thereon, and asked leave to sit again at 7 o'clock this evening.

Mr. Batchelor gave notice that he would on to-morrow at 11 o'clock, move to take up the resolutions 242, (a) upon federal coercion, etc.

At 2 o'clock, the House, pursuant to the rule, took a recess until 7 o'clock, P. M.

Night Session—Wednesday, 16th January, 1861.

The House re-assembled at 7 o'clock, which, being also the hour for the meeting of the Committee of the Whole, Mr. Hill resumed the chair, when after some time spent therein, the Committee rose, reported no progress, and through their Chairman asked leave to sit again at 12 o'clock to-morrow.

Mr. Cheek offered the following resolution, viz:

"Resolved, That from and after Thursday the 17th inst, when this House shall be in Committee of the Whole, no member shall speak more than five minutes on the bill to call a Convention of the People."

Laid over one day under the rule.

Mr. Donnell gave notice that he would to-morrow move to amend the standing rule, so as to substitute for the present session, a session to begin at 10 o'clock A. M., and adjourn at 4 o'clock P. M.

The House then adjourned, the hour for the adjournment having arrived.

Thursday, 17th January, 1861.

Mr. Patterson presented the proceedings and resolutions of a meeting of the people in Orange and Granville, upon the subject of Federal Relations.
Mr. Booth presented similar proceedings in the county of Gates.

Mr. Meares presented similar proceedings in the county of Brunswick.

All of which being read were left on the table.

Mr. Waugh, from the Committee on Corporations, reported,

II. 234, bill to charter the Hornet’s Nest Riflemen, with the recommendation the same do pass.

II. 253, to charter Fayetteville Gas Light Company, with an amendment, recommending the same do pass.

Mr. Donnell introduced the following resolution, viz:

"Resolved, That his Excellency, the Governor, be requested to inform this House whether he has had any correspondence with the President of the United States, or any other officer of the State or Federal Government, relative to the occupation of Forts Caswell and Macon, or either of them, by the militia of this State, or any body of armed citizens; or as to any intention of that Government to place troops in said forts, and if so, to communicate such correspondence to the House of Commons."

Mr. Mendenhall presented the memorial of J. H. Moore, praying for compensation for executing process to him issued by Judge Saunders. Read and referred to the Committee on Claims.

Mr. Watson, from the Committee on enrolled bills, reported that they had carefully compared the roll of H. 265, an act to amend Revised Code, chapter 107, Slaves and Free Persons of Color, with the original and found the same truly enrolled; whereupon the Speaker signed the same in the presence of the House, and ordered it to be sent to the Senate for the signature of the Speaker thereof.

At 11 o’clock, Mr. Batchelor gave notice that he would to-morrow, at 11 o’clock, call up his motion to take up the resolutions (242 a) upon the subject of Federal Relations.

The House resumed the unfinished business of the Calendar.
H. 25, bill to amend an act concerning Chatham county. The pending question being the motion of Mr. Marsh, that the same be indefinitely postponed, the motion being withdrawn, the question recurred upon the passage of the bill the third reading.

On motion of Mr. Wishart and others, The bill was amended by adding the counties of Robeson, Johnston, Gaston, Wake, Union, Polk, Carteret, Bertie, Brunswick, Chowan, Pasquotank and Harnett.

Mr. Love, of Jackson, moved to extend the bill to every county in the State.

Mr. Mendenhall moved to amend by striking out all after the enacting clause, and inserting his bill (H. 145) to amend Revised Code, chapter 82, and repeal an act of 1852, concerning partition, as the same had been amended by the Committee on the Judiciary.

Mr. Bullock moved to amend the amendment of Mr. Love, by adding "except the county of Granville," and it was adopted. The question recurring,

Mr. Peebles moved to strike out and insert as follows:

"Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted, That the clerk and master in equity shall in no case be allowed less than one nor more than three per cent. on the proceeds of the sale of real and personal estate."

And the question being upon this amendment, at 12 o'clock the Speaker announced the special order, viz:

H. 152, to call a Convention of the people of the State. The House then resolved itself into a Committee of the Whole, and after some time spent therein, the Committee rose, reported no progress, and,

On motion of Mr. Hill,

Were allowed to sit again at 7 P. M.

On motion of Mr. Ward,

Leave of absence was granted Mr. Tapscott until Monday. A message was received from his Excellency, the Governor,
(No. 14,) in reply to the resolution of enquiry with regard to Forts Macon and Caswell, which being read was ordered to be printed.

The House then took a recess until 7 o'clock, P. M.

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Night Session—Thursday 17th January, 1861.

The House having re-assembled, the Speaker stated that the hour had arrived for a consideration of the special order, viz: the bill to provide for a State Convention; whereupon, the House resolved itself into a Committee of the Whole, Mr. Hill in the chair, and after some time spent therein, the Committee rose, when Mr. Hill, from that Committee, reported that they had had under consideration the bill to call a State Convention, and substitute therefor, and had come to no resolution thereon, and asked leave to sit again at 11 o'clock to-morrow, and leave being granted, the House adjourned.

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Friday, 18th January, 1861.

Reports were submitted, received and filed as follows, viz: Mr. Waugh, from the Committee on Corporations, reported

H. 218, bill to re-survey the county line between Surry and Wilkes, with the recommendation the same do pass.

Mr. Jenkins, from the Committee on Education,

H. 257, bill to charter Yadkin College in Davidson, with a substitute recommending its passage.

H. 264, bill to charter Jefferson Academy, with the recommendation the same do pass.

H. 266, bill to prohibit sales of spiritous liquors in Chatham, with the recommendation the same do pass.

Mr. Waugh, from the Committee on Corporations,

H. 267, bill to charter the Tokay Wine Company, with an amendment recommending its passage.
H. 291, bill to provide for a Military Corps in Washington, with an amendment recommending its passage.

Mr. Baxter, from the Committee on Propositions and Grievances,

H. 304, bill to amend an act concerning Lillington county, recommending its passage.

H. 318, bill to establish the county of Dobbin, recommending its passage.

By Mr. Waugh, from the Committee on Corporations,

H. 319, bill to charter Pamlico Gas Light Company, with an amendment, recommending its passage.

Mr. White presented the proceedings of a meeting of the people in the county of Gaston, upon the subject of federal relations.

Mr. Harrington, similar proceedings in the counties of Cumberland and Harnett.

Both of which being read were left on the table.

Mr. Gorrell introduced the following resolution:

"Resolved, That the Committee on Federal Relations, to whom was referred a resolution concerning the calling of a National Convention, be requested to examine and report upon the same on Monday next."

And it was adopted.

Bills, etc., of the titles following, were introduced, read, passed the first reading, and were referred as follows, viz:

By Mr. Williamson, a bill (322,) to prevent amalgamation. To Judiciary.

By Mr. Bullock, a bill (H. 323,) to charter the Granville Independent Grays. To Corporations.

The House then resumed the consideration of the bill (H. 25,) to amend an act concerning Chatham county.

The pending question being upon the amendment of Mr. Peebles, when the bill was passed over informally.

H. 206, the bill to incorporate the Chatham Railroad Company:

The pending question being shall the bill be read the
third time? Mr. Meares withdrew the motion for the yeas and nays.

Mr. Rogers offered the following amendment:

"Sec. 9. Be it further enacted, That said Company may begin the construction of said road at any point on the line of location according to their charter, and that for any portion of said road actually constructed the said Company shall be entitled to all the privileges of this act into and over such part so constructed."

And it was adopted.

And the question recurring,
Mr. Foy moved the bill be referred to the Committee on Internal Improvements.

And it was not adopted.

And the question recurring,
Mr. Bynum offered the following amendment:

"Be it further enacted, That this road shall tap the North-Carolina Central road at any point between the city of Raleigh and the Workshops."

Mr. Ward moved to amend the same by striking out the word "Workshops," and inserting the word "Goldsboro."

And it was not adopted.

The question was then put upon the amendment of Mr. Bynum, and it was not adopted.

The question then recurred, and was put and

Decided in the affirmative, \{ Yeas..........................89 Nays..........................15

On motion of Mr. Ward,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Autry, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bullock, Burgin, Bynum, Cannady, Carson, Cheek, Clark of Davidson, Cline, Cowles, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Fleming, Folk, Foust, Gaither, Galloway,

And the following in the negative, viz:


Passed the third reading, ordered to be engrossed and sent to the Senate.

At 12 o'clock the Speaker stated the hour to have arrived for the consideration of the special order, viz:

The bill 152, to call a State Convention; whereupon the House resolved itself into a Committee of the Whole, for the consideration of the same, Mr. Hill being in the chair, and after some time spent therein, the Committee rose. Mr. Hill from that Committee reported that they had had under consideration the bill 152, to provide for a State Convention, and had come to no resolution thereon, and asked to be discharged from the consideration thereof.

In which having concurred, the House resumed the consideration thereof, the pending question being, "Shall this bill pass the second reading?"

Mr. Clark, of Craven, moved to amend by striking out and inserting as a substitute the bill 292, concerning a State Convention, introduced by him on the 14th January, and the question being thereon, a division was demanded and ordered, and the question being upon the motion to strike out as aforesaid,
Mr. Merrimon moved to amend the proposed substitute by striking therefrom the ninth section.

Mr. Person moved to amend the original bill reported by the Committee, by inserting in the enacting clause the words, "Two-thirds of all the members of the House concurring," and it was adopted.

Soon after which, the hour having arrived under the rule, the House took a recess until 7 o'clock P. M.

Night Session—Friday, 18th January, 1861.

The House having resumed the consideration of the bill 152, to provide for calling a State Convention, the Speaker stated the question upon the motion of Mr. Clark, to strike out, and it was put and

Decided in the affirmative, \{ Yeas.................................86 \{ Nays.................................11

On motion of Mr. Fleming,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


Immediately after which, the hour for adjournment arrived, and the House adjourned.

SATURDAY, 19th January, 1861.

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

Mr. Baxter, from the Committee on Propositions and Grievances, H. R. 30, in favor of E. D. Hampton, recommending the same do not pass.

Mr. Waugh, from the Committee on Corporations, reported H. 75, bill to charter Valley River Gold Mining Company, with an amendment, recommending its passage.

H. 136, to amend charter of Windsor, with the recommendation the same do pass.

H. 162, bill in favor of W. W. Long, with the recommendation that the same do not pass.

H. R. 195, resolution in favor of Joseph Potts and others, with the recommendation the same do pass.

H. 306, bill to charter Rich Folks Mining Company, with an amendment, recommending the same do pass.

Mr. Waugh presented the memorial of Spencer Isham and others in Alleghany and Surry, concerning the county line. Read and referred to Propositions and Grievances.

Mr. Wishart presented the memorial of A. McKimmon and others, in regard to jury trials. To Propositions and Grievances.

The House then considered the special order, being the recommendation of persons in the several counties of the State, to the Governor, for the office of justice of the peace, and the roll of counties being called in alphabetical order, the members present from each successively filed with the
Clerk their several recommendations, which being each read and adopted, were ordered to be certified and sent to the Senate.

Mr. Watson, from the committee on enrolled bills, submitted the following report, viz:

"The Committee on enrolled bills have examined the engrossed resolution concerning Public Arms, find it correctly enrolled, and instruct me to report it to the House, asking the signature of the Speaker and its transmission to the Senate for the signature of the Speaker of that body.

W. H. WATSON, Chairman."

In this report the House concurred, and the Speaker signed the bill accordingly.

Bills, etc., of the titles following, were introduced, read the first time, passed the first reading, and were referred as follows, viz:

By Mr. Newby, bill (324,) to give certain powers to the Commissioners of Hertford. To Private Bills.

By Mr. Watson, bill (325,) to charter Boon Hill. To Corporations.

By Mr. Logan, bill (326,) to charter Sulphur Spring Camp Ground. To Corporations.

By Mr. Hayes, bill (327,) to protect purchasers from Stephen Munday. To Judiciary.

By Mr. Fagg, bill (328,) to compel Magistrates to work the public roads.

By Mr. Woodard, bill (329,) to charter Edgecombe Savings Bank. To Banks and Banking.

By Mr. Meares, bill (330,) concerning Towages on Cape Fear River. To Internal Improvements.

Bills, etc., of the titles following, then being read the third time, passed the third reading and were ordered to be engrossed and sent to the Senate, as follows, viz:

H. 42, bill to charter Kilwinny Lodge, A. Y. Free Masons.

H. R. 64, resolutions in favor of James S. Ives.
H. 89, bill to abolish jury trials in Watauga county, the same being first amended, on motion of Mr. Love, so as to include the county of Jackson.

H. 90, bill to repeal an act concerning justices' process in Chatham county.

H. 94, bill to charter Carrollton Copper-Mining Company.

H. 102, bill for the relief of the sureties of John S. Willis.

H. 110, bill for the relief of Ellen Ransom.

H. 128, bill to charter Gibson Hill Mining Company.

H. 133, bill to amend Revised Code, chapter 52, General Assembly.

H. R. 137, resolution for the relief of the sureties of D. C. McCawber.

Bills, etc., of the titles following, then being read the second time, passed the second reading, or were otherwise ordered as follows, viz:

H. 30, bill in favor of E. D. Hampton, did not pass the second reading.

H. 81, bill to charter the Greensboro' Gas Light Company, passed the second reading. Also,

H. 85, bill to charter the Asheville Water Company.

H. 112, bill to charter the Green Hill Cemetery.

H. 122, bill to amend charter of Thomasville.

H. 123, bill concerning Wardens of the Poor for Wake county.

H. R. 138 (a,) resolution in favor of administrator of M. M. Plumket, the same being first amended, on motion of Mr. Person, as follows:

"And provided further, the privileges herein granted shall only extend to taxes due within three years next before this act shall go into effect."

H. 141, bill for the relief of Cynthia Chavis.

H. 150, bill for the relief of talis jurors in Bertie county.

H. 153, the bill for the relief of J. Tapscott, being read the second time and the question put, Mr. Hanes moved to
amend the same by adding the name of E. D. Hampton, sheriff of Davidson; Mr. Williams, of Nash, N. W. Cooper, sheriff of Nash, and they were adopted.

Mr. Person moved to amend by inserting the following proviso:

"Provided further, that the privilege herein granted shall only extend to taxes due within three years next before this resolution shall go into effect."

Which Mr. Williams, of Nash, moved to amend by striking out the word "three" and inserting "five."

And it was not adopted.

The amendment of Mr. Person was then adopted.

And the question recurring,

Mr. Blue moved to amend by inserting Charles Latham, sheriff of Washington and Jonas Cline.

And it was adopted.

Mr. Williamson moved to amend by inserting Lewis Williamson and E. C. Guer; whereupon,

Mr. Yeates moved the bill be laid upon the table.

And the question being thereon, it was not adopted.

Mr. Woodard moved to amend the amendment by adding, "and every other sheriff and ex-sheriff in the State," when

Mr. Yeates moved the bill be indefinitely postponed, and the question thereon was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 13 \\
\text{Nays} & \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 76
\end{align*}
\]

On motion of Mr. Williams, of Nash,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Alfred, Autry, Barringer, Barrow, Blue, Bowman, Branch, Burgin, Cannady, Carson, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of

So the House refused to indefinitely postpone the question, and it recurred, when the question upon the amendment of Mr. Woodard was put and it was not adopted.

Mr. Slade moved to reconsider the vote, and it was reconsidered; and the question being upon the amendment of Mr. Woodard, it was not adopted, and the question recurring, Mr. Woodard moved to amend as follows:

"Be it further resolved, That this law shall be in force for twenty years from and after its ratification."

And the question being thereon, Mr. Gorrell, who had previously obtained the floor, submitted the following resolution by unanimous consent:

"Resolved, That the rule adopted by the House concerning the holding of the sessions of the House be amended so as to except Saturday night in each week."

And the same being read, was adopted.

The amendment of Mr. Woodard was then read, and it was not adopted.

The amendment of Mr. Williamson was then adopted.

The following amendments were then offered and severally adopted as follows, viz:

One to amend by inserting the name of Reuben King, another the name of G. W. Crumpler; others the names following, to wit: Joseph Lusk, J. D. Bootwick, W. W. Long, Abram Cox, John Martin, G. W. Green, L. M. F.
On motion of Mr. Bowman,
An amendment so as to include B. H. Gardner and others, securities of L. M. Ray, was also adopted.
The question then being upon the passage of the bill the second reading, and the question put and the yeas and nays moved for by Mr. Yeates, the hour for adjournment, under the rule adopted this day, arrived, and the House adjourned.

MONDAY, 21st January, 1861.
The Speaker announced the following committee on enrolled bills for the week, viz: Messrs. Mendenhall, Wishart, Small, Bowman and Mitchener.
Mr. Tapscott presented a recommendation of justices of the peace for Alamance county.
Mr. Gorrell, a further recommendation of justices for Guilford County.
Mr. Williams, of Cumberland, presented the proceedings of a meeting of the people in the town of Fayetteville, upon the subject of federal relations.
Mr. Waugh presented similar proceedings in the county of Surry.
Reports were submitted, received and filed from standing committees, as follows, viz:
Mr. Batchelor, from the Committee on the Judiciary, reported back the resolution of the 7th December, concerning the 20th rule, and recommended the same do pass, and the question being, "shall this report be concurred in?"
On motion of Mr. Love, of Jackson,
The same was laid upon the table.
By Mr. Waugh, from the Committee on Corporations, (H. 134,) bill to charter Ball's Creek Camp-Ground, with an amendment recommending the same do pass.
By Mr. Stanford, from the Committee on Claims, (H. R. 144,) in favor of James J. Harriss, with the recommendation the same do not pass.

H. R. 275, in favor of Lewis Williamson, with the like recommendation.

By Mr. Baxter, from the Committee on Propositions and Grievances, (H. 277,) to prevent felling of timber in Forsythe county, with the recommendation the same do pass.

H. 283, to prevent felling of timber in Duplin, with the recommendation the same do pass.

By Mr. Waugh, from the Committee on Corporations, (H. 297,) to charter the Melville Hill Mining and Melting Company, with an amendment, recommending the same do pass.

H. 300, to charter the Ætna Mining Company, with an amendment, recommending the same do pass.

A message was received from the Senate, informing the House of the appointment of Messrs. Simpson, Stowe and Sharpe, to the committee on enrolled bills, and transmitting an engrossed bill, which was entered on the Calendar.

Bills, etc., of the titles following, then being introduced, passed the first reading, and were referred as follows, viz:

By Mr. Mendenhall, a resolution, (H. R. 331,) for a National Convention. Ordered to be printed, and referred to the Committee on Federal Relations.

Under the rule, Mr. Mendenhall gave notice that he would on to-morrow move that the rules be suspended, with regard to this bill.

By Mr. Merrimon, a bill (332,) to amend charter of Leicester College. To Education.

From the Senate, bill (333,) to amend charter of Silver Valley Mining Company.

The House then resumed the consideration of (H. 152,) the bill to authorize the calling of a State Convention, the question being upon the substitute of Mr. Clark, and the motion to strike out the ninth section thereof, pending which, Mr. Merrimon, by general consent, introduced the following:
Resolved, That the committee to whom was referred a resolution in reference to the propriety of warming and lighting the Capitol, be respectfully requested to report at an early day."

And it was adopted.

And the question recurring, Mr. Batchelor moved to amend the section, by inserting the following.

"Be it further enacted, That the said Convention, when assembled, shall have full power and authority to consider all grievances affecting or impairing the rights and equality of the State of North-Carolina, as a member of the Federal Union, and determine the mode, measure and time of redress, and to pass all such acts and ordinances in relation to the same as may be necessary to carry out the true intent and meaning of this act."

And it being read, the question was put upon the motion to strike out the ninth section and

Decided in the negative, { Y eas..........................40
{ Nays.............................58

On motion of Mr. Hall,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Barrow, Baxter, Blu , Booth, Branch, Cannady, Cheek, Cline, Cowles, Crawford, Ewell, Faison, Ferguson, Fleming, Foy, Galloway, Green of Franklin, Hall, Harrington, Harris, Henry, Hill, Hoke, Jenkins, Kallum, Latham, Lemmonds, Logan, Love of

Mr. Love, of Haywood, moved the vote just taken be reconsidered, when

Mr. Fleming moved the question thereon be laid upon the table, and the question thereon was put and

Decided in the affirmative, \{ Yeas...........................58
\{ Nays...........................39

On motion of Mr. Bowman,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


The question then recurring upon the substitute of Mr. Clark, was put and

Decided in the affirmative, \{ Yeas...............................74
\{ Nays...............................20
On motion of Mr. Fleming,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


The question then recurring, "Shall this bill pass the second reading?"

When Mr. Hoke moved the same be postponed and made a special order for to-morrow at 11 o'clock, and it was adopted.

Bills, etc., of the titles following, then being read the second time and the question put, passed the second reading or were otherwise ordered, as follows, viz:

H. 11, bill to amend Revised Code, chapter 34, "Crimes and Punishments."

H. 26, bill to authorize the appointment of special magistrates.

On motion of Mr. Ward,

Laid upon the table.

H. 27, bill to extend the time for the registration of deeds, etc.
H. 33, bill to regulate a practice in the County and Superior Courts.

H. 41, the bill to charter the Greensboro' and Danville Railroad Company, being read the second time, was,

On motion of Mr. Slade,
Made the special order for Thursday next at 11 o'clock.

S. 43, bill for the relief of the banks and the people, did not pass the second reading, but was,

On motion of Mr. McClees,
Indefinitely postponed.

H. 45, the bill to prevent the transfer of post obit interests, being read the second time, and the question put upon the substitute proposed by the Committee on the Judiciary, it was

Decided in the affirmative, \{ Yeas.................................79
\{ Nays...............................9

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

H. 47, bill to amend Revised Code, chapter 118, Widows, the question being "shall this bill pass the second reading?" was put and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots \ldots 62
\{ Nays \ldots \ldots \ldots \ldots \ldots 31

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

On motion of Mr. Fleming,
The bill was then recommitted to the Committee on the Judiciary, when, it being 2 o'clock, the House took recess until 7 o'clock P. M.
passed the second reading, or were otherwise disposed of as follows, viz:

H. 58, (a) bill to amend charter of the Jonathan Creek Turnpike Company.

The question being thereon, Mr. Hayes offered the following amendment, viz:

"And be it further enacted, That none of the bonds given for lands situated in the counties of Cherokee and Macon, shall be used or applied in any way to the building of the said road, as mentioned in the above bill."

And it was not adopted.

And the question recurring, "shall the bill pass the second reading?" was put and

Decided in the affirmative, \{ Yeas ......................... 58
Nays ......................... 32

On motion of Mr. Hayes,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

H. 60, bill to amend Revised Code, chapter 34, Crimes and Punishments, did not pass the second reading, but was,

On motion of Mr. Gaither,
Indefinitely postponed.

H. 62, bill concerning Guilford county, did not pass the second reading, but was,

On motion of Mr. Hill,
Indefinitely postponed.

H. 77, bill to amend Revised Code, chapter 107, (S. bb,) Slaves and Free Persons of Color. The amendments of the Committee being first adopted, and the same being also first amended,

On motion of Mr. Crumpler.

H. 79, bill to charter the Buncombe Powder Manufacturing Company, being read the second time,

Mr. Person moved to strike out the words "thirty-nine," and insert the word "thirty,"

And it was adopted.

On motion of Mr. Hill,
The bill was then referred to the Committee on Military Affairs.

H. 80, bill to amend Revised Code, chapter 102, Salaries and Fees, being read the second time, and the question put, it was

Decided in the negative, Yeas ......................... 4
Nays ......................................... 83

On motion of Mr. Henry,
The yeas and nays being ordered,

The following voted in the affirmative, viz:
And the following in the negative, viz:
Messrs. Albritton, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bullock, Burgin, Bynum, Carson, Clark of Craven, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Rutherford, Fagg, Faison, Farrow, Ferguson, Ferebee, Folk,

H. 83, bill to amend the charter of the Western North Carolina Railroad Company, being read, was made a special order for Friday next at 12 o'cock.

H. 84, bill to prevent and punish certain damages by fire, passed the second reading, the amendment of the committee being first adopted.

H. 86, bill to regulate criminal prosecutions, being read the second time,

Mr. McCleese moved the same be indefinitely postponed, and the question thereon was put and

Decided in the affirmative, \{ Yeas ...................... 59 \}
\{ Nays ...................... 34 \}

On motion of Mr. Love, of Jackson,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

22

H. 87, bill to amend Revised Code, chapter 62, Justices of the Peace, and Courts, County and Superior, being read the second time, Mr. Rogers moved the same be indefinitely postponed, and the question thereon was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yea} & \quad 68 \\
\text{Nay} & \quad 22
\end{align*}
\]

On motion of Mr. Jenkins,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barringer, Branch, Bullock, Bynum, Clark of Davidson, Cline, Dickson, Ewell, Foust, Foy, Gaither, Green of Stanly, Harrington, Hayes, Jenkins, Love of Jackson, Patterson, Waugh, White, Williams of Nash and Wishart—22.

H. 88, bill to amend Revised Code, chapter 66, Literary Fund and Common Schools, did not pass the second reading, but was,
On motion of Mr. Harris,
Indefinitely postponed.
H. 92, bill to establish the county of Transylvania, read the second time, and made the special order for Monday next, at 11 o’clock.
H. 93, bill to amend charter of the Farmers’ Bank, passed the second reading.
Also, H. 97, bill concerning official Bonds of Coroners, the substitute offered by the Committee on the Judiciary being first adopted.
H. 104, bill to amend Revised Code, chapter 46, Executors and Administrators, did not pass the second reading.
H. 105, bill to charter the Caswell Rail Road Company, being read, was made the special order for Thursday next, at 1 o’clock.
H. 108, bill to amend Revised Code, chapter 57, Idiots and Lunatics, passed the second reading.
H. 109, bill to regulate the School Fund in the county of Jackson, did not pass the second reading.
Also H. 111, bill to amend Revised Code, chapter 107, Slaves and Free Persons of Color.
H. 113, bill to amend an act concerning Superior Courts of Rowan, passed the second reading.
H. 114, bill in favor of Witnesses, did not pass the second reading.
So, also, H. 116, bill to amend Revised Code, chapter 61, Internal Improvements.
And, H. 129, bill relating to sales of real estates in Randolph.
H. 139, bill to amend Revised Code, chapter 31, Courts, County and Superior, being read the second time,
The hour for the adjournment arrived, and the House adjourned.
TUESDAY, 22nd January, 1861.

Prayer by the Rev. Dr. Mason.

Mr. Burgin presented the memorial of J. H. Haliburton and other citizens of McDowell, opposed to the establishment of the new county of Mitchell.

Mr. Folk presented the proceedings of the people in the county of Anson upon the subject of federal relations.

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

Mr. Waugh, from the Committee on Propositions and Grievances, reported (H. 155,) bill to amend Revised Code, chapter 45, Executions, with the recommendation the same do not pass.

Also, (H. 180,) bill to prevent obstructions in Caney Fork, with a similar recommendation.

Mr. Merrimon, from the Committee on the Judiciary, (H. 272,) bill to increase the fees of county surveyors, with the recommendation the same do not pass.

Mr. Baxter, from the Committee on Propositions and Grievances, (H. 278,) bill in favor of Frances Russell, with the recommendation the same do not pass.

H. 279, bill to charter Sulphur Springs Hotel Company, with an amendment recommending the same do pass.

H. 280, bill to charter Sulphur Springs Manufacturing Company, with the recommendation the same do pass.

H. 284, bill to establish Pittman's Landing, with the recommendation the same do not pass.

Mr. Faison introduced the following resolution:

"Resolved, That the Committee on Finance be and they are hereby instructed to enquire into the expediency of taxing goods, wares and merchandise, bought out of the State by private individuals other than merchants; and, further, to enquire into the expediency of taxing produce sent on the railroads of this State to the markets of other States."

Adopted.

Mr. Hoke introduced a bill (H. 334,) to provide for heating
and lighting the Hall, and the same was read the first time, and passed, and then,

On motion of Mr. Hill,

The same bill was read the second time, and the question being, "Shall this bill pass the second reading?" was put and

Decided in the affirmative { Yeas ....................................51
{ Nays ....................................49

On motion of Mr. Williams, of Cumberland,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


On motion of Mr. Hill,

The bill was then read the third time, and the question put, "Shall this bill pass the third reading?" and

Decided in the affirmative, { Yeas .....................................56
{ Nays .....................................48

On motion of Mr. Small,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


Ordered, That it be engrossed and sent to the Senate.

At 11 o'clock the Speaker announced the special order, viz:

H. 152, bill to call a State Convention, the question being, "Shall this bill pass the second reading?" and it was put and, (two-thirds voting therefor,)

Decided in the affirmative,

Yeas..........................31
Nays............................27

On motion of Mr. Fleming,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Speaker, Albritton, Alfred, Barrow, Batchelor, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Clark of Craven, Cline, Crawford, Davis of Bladen, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Fleming, Folk, Foy, Galloway, Green of Franklin, Hall, Harrington, Harris, Hill, Hoke, Jenkins, Jordan,

And the following in the negative, viz:


Mr. Williams, of Pasquotank, paired off with Mr. Autry

Mr. Green, of Franklin, moved the bill be read the third time, and the question thereon was put and, (two-thirds voting therefor,)

Decided in the affirmative, \{ Yeas. \} 71
\{ Nays. \} 35

On motion of Mr. Horton,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

The bill was then read the third time, and the question put, "Shall this bill pass the third time?" when Mr. Ferebee offered a substitute, and the question being upon the motion to strike out and insert the same,

Mr. Folk moved to strike out of the 5th and 6th lines of section 9, the following words, viz:

"Excepting such as may propose a change in the present basis of representation."

And the question being thereon, the hour for the recess arrived, and the House took a recess until 7 o'clock, P. M.

Night Session—Tuesday, 22nd January, 1861.

The House having reassembled, a message was received from the Senate, transmitting certain resolutions of the people of Mecklenburg, upon the subject of federal relations.

A message (No. 14,) was received from his Excellency, the Governor, transmitting communications upon the subject of federal relations from Virginia, proposing a conference at Washington City, and an ordinance of the State of Alabama, dissolving her connection with the several States of the Federal Union, and proposing a similar conference at Montgomery.

The House resumed the question pending at the recess this morning, and considered the same until the hour for the adjournment arrived, when the House adjourned.
WEDNESDAY, 23rd January, 1861.

Prayer by the Rev. Thomas E. Skinner.

Mr. Latham presented an additional recommendation of a Justice of the Peace in the county of Washington.

Mr. Russ presented the memorial of B. G. Debnam and others of Wake, opposed to the new county of Dobbin, which being read, was referred to the Committee on Propositions and Grievances.

Mr. Barringer presented the proceedings of a meeting of the people in the county of Montgomery upon the subject of federal relations.

Mr. Wright, similar proceedings in the county of Cumberland.

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

Mr. Fleming, from the Committee on Internal Improvements, reported (H. 211,) bill to charter the Statesville and Tennessee Turnpike Company, with an amendment, recommending the same do pass.

Mr. Waugh, from the Committee on Corporations, (H. 233,) bill to charter the Concord Copper Mining Company, with an amendment, recommending the same do pass.

Mr. Baxter, from the Committee on Propositions and Grievances, (H. 281,) bill to alter the line between Rutherford and Polk, with the recommendation the same do not pass.

Also, (H. 289,) bill concerning the poor in the county of Forsythe, with the recommendation the same do pass.

Mr. Newby presented certain resolutions (H. R. 335,) in response to the recommendation of Virginia, and for a conference at Washington city, and the same were read the first time and passed the first reading, and then the resolutions being read the second time, and the question put,

Mr. Fagg moved to amend by striking out the name of "E. G. Reade," and inserting the name of "Nicholas W. Woodfin," and the question being thereon,
Mr. Batchelor offered an amendment which was read for information, when

Mr. Williams, of Nash, moved the same be postponed until 10 o'clock and 30 minutes to-morrow, and withdrew the motion.

Mr. Ransom renewed the same, and the question thereon was put and

Decided in the affirmative, \{ Yeas................................. 58 \\
                                      Nays................................. 52 \}

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Whereupon, it was further ordered that the resolutions and amendment of Mr. Batchelor be printed.
Bills, etc., of the titles following, then being read the first time, passed the first reading, and were referred as follows, viz:

By Mr. Jordan, a resolution (H. R. 336,) in favor of Judson Female College. To Propositions and Grievances.

By Mr. Hayes, bill (H. 337,) to charter Marble Creek Copper Company. To Corporations.

By Mr. Farrow, bill (338,) to amend charter of the Fairfield Canal Company. To Propositions and Grievances.

By Mr. Peebles, bill (339,) to make compensation to slave owners, in certain cases. To Judiciary.

By Mr. Faison, bill (340,) to regulate executions of criminals. To Judiciary.

By Mr. Hayes, bill (341,) to charter the Hiawassee Manufacturing Company. To Corporations.

By Mr. Fagg, bill (342,) to establish a public road in Madison. To Internal Improvements.

By Mr. Fagg, bill (343,) to establish a public road in Madison, near Marshville. To the same Committee.

By Mr. Shober, bill (344,) to repeal an act concerning fees in Guilford. To Private Bills.

By Mr. Davis, of Mecklenburg, bill (345,) to charter the Charlotte and South-Western Railroad Company. To Corporations, and ordered to be printed.

By Mr. Gaither, bill (346,) to authorize the sale of jail lot in Statesville. To Private Bills.

By Mr. Waugh, bill (347,) to provide for depositions in certain cases. To Judiciary.

By Mr. Jenkins, bill (348,) in favor of Blackwell and Company. To Propositions and Grievances.

By Mr. Love, of Jackson, bill (349,) to charter the Jackson Mining Company. To Corporations.

By Mr. Marsh, bill (350,) to amend charter of Washington. To Private Bills.

By Mr. Siler, bill (351,) to charter Macon Mining Company. To Corporations.
After which, the House resumed the consideration of the bill (H. 152,) to call a State Convention, the question being upon the amendment of Mr. Folk, and the question thereon was put and

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \\} \{ Nays, \ldots \ldots \ldots \ldots \ldots \\}

On motion of Mr. Latham,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


The question recurring upon the passage of the bill, Mr Clark of Craven moved to fill the blank in the first section by inserting "the 21st day of February, 1861."

Mr. Donnel moved to amend the same, by inserting "'th 25th April, 1861," and the question thereon was put and
Decided in the negative, \{Yeas\} 43
\{Nays\} 69

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question recurring, Mr. Martin moved to amend by inserting the "18th April," and the question thereon was put and

Decided in the negative, \{Yeas\} 40
\{Nays\} 70

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Barringer, Burgin, Carson, Clark of

And the following in the negative, viz:


Mr. Donnell moved to amend by inserting "the 28th March," and the question thereon was put and

Decided in the negative, Yeas, 42
Nays, 68

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:
House Journal.


The question recurring, Mr. Ferebee moved to amend by inserting "the 21st March," and the yeas and nays being ordered thereon, on motion of Mr. Marsh,

Mr. Williams, of Nash, gave notice that he would, to-mor-\row, move that the rule concerning the adjournments of the House be suspended, and then the hour for the recess having arrived, the House adjourned.

Night Session—Wednesday, 23rd Jan., 1861.

The House resumed the consideration of the bill, (H. 152,) to call a State Convention, and the question being upon the motion of Mr. Ferebee, was put and

Decided in the negative, \{ Yeas..............................36

\{ Nays..............................62

On motion of Mr. Marsh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Barringer, Bowman, Burgin, Carson, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Ferebee, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Hayes, Henry, Howard, Horton, Kelly, Latham, Liles, Marsh, Martin, Mendenhall,
Merrimon, Patterson, Poindexter, Polk, Siler, Simonton, Waugh, Winslow and Yeates—36.

And the following in the negative, viz:


And the question recurring, Mr. Folk moved that the blank be filled with "the 14th March," and the question thereon was put and

Decided in the negative, \{ Yeas.................................43
Nays.................................64

On motion of Mr. Carson,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Cannady, Cheek, Clark of Craven, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Donnell, Ewell, Fagg, Faison, Fer-

Mr. Love, of Jackson, moved to amend by inserting the "28th February, 1861."

Mr. Folk moved to insert the "7th March," and the question thereon was put and

Decided in the negative, \( \frac{31}{73} \)

On motion of Mr. Horton,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Cumberland, Williams of Nash, Williamson, Wishart, Withers, Woodard, Wooten and Wright—73.

The question then being upon the amendment of Mr. Love, of Jackson, it was not adopted, and the question recurring upon the amendment of Mr. Clark, of Craven, was put and

Decided in the affirmative, { Yeas ........................................ 73

Nays ........................................ 36

On motion of Mr. Horton,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


Ordered, That the Clerk fill the blank accordingly.

The question recurring, "Shall this bill pass the third reading?"

Mr. Clark, of Craven, moved to amend the third section, lines 10 and 11, by inserting in the blank there the words
"at the earliest practicable time after comparing the said poll as aforesaid," and the question thereon was put and

Decided in the affirmative,

\[
\begin{array}{c}
\text{Yeas} \quad \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 87 \\
\text{Nays} \quad \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 24
\end{array}
\]

On motion of Mr. Burgin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Clark, of Craven, then offered the following amendment:

"Sec. Be it further enacted, That the several county courts shall allow the Sheriffs the same compensation for holding said elections, as is allowed for holding other State elections, and if any officer shall fail to make returns of the poll, upon the question, 'Convention,' or 'No Convention,' within ten
days after said election, or shall fail to comply with any of the requisitions of this act, the officer so offending shall forfeit and pay $500. One half for the use of the State, and the other half to the person suing for the same.'

And the same was adopted and ordered to be marked as section 3 of the amended bill.

And the question recurring,

Mr. Hayes offered the following amendment:

*Add to section 11, of the amended bill, "And such assent or dissent shall not be ascertained as herein provided, until the action of said Convention shall have been advertised, in six several newspapers published in the State, one month."

And the question thron was put and

Decided in the negative, \{ Yeas.......................... 42
\{ Nays.......................... 62

On motion of Mr. Hayes,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Fagg, Faison, Fleming; Folk, Foy, Green of Franklin, Hall, Hill, Hoke, Jenkins, Kallum, Lemmonds, Logan, McMillan, Mitchener, Mordecai, Newby, Padgett, Pearson, Peebles, Perkins, Person, Pope, Potts, Ransom, Russ, Slade, Small, Stanford, Tapscott, Ward, Waters, Watson, Wilkerson, Williams of Cumber-

Mr. Bridgers offered the following amendment:

"Sec. — That the Governor be authorized to send special messengers, as he may think proper, to convey this bill, and advertise the same."

And the same being first amended,

On motion of Mr. Folk,

So as to insert the words, "the ten counties West of the Blue Ridge, and such other," it was adopted.

Mr. Gorrell offered the following amendment, which first being amended,

On motion of Mr. Latham,

Was read as follows, viz:

"Be it further enacted, That no one, who is at the present time a member of this General Assembly, shall be a candidate for a seat in, or a member of, or a delegate to said Convention, or to any convention which may be called by this General Assembly, to consult concerning our federal relations."

And the question being thereon,

Mr. Hayes asked and was refused leave to decline voting, and the question being put, was

Decided in the negative, { Yeas..........................85  
Nays............................70

On motion of Mr. Burgin,

The yea and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

The question recurring,

Mr. Person moved the same be postponed until to-morrow at 10 o'Clock and 15 minutes.

Mr. Davis, of Rutherford, moved to strike out 10 o'clock and 15 minutes, and insert 11 o'clock and 30 minutes.

And it was adopted.

And the question thereon was put and

Decided in the affirmative, Yeas...........................93
Nays.............................11

On motion of Mr. Burgin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


When the hour for the adjournment having arrived, the House adjourned.

THURSDAY, 24TH JANUARY, 1861.

Prayer by the Rev. J. W. Tucker.

Mr. Crumpler presented the proceedings and resolutions of a meeting of the people in the county of Ashe, upon the subject of federal relations.

Mr. Jordan, similar proceedings in the county of Henderson.

Mr. Merrimon, similar proceedings in the county of Buncombe.

Mr. Hayes, similar proceedings in the county of Cherokee. All of which being read, were left upon the table.

At 10 o'clock and 30 minutes, the Speaker called up the resolution (H. R. 355,) in response to Virginia, and for a conference at Washington city, and the question being on the motion of Mr. Fagg,

Mr. Batchelor moved the same be postponed until 11 o'clock to-morrow, and the question thereon was put and

Decided in the negative, \{ Yeas.................................50
\{ Nays.................................55

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


So the House refused to postpone the question, and it recurred, and a division being demanded, the question was first put upon the motion to strike out and

Decided in the affirmative, { Yeas .........................53
{ Nays .........................51

On motion of Mr. Yeates,

The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Branch, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Dickson, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Green of Franklin, Hall, Hill, Jenkins, Kallum, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Mitchener, Mordecai, Padgett, Pearson, Peebles, Person, Pope, Potts, Ransom, Shaw, Small, Stanford, Tapscott, Waters, Watson,
White, Williams of Cumberland, Williamson, Wishart, Withers, Woodard and Wooten—53.

And the following in the negative, viz:


Mr. Russ moved the blank be filled with the name of "Burgess S. Gaither," and Mr. Bullock moved the question be laid upon the table, and this question was put and

Decided in the negative, \( \text{Yeas} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 51 \)
\( \text{Nays} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 54 \)

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barrow, Blue, Booth, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferguson, Ferebee, Folk, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harrington, Harris, Hayes,

At 11 o'clock, the Speaker announced the special order, viz: (H. 41,) the bill to charter the Greensboro' and Danville Railroad Company, when Mr. Person moved to postpone the further consideration of the pending question upon the resolutions (H. R. 335,) for a Conference at Washington city, until to-morrow at 11 o'clock and 30 minutes.

Mr. Slade thereupon withdrew his motion for the special order upon the bill (H. 41,) aforesaid, and the question recurred upon the motion of Mr. Person.

The question was put, and it was adopted, there being counted yeas 58, nays 56.

Mr. Carson presented the memorial of G. Marshall and others, upon the subject of a bridge across the Catawba river. Referred to the Committee on Propositions and Grievances.

Mr. Autry presented the following resolution, viz:

"Resolved, That a message be sent to the Senate, proposing that both Houses adjourn sine die, on the 1st day of February next."

And the question being thereon, Mr. Love, of Jackson, moved the same be laid upon the table, and this question was put and decided in the negative, yeas 45, nays 61.

On motion of Mr. Liles, the yeas and nays being ordered, the following voted in the affirmative, viz:

Messrs. Albrighton, Barringer, Batchelor, Baxter, Blue, Bowman, Branch, Bridgers, Bullock, Bynum, Cannady, Cline, Cowles, Crawford, Fagg, Galloway, Hall, Harrington,

And the following in the negative, viz:


And the question recurs upon the adoption of the resolution, but the hour for the special order, viz: the bill (152) to call a State Convention, arriving, the Speaker stated the question upon the motion of Mr. Ferebee to strike out, and insert the substitute offered by him. Mr. Batchelor demanded a division of the same, and the question was accordingly stated, upon the motion to strike out.

Mr. Ferebee moved to amend the amended bill as follows: "Strike out all after the words, 'No Convention,' in the 12th line, first section, down to the word 'provided' in the 16th line."

And the question thereon was put and

Decided in the negative, \{ Yeas .........................37
\{ Nays .........................68

On motion of Mr. Cowles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Barringer, Bowman, Burgin, Carson, Cowles,

And the following in the negative, viz:


The question recurring, Mr. Donnell offered the follow ing amendment:

"Add after the words 'No Convention,' 13th line, first se tion of Mr. Clark's substitute,'"

Also, "'Those who wish Union, voting with a printed or written ticket, 'Union.' Those who do not wish Union voting in the same way, 'Disunion.'"

And, "'Add to amendment offered by Mr. Clark to this section, after the words 'Convention or No Convention,' the words 'Union' or 'Disunion.'"

And the question thereon was put and

Decided in the affirmative, \{Yeas............................3
\}Nays..................................................7

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


Mr. Polk then moved to strike out in the ninth section the ords, "and all questions of constitutional reform, excepting ich as may propose a change in the present basis of repre- ntation."

And it was not adopted.

The question recurring,

Mr. Fleming moved that the vote by which the House had led the blank in the first section with the words, "21st ebruary, 1861," be reconsidered, and the same be filled ith the words, "28th February, 1861,"

And the question thereon was put and

Decided in the affirmative,} Yeas..............................80
{ Nays..............................31

On motion of Mr. Potts,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


Mr. Marsh moved to amend as follows, viz:

"Amend the 10th section by inserting after the word, "submitted," in the 5th line, the words, "after it shall have been advertised for six weeks in the newspapers of the State."

And the question thereon was put and

Decided in the negative, { Yea}s ..................................45
{ Nays ..................................61

On motion of Mr. Liles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Bowman, Carson, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Farrow, Ferebee, Folk, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harrington,

And the following in the negative, viz:


Mr. Polk moved to amend as follows: Add,

"Be it further enacted, That no man shall be eligible to a seat in said Convention who has not attained the age of (25) twenty-five years," which Mr. Gaither moved to amend by striking out "twenty-five" and inserting "thirty-five," and the question thereon was put and

Decided in the negative, \{ Yeas.............................15 \} Nays.............................93

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Burgin, Clark of Davidson, Crumpler, Davis of Rutherford, Gaither, Guthrie, Hanes, Henry, Howard, Kelly, Liles, McCleese, Mendenhall, Patterson and Wishart—15.

And the following in the negative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Carson, Cheek, Clark of Craven, Cline, Cowles, Crawford, Davis of Bladen, Davis of Halifax, Davis of Meck-
Mr. Davis, of Rutherford, moved to strike out "twenty-five" and insert "thirty-four," and the question thereon was put and

Decided in the negative, \(\text{Yeas} = 7, \text{Nays} = 99\)

On motion of Mr. Davis, of Rutherford,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Carson, Cheek, Clark of Craven, Cline, Cowles, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Dickson, Donnell, Ewell, Fagg, Faison, Farrow, Ferguson, Ferebee, Fleming, Foy, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Hall, Harrington, Harris, Hayes, Henry, Hill, Howard, Hoke, Horton, Jenkins, Kallum, Kelly, Latham, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Marsh, Martin, Merrimon, Mitchener, Mordecai, Newby, Padgett, Patterson, Pearson, Peebles, Perkins, Person, Poin-
The question was then put upon the amendment of Mr. Polk and
Decided in the negative, 

On motion of Mr. Polk,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Hayes moved that the vote by which the House had
adopted the amended amendment of Mr. Bridgers be now reconsidered, and the question thereon was put and

Decided in the affirmative, { Yeas..............................107
Nays.................................4

On motion of Mr. Gaither,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question then recurring upon the amended amendment, Mr. Bridgers withdrew the same, and the question recurring upon the motion to strike out, etc.,

Mr. Donnell offered the following amendment, viz:
"No person except a natural born citizen of the State of North-Carolina shall be a member of the Convention."

And the question thereon was put and
Decided in the negative, \( \frac{\text{Yea}s}{\text{Nay}s} = 20/88 \)

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Cowles offered the following amendment, viz:

"That no person but a native born citizen of the United States shall be a member of said Convention."

And the question thereon was put and
Decided in the negative, \( \frac{\text{Yea}s}{\text{Nay}s} = 31/69 \)

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Bowman, Burgin, Carson, Clark of

And the following in the negative, viz:


Mr. White was, on his motion, excused from voting.

Mr. Liles offered the following amendment, viz:

"That no person shall be eligible to a seat in said Convention as a delegate for any county except that in which he resides."

And the question thereon was put and

Decided in the negative, { Yeas ................................. 37
{ Nays ........................................... 65

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


The question then recurring upon the motion to strike out, was put and

Decided in the negative, \{ Yeas ...................... 32 \}
\{ Nays ...................... 79 \}

On motion of Mr. Ferebee,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Autry, Barrow, Batchelor, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Clark of Craven, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Fleming, Folk, Foy, Galloway, Green of Franklin, Hall, Harris, Hayes, Hill, Hoke, Jenkins, Kallum, Latham, Lemmonds, Liles, Logan, Love of Haywood, Love of Jackson, McMillan, Marsh, Mitchener, Mor-

And then the question recurring upon the passage of the bill the third reading, was put, and (two-thirds voting therefor,)

Decided in the affirmative, { Yeas.........................86
{ Nays......................... 27

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Barringer, Carson, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Farrow, Ferebee, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Henry, Horton, Kelly, McCleese, Martin, Mendenhall, Patterson, Poindexter, Simonton, Williams of Pasquotank and Winslow—27.

So the bill passed the third reading,
Mr. Ransom moved that the vote be reconsidered, and that the motion be laid upon the table.
Pending which, the hour for the recess arrived, and elapsed. The House took a recess until 7 o'clock, P. M.

**NIGHT SESSION—THURSDAY, 24TH JANUARY, 1861.**

The House having reassembled, Mr. Ransom withdrew his motion to reconsider, etc., the vote by which the bill (152,) to call a State Convention had passed the third reading, and to lay that motion upon the table.

Mr. Clark, of Craven, moved that the rule be suspended, and the same bill be now engrossed and sent to the Senate, but objection being made by Mr. Gaither, the motion was withdrawn.

Mr. Gorrell presented the memorial of James Luter and others, praying the remission of certain taxes imposed on him.

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

Mr. Green, of Franklin, from the Committee on Internal Improvements, reported

H. 135, bill to amend the charter of the Atlantic, Tennessee and Ohio Railroad, with an amendment, recommending the same do pass.

Mr. Waugh, from the Committee on Propositions and Grievances, (H. 186,) bill in favor of Wm. Haywood, with the recommendation the same do not pass.

Mr. Fleming, from the Committee on Internal Improvements, (H. 317,) bill in favor of Tennessee and Ohio and Atlantic Railroad Company, with the recommendation the same do pass.

Mr. Waugh, from the Committee on Corporations, (H. 323,) bill to charter the Granville Independent Grays, with the recommendation the same do pass.
H. 326, bill to charter Sulphur Springs Camp Ground, with an amendment recommending the same do pass.

Mr. Baxter, from the Committee on Propositions and Grievances, (H. R. 336,) resolution in favor of Judson Female College, with the recommendation the same do pass.

Mr. Green, of Franklin, from the Committee on Internal Improvements, (H. 342,) bill to establish a public road in Madison county, and (H. 343,) bill to establish a similar road in the same county, with amendments recommending the same do pass.

Mr. Waugh, from the Committee on Corporations, (H. 351,) bill to Charter Macon Mining Company, recommending the same do pass.

The House resumed the unfinished business of the day, being the resolution of Mr. Autry upon the subject of the adjournment sine die, and the same being read, Mr. Crumppler moved it be postponed until to-morrow.

Mr. Batchelor moved the same be postponed until the 4th of July next, and the question thereon was put and

Decided in the negative, { Yeas, ......................... 10
{ Nays, ......................... 95

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Autry, Barringer, Barrow, Baxter, Blue, Booth, Bullock, Bynum, Cannaday, Carson, Cheek, Clark of Craven, Clark of Davidson, Cowles, Crawford, Crumppler, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Dickson, Donnell, Ewell, Fagg, Faison, Farrów, Ferguson, Ferebee, Fleming, Folk, Foy, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Hall, Hanes, Harring-
And the question recurring,
Mr. Hanes moved to insert the 31st January, 12 o'clock.
Mr. Cowles moved to strike out the 31st January and insert the 4th March.
And it was not adopted.
The question was then put upon the motion of Mr. Hanes, and it was not adopted.
The question being then upon the amendment of Mr. Crumpler,
Mr. Latham moved to amend by striking out "to-morrow" and inserting "12 o'clock next Thursday."
And it was adopted.
The motion then recurring,
The motion was put and adopted, there being counted yeas 53, nays 40.

Bills, etc., of the titles following, being introduced, were read the first time, passed the first reading, and referred as follows, viz:

By Mr. Russ, a resolution (H. R. 352,) in favor of Wm. Peace. To the Committee on the Judiciary.

By Mr. Gorrell, a resolution (H. R. 353,) in favor of James C. Luter. To Propositions and Grievances.

By Mr. Latham, a resolution (H. R. 354,) in favor of Josiah Collins.

By Mr. Mitchener, bill (H. 355,) to charter Smithfield.

By Mr. Pearson, bill (H. 356,) to amend charter of Morganton, and a memorial. To Corporations.
By Mr. McMillan, a bill (H. 357,) to charter Robeson Institute. To Education.

Pursuant to notice, Mr. Donnell moved to amend the rules of the House, so as to abolish the night session, and to substitute an afternoon session therefor, and the question being thereon,

Mr. Bullock moved the yeas and nays be ordered thereon. Mr. Fleming offered the following amendment:

"Strike out and insert, so as to extend the night session to 11 o'clock."

Mr. Woodard moved to except Saturday night from the operation of the rule, and it was adopted.

And the question recurring,

Mr. Batchelor moved to amend by limiting the night session to 9 o'clock P. M., instead of 10 o'clock P. M.

And it was not adopted.

Mr. Bullock moved the question be laid upon the table.

And the question thereon was put and

Decided in the affirmative, \{ Yeas .................. 62
\{ Nays .................. 38

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:
Mr. Yeates gave notice that he would, to-morrow, move to take up his resolutions upon the subject of Public Lands.

Pursuant to notice, Mr. Mendenhall moved the House suspend the rule, and consider (H. R. 331,) the resolution for a National Convention, and it was not adopted.

The House resumed the unfinished business of the calendar, being (H. 25,) the bill to amend an act concerning Chatham county, the question pending upon the amendment of Mr. Peebles, when

Mr. Harris moved the same be indefinitely postponed, and the question thereon was put and

Decided in the affirmative, \{ Yeas ......................... 56 \}
\{ Nays ........................... 50 \}

On motion of Mr. Bynum,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Alfred, Barrow, Batchelor, Blue, Bowman, Branch; Bullock, Bynum, Cannady, Cline, Davis of Bladen, Davis of

H. 5, the bill to establish a new county by the name of Mitchell, being read the third time, and the question being thereon,

Mr. Bowman moved to amend as follows, viz:

"Beginning at the top of Grandfather, Mo.; thence with the top of the Blue Ridge to the Bear Wallow gap; thence to the Three Knobs; thence to Big Crab-tree Creek; thence down said creek to Toe River; thence down said river to the Tennessee line; thence with the Tennessee line to Elk River; thence to place of beginning."

And it was adopted.

And the question recurring was put and

Decided in the affirmative, \{ Yeas ......................... 74 \}
\{ Nays .......................... 32 \}

On motion of Mr. Small,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Alfred Barringer, Barrow, Blue, Booth, Bowman, Branch, Burgin, Bynum, Cannady, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Fleming, Folk, Galloway, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hall, Hanes, Harris, Hayes, Henry, Hill, Howard, Hoke, Horton, Jordan, Kelly, Latham, Lemmonds, Liles, Logan, Love of Haywood, Love of Jackson, McMillan, Marsh, Martin, Mendenhall, Merrimon, Newby, Padgett, Patterson, Pearson, Person, Poindexter, Polk, Potts, Ransom, Rogers, Russ, Siler, Simonton, Slade, Stanford, Tapscott, Ward,

And the following in the negative, viz:


Ordered, That it be engrossed and sent to the Senate.

A message being received from the Senate transmitting the names of certain persons recommended by that body, for the appointment of justices of the peace for the county of Camden, in which they asked the concurrence of the House, and the question being, "shall the House concur?"

Mr. Ferebee moved the same be laid upon the table, and it was not adopted, there being counted yeas 45, nays 60.

Mr. Ferebee then moved to strike out all the names, with the exception of the first four, and he moved the yeas and nays be ordered thereon, and the questions thereon were pending,

When the hour for the adjournment arrived,
And the House adjourned.

FRIDAY, 25TH JANUARY, 1861.

Mr. Waugh presented the memorial of Elijah Thompson and others, for the improvement of a road in the county of Surry. To the Committee on Internal Improvements.

Mr. Bowman presented the proceedings of a meeting of the people in the county of Yancy.

Mr. Hayes presented a memorial of A. T. Davidson and others, upon the subject of jury trials in Cherokee, which was referred to the Committee on Propositions and Grievances.

Mr. Simonton presented the proceedings of a meeting of the people in the county of Iredell upon the subject of federal relations.
Mr. Hanes similar proceedings in the county of Davidson. Reports were submitted, received, and filed, from standing committees as follows, viz:

Mr. Waugh, from the Committee on Corporations, reported (H. 250,) bill to charter Patterson Manufacturing Company, with the recommendation the same do pass.

H. 337, bill to charter Marble Creek Copper Company, with an amendment, recommending the same do pass.

H. 349, bill to charter the Jackson Mining Company, with an amendment, recommending the same do pass.

Bills, etc., of the titles following, then being introduced, were read the second time, and passed the first reading, and were referred as follows, viz:

By Mr. Carson, a bill (H. 358,) to establish a Ferry over Catawba River. To Propositions and Grievances.

By Mr. Hoke, bill (H. 359,) concerning County Courts of Lincoln. To the same committee.

By Mr. Marsh, bill (H. 360,) for the registration of Free Negroes. To Slaves and Free Persons of Color.

By Mr. Crumpler, bill (H. 361,) to increase the fees of constable. To Judiciary.

By Mr. Cline, bill (H. 362,) to repeal an act of 1858-'59, concerning Catawba River. To Propositions and Grievances.

By Mr. Stanford, bill (H. 363,) to repeal charter of Warsaw. To Corporations.

Mr. Newby moved the vote by which the House had postponed indefinitely the bill (H. 245,) concerning Chatham county, be reconsidered, and Mr. Marsh moved the same be laid upon the table, and the question thereon was put and

Decided in the negative, \{ Yea s.......................... 38

Nay s.......................... 69

On motion of Mr. Marsh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Barringer, Batchelor, Blue, Booth, Carson, Clark of Craven, Cowles, Crumpler, Davis of


The question then recurring upon the motion to reconsider, it was adopted, and then the question recurring upon the motion to indefinitely postpone,

On motion of Mr. Newby,

The same was laid upon the table.

A message was received from the Senate, communicating a memorial of James N. Overton and others, upon the subject of justices of the peace in the county of Camden, and the House resumed the consideration of the unfinished business, being the motion of Mr. Ferebee to strike out certain names, and considered the same, until the hour having arrived, the Speaker under the special order, stated the question to be upon the resolution, (H. R. 335,) for a Conference at Washington City. The question recurred upon the motion to insert the name of Nicholas W. Woodfin, when on motion of Mr. Batchelor, the House reconsidered the vote by which the name of E. G. Reade was stricken out, and the question recur-
ring, Mr. Hoke moved to strike out all the names contained in the resolution of Mr. Newby,
And it was adopted.

And the question recurring upon the passage of the resolutions offered by Mr. Batchelor, as a substitute, Mr. Hoke offered the following:

"Resolved further, That a message be sent to the Senate proposing that a committee of four on the part of each House be appointed, whose duty it shall be to select five commissioners to proceed to Washington City, and five to proceed to Montgomery, and report their names to the Legislature to be voted for."

And the question being thereon, Mr. Hayes offered the following amendment:

"Resolved further, That the Commissioners to Montgomery be, and they are hereby instructed to act only as mediators, and use every effort possible to effect a reconciliation between the North and the South, and thus endeavor to restore the Union which formerly existed between the American States."

And the question thereon was put and

Decided in the affirmative, \{ Yeas.................................69
Nays.................................38

On motion of Mr. Clark, of Craven.
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Barringer, Barrow, Blue, Booth, Bowman, Branch, Burgin, Bynum, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Dickson, Donnell, Ewell, Faison, Farrow, Ferebee, Folk, Foust, Foy, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harrington, Harris, Hayes, Henry, Howard, Horton, Jordan, Kallum, Kelly, Latham, Liles, Love of Haywood, Love of Jackson, Mc Cleese, Mc Millan, Marsh, Martin, Mendenhall, Merrimon, Newby, Patterson, Perkins, Person, Poindexter, Polk, Potts, Rogers, Russ, Shober, Siler, Simon-
And the following in the negative, viz:


The question recurring, Mr. Fleming moved the same be laid upon the table, and the question thereon was put and

Decided in the negative,

Yeas ........................................23
Nays ......................................88

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Whereupon the Speaker signed the same in the presence of the House.

The question then being upon the amendment of Mr. Hoke as amended, was put and

Decided in the affirmative, { Yeas.........................102

{ Nays......................... 13

On motion of Mr. Henry,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

liamson, Wishart, Withers, Woodard, Wooten, Wright and Yeates—102.

And the following in the negative, viz:


The question then recurring upon the resolutions of Mr. Newby as thus amended, Mr. Latham asked and obtained leave of absence for Mr. Kelly, until Thursday next, and the question recurring, Mr. Person moved the second resolution of the substitute of Mr. Hoke, amended as aforesaid, be amended, so as to insert after the word "South," and before the word "and," the words "upon the basis of the Crittenden proposition, and the Virginia resolutions."

And it was adopted.

Mr. Hoke then offered the following additional amendment to his substitute, viz:

Add as follows, viz:

"Resolved further, That the delegates herein appointed are instructed to accept nothing as a compromise, short of a constitutional amendment, that slavery shall be acknowledged and protected by the General Government, South of the line 36, 30, and that all laws passed by the Northern States, to obstruct the enforcement of the fugitive slave law, shall be repealed, they are also instructed to regard no compromise as agreed upon, unless it receive the assent of the delegates from a sufficient number of States, to insert the same, in the Constitution of the United States, as an amendment thereto."

And he moved the yeas and nays be ordered thereon, and the question being thereon, Mr. Yeates offered the following:

"Nevertheless no compromise will be unacceptable to North-Carolina, that will give the South entire justice."

And the question thereon was pending, when the hour for the recess arrived, and the House took a recess accordingly.
The House having reassembled, and resumed the question pending at the recess,
Mr. Person offered a substitute for the resolutions of Mr. Newby, as follows:
"Strike out all after the word 'Resolved,' and insert, 'That a message be sent to the Senate, proposing to raise a joint select committee of four on the part of each House, in which the two parties of the legislature shall be equally represented, on the subject of the communications received from the States of Virginia and Alabama, and that all matters before the two Houses on that subject be referred to said committee, and it be requested to report to the two Houses on Monday next.'"
And the question being thereon, Mr. Green, of Franklin, moved the same be referred to a special committee of four, and that they be requested to report immediately, and the question being thereon, was put and
Decided in the affirmative, } Yeas,..........................52
} Nays,..........................44
On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
Messrs. Barringer, Blue, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Farrow, Folk, Foust, Gaither, Gal-
The Speaker appointed Messrs. Hoke, Williams of Nash, Poindexter and Mendenhall.

A message was received from the Senate, transmitting an engrossed bill, (S. 364,) to call a State Convention, which being read the first time, passed the first reading by the constitutional majority, when,

On motion of Mr. Fleming,

The same was ordered to be printed.

Mr. Faison moved the bill be read the second time, and the question thereon was put and

Decided in the affirmative, Yeas..............................68
                           Nays..............................24

On motion of Mr. Davis, of Rutherford,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Barringer, Clark of Davidson, Cowles, Dickson, Farrow, Foust, Gaither, Gorrell, Green of Chatham, Guthrie,
Harris, Henry, Howard, Horton, Jordan, Love of Jackson, Marsh, Mendenhall, Patterson, Poindexter, Shober, Simonton and Winslow—24.

Mr. Davis, of Rutherford, paired off with Mr. Peebles; Mr. Donnell paired off with Mr. Hall; Mr. Harrington paired off with Mr. Kelly.

And the said bill was read the second time, and the question being, "Shall this bill pass the second reading?" Mr. Yeates moved to amend the same, by striking out the 21st February," and insert the "28th February," and the question being first on the motion to strike out, it was adopted, and the question recurring, Mr. Marsh moved to amend the same by inserting the "7th March," and this question was put and

Decided in the negative, {Yea...34
Nay...56

On motion of Mr. Marsh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Albritton, Autry, Barrow, Batchelor, Baxter, Blue, Booth, Bridgers, Bullock, Bynum, Cannady, Cheek, Clark of Craven, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Fagg, Faison, Ferguson, Fleming, Foy, Galloway, Green of Franklin, Harris, Hayes, Hill, Jenkins, Kallum, Logan, Love of Haywood, Love of Jackson, McMillan, Mitchener, Newby, Pearson, Person, Pope, Ransom, Rogers, Russ, Shaw, Slade, Small, Stanford,

The question then recurring upon the motion to insert the 28th February,

And it was adopted.

On motion of Mr. Yeates,

The question on the passage of the bill was then postponed and made the special order for Monday next, at 12 o'clock M.

The House then considered the unfinished business, being the proposition of the Senate with reference to the recommendation of justices of the peace for the county of Camden, when on motion of Mr. Hill, the same was postponed until Wednesday next, at 8 o'clock, P. M.

Pursuant to notice, Mr. Yeates moved the House do now consider his resolutions upon the subject of public lands, and the question thereon was put and

Decided in the negative, \{ Yeas ......................... 42
Nays ......................... 52

On motion of Mr. Yeates,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Blue, Booth, Bowman, Burgin, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Dickson, Farrow, Ferebee, Folk, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Hanes, Harris, Hayes, Henry, Howard, Horton, Jordan, Latham, Liles, Marsh, Martin, Merrimon, Newby, Patterson, Poindexter, Polk, Russ, Suther, Siler, Simonton, Williams of Pasquotank, Winslow, and Yeates—42.

And the following in the negative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Fagg, Faison, Ferguson, Fleming, Foy, Galloway, Green of Franklin, Harrington, Hill, Hoke, Jenkins, Kallum, Len-

Bills, etc., of the titles following then being read the third time, passed the third reading and were ordered to be engrossed and sent to the Senate, viz:

H. 11, bill to amend Revised Code, chapter 34, Crimes and Punishments.

H. 27, bill to extend the times of registering certain deeds, etc., being read the third time, was on motion of Mr. Crumpler, recommitted to the Judiciary.

H. 33, bill to regulate a practice in the County and Superior Courts, pending which,

Mr. Poindexter, from the special committee on H. R. 335, reported that the committee had had the same under consideration, and had come to no conclusion thereon, and for himself and Mr. Hoke, asked to be discharged therefrom, and the House concurring, the Speaker appointed Messrs. Rogers and Bridgers thereto.

Mr. Firebee then gave notice that he would when the committee reported, move to suspend the rules, and put the resolutions upon the second reading.

Mr. Davis, of Bladen submitted a recommendation of certain persons for justices of the peace for Bladen, in which the House concurred.

Ordered, That the same be sent to the Senate.

The House resumed the calendar, and H. 58, (a) the bill to amend the charter of the Jonathans Creek Turnpike Company, being read the third time, and the question stated, "shall this bill pass the third reading?"

Mr. Hayes moved the yeas and nays be ordered thereon,

And pending the same, the hour for the adjournment arrived, and the House adjourned.
SATURDAY, 26th January, 1861.

Mr. Davis, of Halifax, presented a recommendation of justices in the county of Halifax.

Mr. Guthrie presented a similar recommendation for the county of Orange.

Mr. Waters presented the memorial of James Bibly and others, concerning the dividing line between Rutherford and Cleveland. Referred to the Committee on Propositions and Grievances.

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

Mr. Wright, from the Committee on Private Bills, reported H. 76, bill to amend charter of Perquimons Male and Female Academy, with the recommendation the same do pass.

Mr. Waugh, from the Committee on Corporations, H. 127, bill to amend charter of Franklin, in Macon county, with a substitute therefor, recommending its passage.

Mr. Hill, from the Committee on Banks, H. 158, bill to charter the Industrial Savings Bank, recommending the same do not pass.

Mr. Wright from the Committee on Private Bills, H. 159, bill to charter the Wilmington water works, recommending the same do pass.

H. 179, bill to charter the Greensboro' Hotel Company, with the recommendation the same do pass.

H. 251, bill to amend charter of the Laurel Fair, with the recommendation the same do pass.

H. 260, bill to charter Greensboro' Cemetery, with the recommendation the same do pass.

H. 270, bill to authorize the sale of the old jail in Wilkes, with the recommendation the same do pass.

H. 290, bill to charter Warren Lodge, 101, A. Y. Free Masons.

Mr. Waugh, from the Committee on Corporations, H. 298, bill to amend charter of Asheville, with the recommendation the same do pass.
Mr. Waugh, from the Committee on Private Bills, H. 324, bill to extend authority of commissioners of Hertford, with the recommendation the same do pass.

H. 344, bill to repeal an act concerning half-fees in Guilford, with recommendation the same do pass.

H. 346, bill for sale of jail lot, in Statesville, with the like recommendation.

H. 350, bill to amend charter of Washington, with the same recommendation.

Bills, etc., of the following titles then being introduced, and read, passed the first reading, and were referred as follows, viz:

By Mr. Cowles, a resolution (H. R. 365,) of instruction concerning the Fayetteville and Western Plank Road Company. To propositions and Grievances.

By Mr. Clark, of Craven, bill (H. 366,) to charter the Union Agricultural Society; and this bill also passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

By Mr. Fagg, bill (H. 367,) to charter the town of Marshall. To Corporations.

By Mr. Albritton, bill (H. 368,) to charter Greenville Navigation Company. To Private Bills.

By Mr. Siler, bill (369,) to charter Franklin Copper Company. To Corporations.

By Mr. Wright, bill (370,) to amend charter of Buckhorn Tin Company. To Private Bills.

By Mr. Williams, of Cumberland, bill (371,) to charter Palmyra Lodge, A. Y. F. M.

By Mr. Marsh, bill (372,) to repeal an act concerning Beaufort county.

From the Senate, bill (S. 373,) to prevent obstructions in certain streams in Hertford.

By Mr. Person, bill (H. 374,) in favor of the Wilmington and Weldon Rail Road Company. To Internal Improvements.
The House then resumed the unfinished business, being the question upon (H. 153,) resolution in favor of J. Tapscott, "Shall this resolution pass the second reading?"


And it was adopted.

Mr. Booth moved the bill be indefinitely postponed, and the question thereon was put and

Decided in the negative, { Yeas..............................13
   Nays.................................71

On motion of Mr. Faison,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

When the question recurring, the bill passed the second reading.
A message was received from the Senate, transmitting the recommendation of certain persons as justices of the peace for the counties of Burke and Martin, in which the House concurred.

Mr. Williams, of Nash, from the special committee to whom had been referred the resolution (H. R. 335,) for a conference at Washington city, etc., and the amendments and substitutes therefor, reported two resolutions, which were then read, as follows:

"Resolved, That for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country, upon the basis of the Crittenden resolutions as modified by the Legislature of Virginia, and for the purpose of consulting for our common peace, honor and safety, the Hons. Thomas Ruffin of Alamance, David S. Reid, D. M. Barringer, John M. Morehead and George Davis be, and are hereby appointed, Commissioners to represent North-Carolina in the proposed consultation to be held at Washington city, on the 4th February, 1861." And

"Whereas, The State of North-Carolina has been invited by the State of Alabama, to meet at the city of Montgomery, on the 4th of February, 1861, for the purpose of forming a provisional as well as permanent Government. And whereas, North-Carolina, as a part of the Federal Union, has no right to send delegates for such a purpose, therefore,

"Be it Resolved, That for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country, upon the basis of the Crittenden resolutions as modified by the Legislature of Virginia, and for the purpose of consulting for our common peace, honor and safety, the Hons. David L. Swain, M. W. Ransom and John L. Bridgers are appointed Commissioners to visit Montgomery, Alabama, for the purpose above indicated.""

And the question being on both, pursuant to notice, Mr. Ferreebe moved that the rules be suspended, and the resolution No. 1, for delegates to Washington, be considered.
Pending which, Mr. Mendenhall, from the committee on enrolled bills, submitted the following report, viz:

"The committee on enrolled bills for this week, beg leave to report that they have examined Senate bill No. 117, entitled 'a Bill providing for heating and lighting the capital.'"

Also, (House resolution No. 314,) concerning the two doors of the gallery and the door of the Hall.

Also, (House bill 55,) a bill to provide for taking the list of taxables in Oregon District, Beaufort county.

Also, (House resolution 16,) resolution in favor of Thomas Diggs, of Anson county.

Also, (House resolution No. 7,) resolution to amend a resolution in favor of certain entries of Cherokee lands, passed at the last General Assembly.

Also, (House bill 10,) a bill to repeal an act passed at session 58-'59, concerning Cherokee and Robeson counties.

Also, (House bill No. 311,) a bill to authorize the holding of a Court of Oyer and Terminer in Northampton county.

Also, (House bill No. 14,) a bill to alter time of opening the polls in elections at the precincts of Salisbury, Wilmington, Asheville and Lexington.

Also, (H. R. No. 174,) a bill to consolidate the acts heretofore passed, to incorporate town of Statesville, in the county of Iredell, and have carefully compared the rolls with the originals thereof, and find the same truly enrolled and ready for the signature of the Speaker.''

CYRUS P. MENDENHALL,
Chairman.

Whereupon the Speaker signed each of the said bills in the presence of the House.

Ordered, That they be sent to the Senate.

The House resumed the consideration of the motion of Mr. Ferebee, and it being adopted, and a division demanded, resolution No. 1 was read the second time and passed the second and third readings.
Mr. Ferebee moved the rule be suspended, and the resolution No. 1 engrossed and sent to the Senate, but objection being made the Speaker said the motion required a day's notice.

Mr. Williams, of Nash, moved the House proceed with resolution No. 2, and the question thereon was put and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots 82 \}
\{ Nays \ldots \ldots \ldots \ldots \ldots \ldots 6 \}

On motion of Mr. Henry,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


The resolution was then read the second time, and the question being, "Shall this resolution pass the second reading?" was put and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots 77 \}
\{ Nays \ldots \ldots \ldots \ldots \ldots \ldots 11 \}

On motion of Mr. Henry,
The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Williams, of Nash, moved the resolution be read the third time, and the same being read, the question, "Shall that resolution pass the third reading"? was put and

Decided in the affirmative, \{ Yeas .................................75
Nays ........................................13

On motion of Mr. McCleese,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Blue, Booth, Bowman, Bridgers, Bullock, Burgin, Bynum, Cannady, Cheek, Cline, Cowles, Crawford, Davis of Bladen, Davis of Halifax, Dickson, Fagg, Faison, Ferguson, Foy, Gaither, Galloway, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Hanes, Harrington, Harris, Hayes, Hill, Howard, Hoke, Jenkins, Jordan, Kallum, Latham, Logan, Love of Haywood, Love of Jackson, McMillan, Martin, Men-
And the following in the negative, viz:


So both the resolutions having passed the third reading,

On motion of Mr. Hoke,
The rule being suspended, were ordered to be engrossed and sent to the Senate, whereupon,

On motion of Mr. Newby.

"Resolved, That his Excellency, the Governor, be requested immediately to inform the Commissioners of their appointment, and upon the refusal of any one of them to serve, to report the same immediately to the General Assembly."

Bills, etc., of the titles following, then being read the third time, passed the third reading, and other proceedings were had, as follows, viz:

H. 81, bill to charter Greensboro’ Gas Light Company.
H. 85, bill to charter the Asheville Water Company.
H. 112, bill to charter Greenville Cemetery.
H. 122, bill to amend the charter of Thomasville.
H. 123, bill concerning Wardens of the Poor in Wake county.
H. R. 138 (a), resolution in favor of administrator of M. M. Plunkett.
H. 141, bill for the relief of Cynthia Chavers.
H. 150, bill to pay talis jurors in Bertie county, did not pass the third reading.

Bills, etc., of the titles following, being read the second time, passed the second reading as follows, viz:
H. 75, bill to charter Valley River Gold Mining and Aqueduct Company.

H. 76, bill to amend charter of Perquimon's Male and Female Academy.

H. 134, bill to charter Ball's Creek Camp Ground in Catawba.

H. R. 182, resolution in favor of sureties of S. M. Ray, passed the second and also the third readings.

H. 230, bill to charter Tally Ho! Female Academy, passed the second and also the third readings.

H. 264, a bill to charter Jefferson Academy, passed the second reading.

The hour for the adjournment having arrived, the House adjourned.

MONDAY, 28TH January, 1861.


The Speaker announced the following committee, viz: On enrolled bills: Messrs. Waters, Ewell, Howard, Green of Franklin, and Alfred.

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

Mr. Waugh, from the Committee on Corporations, reported (H. 325,) bill to charter Boon Hill, with the recommendation the same do pass.

H. 341, bill to charter the Hiawassee Manufacturing Company.

H. 367, bill to charter the town of Marshall, with the recommendation that the same do pass.

H. 369, bill to charter Franklin Copper Company, with an amendment, recommending the same do pass.

Mr. Williams, of Nash, introduced the following resolutions:

"Whereas, Information has reached this House that the small-pox has appeared in Raleigh, and whereas, it is unsafe and dangerous not only to the members of this Gen-
eral Assembly themselves, but to their constituents, whom they will soon meet on their return home:

"Be it therefore resolved, That a message be sent to the Senate proposing to raise a committee on the part of each House to enquire into the propriety and necessity of adjourning the Legislature to some other place, and that said committee are hereby instructed not to report until a bill to call a Convention of the people has either been rejected or passed this General Assembly."

And the question being thereon,

Mr. Hill offered the following amendment, viz:

"Be it further resolved, That said Committee are further instructed not to report until the Revenue Bill of the last session has been revised and the other necessary legislation required by the State has been accomplished."

And the question being thereon,

Mr. Love, of Jackson, moved the same be laid upon the table and the question thereon was put and

Decided in the affirmative, } Yeas..........................56

On motion of Mr. Hill,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barrow, Baxter, Bridgers, Bul-

At 11 o'clock the Speaker announced the special order, viz: H. 92, bill to establish the county of Transylvania.

And the question being, "Shall this bill pass the second reading?"

Mr. Love, of Jackson, offered the following amendment, viz:

"Strike out all in the boundary after the words 'Jackson line,' and insert the following: 'To a point on the Blue Ridge between the head of Indian Creek and , and running with the dividing ridge between Indian Creek and river to said river, thence south to the South Carolina line, thence with the South Carolina line to the beginning.'"

And it was adopted.

Mr. Harris moved to strike out the word "Transylvania," wherever the same occurs, and insert "Brevard."

And it was not adopted.

The question recurring, the same was put and

Decided in the affirmative, { Yeas .........................55 { Nays .........................31

On motion of Mr. Bullock,

The yeas and nays being ordered, the following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Barrow, Blue, Booth, Bowman, Burgin, Bynum, Clark of Davidson, Cowles, Crumpler, Davis of Bladen, Dickson, Fagg, Foust, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly, Hall, Harris, Hayes, Hill, Howard, Hoke, Horton, Jordan, Lemmonds, Liles, Logan, Love of Haywood, Love of Jackson, McMillan, Martin, Mendenhall, Merrimon, Pearson, Poindexter, Polk, Potts, Shaw, Shober, Siler, Simonton, Slade, Stanford, Tap-

And the following in the negative, viz:


Mr. Love, of Jackson, moved the bill be read the third time, and it was not adopted.

Mr. Bowman introduced the following resolution:

"Resolved, That such members of this General Assembly as may have been with any person having small-pox, or near enough to any one known to have that disease, to have incurred the risk of having been infected with it, have leave of absence, and be requested to retire until such time as will be sufficient to ascertain how the fact may be."

Mr. Latham moved the same be laid upon the table, and the question thereon was put and

Decided in the affirmative, \{ Yeas.........................63

\{ Nays.........................15

On motion of Mr. Bowman,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:


Mr. Yeates introduced the following resolution:

"Resolved, That a message be sent to the Senate, proposing to adjourn sine die on next Monday," which being read was,

On motion of Mr. Williams, of Nash, Laid upon the table.

The Senate transmitted certain recommendations of justices of the peace, for the counties of Chatham, Onslow, New Hanover and Pasquotank, which were concurred in and transmitted to the Governor.

Mr. Merrimon introduced the following resolution:

"Resolved, That a special committee of five be appointed to inquire whether the two several resolutions, passed by this House on Saturday last, appointing certain delegates to Washington city, and certain other delegates to Montgomery, Alabama, were engrossed together, as one act of this House, and were thus sent to the Senate, and if so, by what authority, and further to inquire whether such act, if done, was done wilfully, and that that committee report to this House their action as speedily as possible."

And the same being read, Mr. Bullock moved it be laid upon the table. The question thereon was put and

Decided in the affirmative, 45 Yeas.................................40 Nays.................................

On motion of Mr. Liles, The yeas and nays being ordered, The following voted in the affirmative, viz:

Messrs. Barrow, Baxter, Blue, Bridgers, Bullock, Bynum, Cannaly, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Faison, Fleming, Foy, Galloway, Green of Franklin, Hall, Harris, Hill, Hoke, Jenkins, Jordan, Kallum, Lenimonds, Logan, Love of Haywood, McMillan, Mitchener,
Mordecai, Pearson, Pope, Potts, Shaw, Small, Stanford, Tapscott, Waters, White, Wilkerson, Williams of Cumberland, Williams of Nash, Wishart, Withers and Wright—45.

And the following in the negative, viz:


At 12 o'clock M., the Speaker announced the special order, viz: (S. 363,) bill to call a State Convention. Mr. Gorrell moved the same be postponed half an hour.

And it was not adopted.

And the question recurring, "Shall this bill pass second reading?"

Mr. Clark, of Craven, moved that the ninth section be stricken out, and the following substituted:

"Sec. 9. Be it further enacted, That the said Convention shall have power to consider all grievances affecting North Carolina as a member of the the Confederacy, according to the true intent and meaning of this act, and all questions of constitutional reform, excepting such as may propose a change in the present basis of representation. The assent or dissent of the people, to the proposition herein contained being respectively expressed by the votes, 'Convention,' and 'No Convention,' at the time and in the mode herein before provided."

And a division being demanded, and the question put first, upon the motion to strike out, resulted as follows: Yeas 61, Nays 25.

On motion of Mr. Yeates,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Autry, Barringer, Baxter, Blue,

And the following in the negative, viz:


And the question recurring upon the amendment of Mr. Clark,

Mr. Martin moved to amend the same by striking out the words, "excepting such as may propose a change of the basis of representation," and the question thereon was put and

Decided in the negative, \{ Yeas ........................................29
\{ Nays ........................................60

On motion of Mr. Martin,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Autry, Barrow, Baxter, Blue, Booth, Bridgers, Bullock, Bynum, Cannady, Cheek, Clark

The question recurring,

Mr. Marsh moved to insert after the words "basis of representation," 'and such as may change the tax upon negroes from a capitation to an ad valorem tax.'"

And the question thereon was put and

Decided in the negative, \{ Yeas..........................4 \}
\{ Nays..........................85 \}

On motion of Mr. Marsh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
The question recurring, Mr. Yeates offered the following amendment:

Sec. 12. Be it further enacted, That no person shall be eligible to a seat in said Convention unless he is a citizen of North-Carolina and of the county which he represents, and has arrived at the full age of twenty-five years, and it was not adopted. And the question recurring, the amendment of Mr. Clark was adopted.

Mr. Burgin moved that the eleventh section be stricken out, and the question thereon was put and decided in the affirmative,

Decided in the affirmative, \{Yeas...........................57
\{Nays..........................33

On motion of Mr. Merrimon,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Rogers paired off with Mr. Ransom.
Mr. Clark, of Craven, moved to amend as follows: "Strike
out all after the word 'Raleigh,' in the 10th line of section 3, to the word 'and' in the 13th line, and insert in lieu thereof, the words following: 'at the earliest practicable time after comparing the poll as aforesaid.'

And it was adopted.

And the question recurring, Mr. Yeates moved that the vote by which the House had adopted the last amendment proposed by Mr. Clark, be now reconsidered, and the question thereon was put, and it was not adopted.

Mr. Bowman moved that the vote by which the House had stricken out the 11th section be reconsidered.

Mr. Hoke moved the same be laid upon the table, and the question thereon was put and decided in the affirmative:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>57</th>
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<td>Nays</td>
<td>33</td>
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On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


On motion of Mr. Hoke,
The further consideration of the bill was then postponed until to-night at 8 o'clock.

Mr. Slade presented a recommendation of certain persons for justices of the peace in the county of Rockingham, which being read was adopted and sent to the Senate.

Mr. Fagg presented the memorial of John Anderson and others for a Stay Law. Referred to Propositions and Grievances.

Mr. Person presented the memorial of L. J. Hampton, concerning certain debts of the Cape Fear Navigation Company. To Propositions and Grievances.

Bills, etc., of the titles following then being introduced, passed the first reading, and other proceedings had as follows, viz:

From the Senate, a bill (S. 375,) to provide a committee of finance for the county of Hyde.

Also, (S. 376,) bill to charter the city of Morehead.

By Mr. Crumpler, a bill (377,) to lay off a public road in the county of Ashe. To Propositions and Grievances.

By Mr. Merrimon, bill (378,) to charter French Broad Steam-Boat Company. To Private bills.

By Mr. Horton, a bill (379) to improve a road in Watauga and Alexander counties. To Internal Improvements.

By Mr. Galloway, a bill (380) to amend Revised Code chapter 34, Crimes and Punishments. To Judiciary.

By Mr. Pearson, a bill (381) in favor of Daniel Johnson. To Corporations.

By Mr. Fagg, a bill (382) to lay off a ward No. 3, in Madison. To Propositions and Grievances.

By Mr. Hayes, a bill (383) to alter the State line, and this bill being read was,

On motion of Mr. Hill, Rejected.

By Mr. Siler, a bill (384) to charter the Bank of Macon. To Banks and Banking, and ordered to be printed.

Bills, etc., of the titles following then being read the see-
ond time, passed the second reading, and other proceedings were had, as follows, viz:

H. 58, bill concerning the Western Turnpike road, the amendments of the committee being first adopted.

H. 83, bill to amend charter of the Western North Carolina Railroad being read,
Mr. Green, of Franklin, moved the same be postponed,
And it was not adopted.
And the House considered the same until the hour arrived.
And the House took a recess until 7 P. M.

Night Session—MONDAY, 28th January, 1861.
The House having re-assembled,
Mr. Bowman introduced the following resolution:

"Whereas, The small-pox is understood to be spreading in this city, and there is strong prospect of its becoming a prevailing disease, therefore,

"Resolved, That a message be sent to the Senate early in the morning, proposing to adjourn to Wilmington or some other point, to finish the business now before the General Assembly."

And the same being read,
Mr. Slade moved it be laid upon the table, and the question thereon was put and

Decided in the negative, { Yeas ......................... 36
{ Nays ......................... 41

On motion of Mr. Slade,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Barrow, Batchelor, Blue, Booth, Bridgers, Bynum, Clark of Craven, Clark of Davidson, Crawford, Crumpler, Ferebee, Galloway, Green of Franklin, Guthrie, Harris, Hill, Liles, Love of Haywood, Love of Jackson, McMillan, Martin, Merrimon, Poindexter,
Potts, Rogers, Russ, Siler, Slade, Watson, Williams of Cumberland, Williams of Pasquotank, Winslow, Withers and Wright—36.

And the following in the negative, viz:


And the question recurring,

Mr. Autry offered the following substitute, viz:

"Resolved, That a message be sent to the Senate requesting them to concur with this House in adjourning this Legislature to the first Monday in March."

And the question being thereon,

Mr. Crumpler moved that the same be postponed indefinitely, and the question thereon was put and

Decided in the negative, Yeas..........................33
Nays...........................................51

On motion of Mr. Williams, of Nash,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Darringer, Blue, Booth, Cannady, Clark of Craven, Cline, Crumpler, Ferebee, Galloway, Green of Franklin, Hall, Hayes, Hill, Hoke, Jeukins, Love of Haywood, Love of Jackson, McMillan, Martin, Patterson, Person, Poindexter, Potts, Rogers, Russ, Siler, Slade, Watson, Williams of Cumberland, Winslow, Withers and Wright—33.

And the following in the negative, viz:

Messrs. Albritton, Autry, Barrow, Batchelor, Baxter, Bowman, Bridgers, Cheek, Clark of Davidson, Cowles, Crawford, Davis of Bladen, Dickson, Donnell, Ewell, Fagg, Faison, Ferguson, Foust, Foy, Gaither, Gorrell, Green of

So the House refused to postpone the question indefinitely, and it recurred, when

Mr. Clark, of Craven, moved the question be referred to the Committee on Propositions and Grievances, and it was not adopted.

Mr. Love, of Jackson, offered the following amendment:

"Resolved, That a special committee of five be appointed by this House to see that those members and assistant doorkeepers, who visited the sick of small-pox, are vaccinated, at once, by the physicians of this place."

And it was not adopted.

Mr. Slade offered the following amendment:

"Resolved, That any member of this House, who may have been exposed to the small-pox, now in this city, either by being with any person sick of that disease, or near enough to incur risk of catching the contagion, have leave of absence, and be requested to absent himself until after danger may be passed."

And it was not adopted.

Mr. Clark, of Craven, moved to strike out the word "Wilmington" and insert the word "Newbern."

And it was not adopted.

Mr. Guthrie moved that the resolutions be amended so as to strike out "Wilmington" and insert "Fort Macon."

And it was not adopted.

And the question recurring, "Shall this resolution be adopted?" was put and

Decided in the negative, \{ Yeas: \} 28
\{ Nays: \} 55

On motion of Mr. Bowman,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The House resumed the unfinished business, being (H. 83,) the bill to amend charter of the Western North-Carolina Railroad.

The pending question being the passage of the bill the second reading, when,

On motion of Mr. Love,

The same was made the special order for Wednesday next 12 o'clock.

The House then under a special order considered the bill (S. 364,) to call a State Convention, and the question being "Shall this bill pass the second reading?"

Mr. Marsh offered the following amendment thereto:

"Be it further enacted, That if a Convention of the people should be called by the people under this act, and any other subject than federal relations be considered, it is the opinion of this General Assembly that the said Convention ought so to amend the Constitution as to allow the Legislature to tax
slave property as high, but not higher than land, according to value.'"

And the question thereon was put and

Decided in the negative,

\[
\begin{align*}
\text{Yea}s & : 38 \\
\text{Nay}s & : 56
\end{align*}
\]

On motion of Mr. Marsh,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


And the question recurred, and was put and (two-thirds not voting therefor,)

Decided in the negative,

\[
\begin{align*}
\text{Yea}s & : 66 \\
\text{Nay}s & : 25
\end{align*}
\]

On motion of Mr. Martin,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albright, Alfred, Autry, Barrow, Batchelor, Baxter, Blue, Booth, Bridgers, Bullock, Bynum, Cannady, Check, Clark of Craven, Cline, Crawford, Davis of Bladen,

And the following in the negative, viz:


Mr. Merrimon moved the vote by which the House had refused to pass the Senate bill (S. 364,) to call a State Convention, be reconsidered.

Mr. Donnell moved the same be laid upon the table, and the question thereon was put and

Decided in the negative, { Yeas .........................18
{ Nays .........................69

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Autry, Barrow, Batchelor, Baxter, Blue, Booth, Bridgers, Bullock, Burgin, Bynum, Cannady, Cheek, Clark of Craven, Cline, Crawford, Davis of Bladen, Davis of Halifax, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Galloway, Green of Franklin, Hall, Harris, Hill, Hoke, Jenkins, Jordan, Kallum, Latham, Lemmonds,

And the question recurring, on the motion to reconsider, was put, and it was adopted, whereupon,

On motion of Mr. Williams, of Nash,
The bill was postponed and made the special order for half past 10 o’clock to-morrow.

Bills, etc., of the titles following, then being read the third time, passed the third reading as follows, viz:

H. 58; (a) bill to amend charter of the Jonathan’s Creek Turnpike Company, being read the third time and the question put,

Mr. Hayes offered the following amendment, viz:

"Be it further enacted, That nothing in this act shall be so construed as to affect any of the public works, now in construction in the county of Cherokee, to which the agent of the State, has heretofore subscribed in behalf of the State, but such agent shall first discharge and pay up all such subscriptions."

And the question thereon was put and

Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 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And then the bill passed the third reading.

The bills entitled as follows, also passed the third reading, viz:

H. 45, the bill to prevent the transfer of Post Obit interests.
H. 56, the bill concerning Western Turnpike Road.
H. 77, bill to amend Revised Code, chapter 107, Slaves and Free Persons of Color.
H. 84, bill to prevent and punish damages by fire, the same being first amended,

On motion of Mr. Yeates,
So as to include Chowan and Hertford.
H. 92, the bill to establish the county of Transylvania, being read the third time, and the question put was

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & \quad \ldots \quad 48 \\
\text{Nays} & \quad \ldots \quad 31
\end{align*}
\]

On motion of Mr. Small,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Fleming paired off with Mr. Simonton.

H. 93, the bill to amend charter of the Farmers’ Bank.

H. 97, the bill concerning the official bond of Coroners.

H. 108, bill to amend Revised Code, chapter 57, “Idiots and Lunatics.”

H. 113, bill to amend an act concerning the Superior Court of Rowan.

H. R. 153, resolution in favor of J. Tapscott and others.

The bill (H. 106,) to provide a Military Code, being read the second time, was,

On motion of Mr. Hoke,

Made the special order for Thursday night next, 7 o’clock.

Bill (H. 115,) to charter New River Canal Company, was,

On motion of Mr. Foy,

Made the special order for Friday next at 11 o’clock.

Mr. Yeates introduced the following resolution:

“Resolved, That the Committee on Slaves and Free Persons of Color be requested to report to this House a bill for the better securing of the payment of the taxes upon free negroes.”

Mr. Marsh gave notice that he intended to move for an amendment to the rule, No. 29, of the House.

Mr. Bowman introduced the following resolution:

“Resolved, That those gentlemen, members of this House, who have been exposed to the case of small-pox, now in this city, be respectfully requested to absent themselves from the House until reasonable apprehensions of their having taken the disease shall have been removed.”

And the question thereon was pending, when the hour for the adjournment arrived, and the House adjourned.
Prayer by the Rev. Dr. Mason.
The House resumed the consideration of the resolution of Mr. Bowman, when,

On motion of Mr. Latham,
The same was laid upon the table.
The Speaker announced the special order, viz: S. 364, the bill to call a State Convention, when,

On motion of Mr. Bullock,
The same was postponed until half-past 7 o'clock, P. M.

Mr. Howard presented a recommendation of a justice of the peace in the county of Davie. Read, adopted and transmitted to the Senate.

Mr. Logan presented the memorial of J. F. Stephens and others, in behalf of the sureties of Sheriff Griggs. Referred to Propositions and Grievances.

A message was received from his Excellency, the Governor, transmitting an ordinance of the people of Georgia, dissolving their connection with this and other States in the Federal Government and Union; and certain resolutions of the State of Tennessee, in regard to the proposed coercion of seceding States, which were,

On motion of M'. Hill,
Sent to the Senate, with a proposition to print, and referred to the Committee on Federal Relations.

His Excellency also sent to the House certain resolutions of the Legislatures of Ohio and New York, tendering the President the military power of those States in certain cases, and upon the subject of the Fugitive Slave Law.

Mr. Bridgers moved that they be sent to the Senate, with a proposition to return them to the parties who sent them here.

Mr. Newby offered to amend the proposed message, by adding, and that the House had adopted certain resolutions, as follows, which he read; objection being made, the proposed resolutions were withdrawn, when Mr. Bridgers also
withdrew his motion, and moved the resolutions be laid upon the table, and the question upon this motion was put, and decided in the negative, there being counted yeas 42 and nays 49.

Mr. Ferebee moved the resolutions be sent to the Senate and printed, when

Mr. Fleming moved the yeas and nays be ordered thereon.

Mr. Crumpler moved to amend the motion by striking out the proposition to print.

Mr. Ferebee accepted the same, and the question being upon the motion as amended,

A message was received from the Senate and read, proposing to proceed, on Thursday next, at 12 o'clock, into the election of a United States Senator, and the question being "Shall the House concur?"

Mr. Hill moved the same be laid upon the table, and the question thereon was put and

Decided in the affirmative, \{ Yeas ....................... 53
\}
\{ Nays ....................... 48 \}

On motion of Mr. Russ,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Barringer, Blue, Booth, Bowman, Burgin, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Dickson, Donnell, Fagg, Farrow, Ferebee, Foust,

At 11 o'clock and 30 minutes the House, under special order, considered (H. 41,) bill to charter the Greensboro' and Danville Railroad Company, the question being, "shall this bill pass the second reading?"

Mr. Waters, from the Committee on Enrolled Bills, reported that they had compared the roll of joint resolutions for the appointment of Commissioners on Federal Affairs to Virginia and Alabama with the original, and found the same truly enrolled.

Whereupon the Speaker signed the same in the presence of the House, and sent it to the Speaker of the Senate.

The pending question (H. 41,) was then put, and

Decided in the negative, } Yeas..............................41
\ Nays..................................45

On motion of Mr. Small,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barrow, Batchelor, Baxter, Blue, Bridgers, Bullock, Burgin, Bynum, Cannady, Cheek, Clark of Craven, Crawford, Davis of Halifax, Ewell, Faison, Ferguson, Foy, Green of Chatham, Green of Franklin, Jenkins, Kallum, Liles, Logan, Mitchener, Mordecai, Patterson, Per-

So the bill did not pass the second reading.

Mr. Love, of Jackson, introduced resolutions (H. R. 385,) in favor of Ephraim Stilwell. To Cherokee Lands.

Mr. Wilkerson, a bill (H. 386,) to hire out free negroes for debt. To Slaves and Free Persons of Color.

Mr. Yeates moved that the House reconsider the vote by which the bill (H. 41,) to charter the Greensboro' and Danville Railroad Company had been rejected.

Mr. Clark, of Craven, moved that the same be laid upon the table, and this question was put and

Decided in the negative, \{ Yeas ..................................37
{ Nays.....................................44

On motion of Mr. Bullock,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


When the question recurring, the vote was reconsidered,
there being counted, yeas 42, nays 32, and then the question recurring on the passage of the bill, the same was postponed, and on motion of Mr. Slade, laid upon the table.

On motion of Mr. Hill, The bill (105,) to charter the Caswell Rail Road Company, was made a special order for to-morrow at 12 o'clock, and then the hour for the recess arriving, the House took a recess until 7 o'clock P. M.

NIGHT SESSION—TUESDAY, 29TH JANUARY, 1861.
The House resumed the consideration of the Governor's Message, the question being upon the motion of Mr. Crumpler; Mr. Rogers moved the same be indefinitely postponed, and it was not adopted, and the question was put and

Decided in the negative, Yeas.............................................40
Nays.................................................................50

On motion of Mr. Ferebee, The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Autry, Barrow, Baxter, Blue, Bridgers, Bullock, Bynum. Cannady, Cheek, Cline, Crawford, Davis of Halifax, Ewell, Faison, Ferguson, Foy, Green of Franklin, Hall, Hill, Hoke, Kallum, Logan, Love of Jackson, McMillan, Mitchener, Mordecai, Newby, Padgett, Pearson, Peebles, Person, Polk, Potts, Ransom, Shaw, Slade, Small, Tapscott, Ward,
Mr. Rogers moved the further consideration of the message and resolutions be postponed until Monday, 12 o'clock, and it was not adopted.

Mr. Bridgers moved that "the resolutions be returned to his Excellency the Governor of North Carolina, with a request that they be returned to the Governors of the States that sent them."

And the question being thereon, and the hour for the special order having arrived, Mr. Love, of Jackson, moved the same be postponed for an hour; and the question being thereon, was put and

Decided in the affirmative, \{ Yeas ......................... 49
\} Nays......................... 44

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Albright, Alfred, Batchelor, Baxter, Blue, Booth, Bowman, Burgin, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Dickson, Donnell, Farrow, Ferebee, Foust, Gaither, Galloway, Green of Chatham, Green of Stanly, Guthrie, Henry, Howard, Horton, Latham, Liles, McCleese, Marsh, Martin, Mendenhall, Merrimon, Patterson, Perkins, Poindexter, Rogers, Russ, Shofer, Waugh, White-
And the question being upon the motion of Mr. Bridgers, the hour to which the special order had been postponed, again arrived, and the House resumed the consideration of (S. 364,) the bill to call a State Convention, and the question being, "Shall this bill pass the second reading?" was put, and (two-thirds not voting therefor,)

Decided in the affirmative, {\textbf{yeas }\textbf{..................}70
\textbf{nays }\textbf{..................}27

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

So the bill did not pass the second reading.
Mr. Batchelor moved the vote by which the bill had been rejected be reconsidered, and the question being thereon, Mr. Ferebee rose to a point of order, and he stated his point to be
that the same vote had already been reconsidered by the House, and upon the same reading of the bill.

The Speaker overruled the point of order, and held that it was competent to reconsider, although a reconsideration of the same vote had just been had, and the House had adhered to the original determination.

From this decision Mr. Ferebee appealed, and the question being "Shall the decision of the chair stand as the judgment of the House?" was put and decided in the affirmative, \( \text{Yeas} = 73, \text{Nays} = 13 \)

On motion of Mr. Ferebee,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Dickson, Donnell, Farrow, Ferebee, Foust, Henry, Liles, McCleese, Mendenhall, Patterson, Poindexter, Williams of Pasquotank and Winslow—13.

And the question recurring upon the motion to reconsider the same, was put and decided in the affirmative, \( \text{Yeas} = 70, \text{Nays} = 25 \)

On motion of Mr. Henry,

The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


And the question recurring upon the passage of the bill, the same was postponed until to-morrow at 12 o'clock.

The House resumed the consideration of the resolutions of New York and Ohio, when the question upon the motion of Mr. Bridgers was put and

Decided in the affirmative, \{ Yeas ......................... 49
\{ Nays ......................... 39

On motion of Mr. Bridgers,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Ewell, Faison, Ferguson, Foy, Green of Franklin, Hall, Hill, Hoke, Kallum, Lemmonds, Logan, Love of Haywood, Love of Jackson, McMillan, Mitchener, Mordecai, Newby, Padgett, Pearson, Peebles, Person, Pope,
Potts, Ransom, Shaw, Small, Tapscott, Ward, Watson, White, Williams of Cumberland, Williams of Nash, Wishart, Withers, Woodard and Wooten—49.

And the following in the negative, viz:


The resolutions were accordingly returned, with a copy of the proceedings of the House.

Pursuant to notice, Mr. Marsh offered the following amendment to the 29th rule of the House, viz:

"Strike out the words 'of the majority' and insert the words 'voting on the side prevailing.'"

And the question being thereon, Mr. Bullock moved the same be laid upon the table, and the question thereon was put and

Decided in the affirmative, \{ Yeas. ......................... 49 \\ Nays........................... 37 \\

On motion of Mr. Marsh,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barringer, Blue, Booth, Bowman, Bur-
gin, Clark of Craven, Clark of Davidson, Crumpler, Dickson, Donnell, Ferebee, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Henry, Howard, Horton, Latham, Lemmonds, Liles, McCleese, Marsh, Martin, Mendenhall, Merrimon, Patterson, Perkins, Poindexter, Rogers, Russ, Shober, Siler, Whitehurst and Yeates—37.

Mr. Batchelor moved that the rules of this House, with regard to night sessions, be suspended on Friday night next, and the same by general consent being considered, was

Decided in the affirmative; \{ Yeas .........................63
\{ Nays .........................14

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


When the hour for the adjournment arrived, and the House adjourned.

WEDNESDAY, 30TH JANUARY, 1861.
The Speaker laid before the House a telegraphic dispatch.
from the authorities of Charlotte, inviting the General Assembly to that town.

Ordered, That it be sent to the Senate.

Mr. Blue presented the proceedings of a meeting of the people in the county of Richmond.

Mr. Henry presented a recommendation of justices of the peace, in the county of Bertie. Read, adopted and ordered to be sent to the Senate.

Mr. McMillan presented the memorial of citizens of Robeson county, opposed to the sale of spirituous liquors near Lumber Bridge. To the Committee on Propositions and Grievances.

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

By Mr. Person, from the Committee on the Judiciary, (H. 47,) bill to amend Revised Code, chapter 118, "Widows," recommitted to them the 21st inst, with substitute therefor, and asking to be discharged.

By Mr. Fleming, from the Committee on Internal Improvements, (H. 54,) bill to amend charter of the Western Railroad, with the recommendation the same do not pass.

On motion of Mr. Meares,

The bill was made the special order for Tuesday next at 11 o'clock.

By Mr. Person, from the Committee on the Judiciary, (H. 188,) bill to provide for a mechanics lien, with the following amendments, viz:

In line 3 after the word "builders," insert, "and persons who furnish materials."

In line 17, after the words "to be paid," insert "a general description of the building or work to be done, or materials to be furnished."

In line 13 strike out the words, "for the execution of the building."

At the end of line 31 add: "provided the compensation agreed upon, shall not be increased."
H. 199, bill in favor of mechanics, asking to be discharged from the subject.

By Mr. Williams, of Nash, from the Committee on Claims, (H. R. 276,) resolution in favor of Benjamin Justice, with the recommendation the same do pass.

H. R. 305, resolution in favor of H. H. Davidson, with an amendment, recommending the same do pass.

By Mr. Marsh, from the Committee on Slaves and Free Persons of Color, (H. 321,) bill to provide for voluntary enslavements, with the recommendation the same do not pass.

H. R. 354, resolution in favor of Josiah Collins, with the recommendation the same do pass.

By Mr. Waugh, from the Committee on Corporations, (H. 356,) bill to amend charter of Morganton, with the recommendation the same do pass.

H. 363, bill to repeal charter of Warsaw, with the recommendation the same do pass.

Mr. Mendenhall, from the Committee on Claims, reported the memorial of Anson Parker, with a bill for his relief.

Mr. Williams, of Nash, from the same committee, reported the memorial of Francis M. Brander, with the request that they be discharged.

Mr. Mordecai presented a recommendation of justices of the peace for Wake. Read and and adopted and sent to the Senate.

Mr. Gorrell introduced the following resolution:

"Resolved, That the members of the committee, on the part of this House, on enrolled bills for the present week be, and are hereby requested to make out, and present to this House, as early as possible, a written statement setting forth whether the resolutions concerning the sending of Commissioners to Washington City and to Montgomery, were handed to them as separate and distinct resolutions, or whether they were consolidated and presented to them as one resolution; also, whether they were in the hand-writing of the clerk of
this House, or in the hand of those presenting them to the
House.'"

Which being read, the Clerk read Joint Rule (5,) and
referred to the proceedings of 26th January, when Mr. Hill
moved the resolution be laid upon the table, and the ques-
tion thereon was put and

Decided in the affirmative, Yeas ...................... 29
Nays ...................... 31

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Autry, Barrow, Batchelor, Baxter,
Booth, Bowman, Branch, Bridgers, Bullock, Bynum, Can-
nady, Cheek, Cline, Crawford, Crumpler, Davis of Bladen,
Davis of Halifax, Ewell, Fagg, Faison, Ferguson, Foy,
Green of Franklin, Hall, Harrington, Harris, Henry, Hoke,
Jenkins, Kallum, Lemmonds, Logan, Love of Haywood,
Love of Jackson, McMillan, Martin, Mitchener, Mordecai,
Newby, Padgett, Pearson, Peebles, Perkins, Person, Pope,
Potts, Slade, Small, Tapscott, Ward, Waters, Watson,
Waugh, White, Williams of Cumberland, Williams of Nash,
Wishart, Withers, Woodard, Wooten and Wright—62.

And the following in the negative, viz:
Messrs. Burgin, Carson, Clark of Craven, Clark of David-
son, Cowles, Dickson, Farrow, Ferebee, Foust, Gaither,
Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hayes,
Howard, Horton, Jordan, Latham, Liles, McCleese, Marsh,
Mendenhall, Merrimon, Patterson, Poindexter, Rogers,
Shober, Whitehurst, Winslow and Yeates—31.

Mr. Waugh presented a recommendation of certain Justices
of the Peace in the county of Surry.

On motion of Mr. Bowman,
"Resolved, That a message be sent to the Senate, propo-
sing to raise a Joint Select Committee of five, three on the
part of the House, and two upon the part of the Senate, to take
into consideration the expediency of this Legislature adjourn-
ing over to Wilmington, to finish the business of the Legislature."

Mr. Waters, from the Committee on Enrolled bills for the week, reported as follows, viz:

The committee on enrolled bills for the week, have examined the following enrolled bills, and find the correct, viz:

A resolution in favor of Leah Coleman.

A resolution in favor of D. C. Lilly.

A bill to incorporate the Gibson Hill Mining Company, in the county of Guilford.

A resolution in favor of Cooper Prince and John H. Harwood.

A bill in favor of Daniel Dorherty.

A. G. WATERS,
Chairman.

Mr. Patterson presented a recommendation of certain persons for justices in the county of Orange.

Bills, etc., of the titles following then being introduced and read the first time, passed the first reading, and were referred as follows, viz:

By Mr. Mendenhall, from the Committee on Claims, a resolution, No. 337, in favor of Anson Parker.

By Mr. Marsh, from the Committee on Slaves, etc., a resolution (H. R. 388,) for the collection of taxes from free negroes.

By Mr. Ewell, a resolution (389,) in favor of the sureties of Sheriff Ward.

By Mr. Green, of Franklin, a resolution (390,) in favor of Federal Commissioners, read also second and third times, and passed the second and third readings, and ordered to be engrossed and sent to the Senate.

By Mr. Waugh, a resolution (H. R. 391,) concerning distribution of Revised Code. To Propositions and Grievances.

By Mr. Logan, a resolution (H. R. 392,) in favor of sureties of C. Griggs.
From the Senate, bill (393,) to release forfeitures of Lagrange Mining and Manufacturing Company. To Judiciary.

Also, S. 394, an engrossed bill concerning common schools, and the following (S. 395,) bill to charter North-Carolina and Baltimore Copper Mining Company; S. 396, bill to charter the Adams Hill Manufacturing Company; a bill (397,) for the relief of Davidson College; a resolution (398,) in favor of N. C. Norman; bill (399,) to charter Enfield; bill (400,) to charter Hillsboro' Military Academy; bill (401,) to charter Valley River Mining Company; bill (402,) to charter Lake Ellis Company; bill (403,) to charter Riddicks' Creek Mining Company; bill (404,) in favor of Hillsboro' Military Academy; bill (405,) to charter the Bellevue Academy; resolution (406,) in favor of Jasper Pritchell; bill (407,) to amend charter of Newberne; By Mr. Fagg, bill (408,) to repeal chapter 169, S. 4, laws of 1858-'59, and bill (409,) to amend charter of Paint Rock Sulphur Springs Turnpike Company; by Mr. Guthrie, bill (410,) to amend Revised Code, chapter 60, Inspections; by Mr. Peebles, a bill (411,) for the relief of Graves Ferguson and Ben. Smith, and this bill was also read the second time and passed the second reading.

On motion of Mr. Peebles, the bill was read the third time, and the question put, when Mr. Henry moved to strike out $400, and insert $200, and the question thereon was put and

Decided in the negative, \( \frac{\text{Yeas}}{\text{Nays}} = 2 \quad 97 \)

On motion of Mr. Henry,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Henry and Winslow—2.

And the following in the negative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Carson, Check, Clark of Craven, Clark of Davidson, Cline, Cowles, Crawford, Davis of Bladen, Davis of Halifax, Ewell, Fagg, Faison, Ferguson, Foust
The bill then passed the third reading, and was ordered to be engrossed and sent to the Senate.

By Mr. Perkins, bill (412,) to amend an act concerning Pitt county, passed in 1858-'59.

The House resumed the unfinished business, being (H. 83,) the bill to amend charter of the Western North-Carolina Railroad Company, when Mr. Clark of Craven, moved the same be postponed until 11 o'clock to-morrow, and it was not adopted, and the question being upon the substitute reported by Mr. Fleming the 12th December last, it was adopted, and then the question being "Shall this bill pass the second reading?" was put and

Decided in the affirmative,

\[ \text{Yeas,} \quad 53 \\
\text{Nays,} \quad 48 \]

On motion of Mr. Small,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Mordecai, Newby, Padgett, Pearson, Person, Potts, Ransom, Rogers, Shoiber, Siler, Slade, Waters, Whitehurst, Williams of Cumberland, Wishart and Wright—52.

And the following in the negative, viz:


The Senate having returned the engrossed resolutions (H. R. 390,) to pay Federal Commissioners, with the following amendment:

"Strike out the words 'the same' and insert the words 'six dollars,'" and insert the words 'the same' between the word 'mileage,' and the word 'and.'"

And the question being "Shall the House concur?" was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & \quad \text{22} \\
\text{Nays} & \quad \text{76}
\end{align*}
\]

On motion of Mr. Clark, of Craven,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Booth, Bowman, Branch, Bullock, Burgin, Bynum, Carson, Clark of Craven, Clark of Davidson, Cline, Cowles, Crumpler, Davis of Bladen, Dickson, Ewell, Fagg, Faison, Farrow,

H. 105, bill to charter the Caswell Railroad Company, was, on motion of Mr. Hill, made the special order for tomorrow at 12 o'clock, M.

At 1 o'clock the Speaker announced the special order, (H. 364,) the bill to call a State Convention, when

Mr. Batchelor moved the same be postponed until 8 o'clock, P. M., and it was adopted.

A message was received from the Senate, returning (H. 152,) the bill to provide for a State Convention, with certain amendments, in which they asked the concurrence of the House, and the question being thereon, it was, on motion of Mr. Hoke, postponed until 7½ o'clock, P. M.

Whereupon the House took a recess until 7 o'clock, P. M.

NIGHT SESSION—TUESDAY, 29TH JANUARY, 1861.

The House, having reassembled, resumed the consideration of (H. 119,) the bill to provide for Western Turnpike Roads.

And the question being upon the amendment proposed by the committee, it was adopted, their being counted yeas 32, nays 20.

And the question recurring,

Mr. Siler offered a substitute, which being adopted, the bill so amended passed the second reading.
The House then proceeded with the special order, viz: (H. 152,) the bill to call a State Convention, the question being upon the proposed amendments of the Senate "Shall the House concur?" pending which,

On motion of Mr. Fleming,

There was a call of the House, when the following members were voted as absentees, viz:

Messrs. Alfred, Barringer, Davis of Mecklenburg, Davis of Rutherford, Donnell, Folk, Hanes, Jenkins, Kelly, Mebane, Polk, Simonton, Slade, Speight, Stanford, Taylor and Williamson.

The door being then closed, and the names of absentees again called, on motion Mr. Alfred was excused, Messrs. Davis of Mecklenburg and Davis of Rutherford were not excused, Mr. Donnell was excused, Mr. Folk was not excused, Mr. Hanes was excused, Mr. Jenkins was excused, Mr. Kelly was found absent on leave, Mr. Mendenhall was excused, Mr. Polk absent on leave, Mr. Simonton excused, Mr. Slade was not excused, Mr. Speight was excused, Messrs. Stanford and Taylor were excused, and Mr. Williamson not excused.

On motion of Mr. Hoke,

The doorkeeper was sent after Mr. Slade. That gentleman appearing, however, the order was discharged, the House resumed the pending question, being, "Shall the House concur?" and the same was put, and

Decided in the affirmative, { Yeas .........................81
(two-thirds voting therefor,) } Nays .........................24

On motion of Mr. Fleming,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Speaker, Albritton, Autry, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Cheek, Clark of Craven, Cline, Crawford, Davis of Bladen, Davis of Halifax, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Gaither, Galloway, Green of Franklin, Hall, Harrington, Harris, Hayes, Hill, Hoke,

And the following in the negative, viz:


Ordered, That the Senate be informed thereof.

Mr. Batchelor moved the vote by which the House had concurred in the amendments of the Senate be reconsidered and that motion be laid upon the table, and the latter motion was adopted.

The House resumed the consideration of the motion of Mr. Ferebee to strike out certain names from the Senate recommendation of justices of the peace for the county of Camden.

And the question being thereon was put, and

Decided in the negative, \{Yeas\} 41
\{Nays\} 57

On motion of Mr. Ferebee,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:


And the question recurring, "Shall the House concur?"

Mr. Martin moved the same be postponed until the 4th day of July next, and this question was put, and

Decided in the negative, \( \begin{align*}
\text{Yeas} & : 43 \\
\text{Nays} & : 55
\end{align*} \)

On motion of Mr. Martin,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

son, Williams of Cumberland, Williams of Nash, Wishart, Withers, Woodard, Wooten and Wright—55.

Mr. Ferebee moved the same be postponed until the 3d of July, and the question was put and

Decided in the negative, { Yeas .......................... 37
{ Nays .................................... 56

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following voted in the affirmative, viz: Messrs. Albritton, Booth, Burgin, Carson, Clark of Davidson, Cowles, Crumpler, Dickson, Farrow, Ferebee, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Harris, Hayes, Howard, Horton, Latham, Liles, McCleese, Marsh, Martin, Mendenhall, Merrimon, Patterson, Perkins, Poindexter, Rogers, Russ, Shober, Whitehurst, Williams of Pasquotank, Winslow and Yeates—37.


Mr. Harrington paired off with Mr. Kelly.
The question recurred,
Mr. Merrimon obtained leave of absence for Mr. Howard.
Mr. Cowles moved the question be postponed until the 2nd of July.

And the question thereon was put and

Decided in the negative, { Yeas .......................... 33
{ Nays .................................... 53

On motion of Mr. Cowles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Person moved the question be postponed until next Tuesday, and it was not adopted.
Mr. Martin moved the same be laid upon the table, and this question was put, and

Decided in the negative, \{ Yeas ......................... 38
\{ Nays ......................... 53

On motion of Mr. Cowles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:


Mr. Donnell rose to a privileged question, he moved that "a message be sent to the Senate proposing, on to-morrow at 12 o'clock, M., to proceed to the election of a United States Senator, instead of the Hon. T. L. Clingman."

The Speaker ruled the question not in order, pending as the special order.

Mr. Person moved the special order be postponed until nine o'clock this evening.

Mr. Henry moved that this motion be laid upon the table, 
And the question thereon was put and

Decided in the negative, \{ 
\{ Yeas..........................34
\{ Nays..........................52

On motion of Mr. Henry, 
The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albright, Barringer, Booth, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Dickson, Donnell, Farrow, Ferebee, Foust, Gaither, Green of Chatham, Harris, Henry, Howard, Horton, Latham, Liles, McCleese, Martin, Mendenhall, Merrimon, Patterson, Perkins, Pindexter, Russ, Shoher, Whitehurst, Williams of Pasquotank, Winslow and Yeates—34.

And the following in the negative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford,
Mr. Ferebee then moved there be a call of the House.

Mr. Cowles moved that this motion be postponed until Tuesday next, and he moved the yeas and nays be ordered thereon, and the chair (Mr. Batchelor) ruled the latter motion not in order. Mr. Martin appealed, and the question being, "Shall the decision of the chair stand?" was put and

Decided in the affirmative, \( \{ \text{Yeas} \ldots \ldots \ldots \ldots \ldots 
\} \text{78} \)
\( \{ \text{Nays} \ldots \ldots \ldots \ldots \ldots \} \text{6} \)

On motion of Mr. Martin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

And the question recurring upon the motion of Mr. Ferebee, was put and

Decided in the negative, { Yeas ........................................29
{ Nays ..................................................61

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Martin moved the question be postponed until Monday next at 9 o'clock and 50 minutes.

Mr. Ferebee moved the same be laid upon the table, and
the question thereon was put and

Decided in the negative, { Yeas ......................... 33
{ Nays .................................................47

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Blue, Booth, Burgin, Carson, Cowles, Crumpler, Donnell, Farrow; Ferebee, Foust, Gaither, Gorrell, Green of

And the following in the negative, viz:


Mr. Martin then moved that the question be postponed until 9 o'clock 50 minutes, on Monday night, and it was not adopted.

Mr. Crumpler then moved to reconsider the vote by which the House had refused to postpone the question until the 3d of July, and it was not adopted.

Mr. Martin then moved to postpone the question until 9 o'clock 40 minutes, P. M., Monday next, and the question thereon was put and

Decided in the negative, \{ Yeas ......................... 28
{ Nays ......................... 47

On motion of Mr. Martin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Batchelor, Baxter, Branch, Bridgers,

And the question recurring upon the concurrence in the recommendation aforesaid, the hour for the adjournment arrived and the House adjourned.

THURSDAY, 31st JANUARY, 1861.

Mr. Wooten presented the memorial of F. A. Brothers and others, opposed to the sale of spirituous liquors near Lenoir Institute. Read and referred to the Committee on Propositions and Grievances.

Mr. Wright presented the proceedings of a meeting of the people in the county of Harnett, on the subject of federal relations.

Mr. Shaw presented the memorial of J. A. Murphy, opposed to the sale of spirituous liquors at Colvin's Creek.

Mr. Ward presented the memorial of Leah White for herself and children, praying to be allowed the privilege of selecting a master.

Reports from Standing Committees were submitted, received and filed, as follows, viz:

By Mr. Person, from the Committee on the Judiciary.
H. 6, bill to amend Revised Code, chapter 114, Usury, with the recommendation the same do not pass.
H. 27, bill to extend time for registering deeds, etc., with the recommendation the same do not pass.
H. 186, bill concerning betting, etc., with the recommendation the same do not pass.
H. 191, bill to repeal an act of 1840, concerning rivers in Cherokee county, with the recommendation the same do not pass.

By Mr. Hill, from the Committee on Banks and Banking, 
H. 217, bill to establish the Bank of Asheville, with the recommendation the same do not pass.

By Mr. Person, from the Committee on the Judiciary, 
H. 286, bill to amend charter of Lumberton, with the recommendation the same do pass.

By Mr. Davis, of Rutherford, from the same Committee, 
H. 287, concerning jury trials in Cleaveland, with amendments, recommending the same do pass.

By Mr. Person, from the same Committee, 
H. 322, to prevent amalgamation, with the recommendation the same do not pass.

H. 327, bill to protect purchasers from Stephen Munday, with the recommendation the same do not pass.

By Mr. Hill, from Banks and Banking, 
H. 329, bill to charter Edgecombe Savings Bank, with the recommendation the same do not pass.

By Mr. Person, from the Judiciary, 
H. 340, bill to regulate executions, recommending it do not pass.

H. 347, bill to provide for depositions in certain cases, with the recommendation the same do not pass.

H. 361, to increase the fees of constables, with the recommendation the same do not pass.

H. 410, bill to amend Revised Code, chapter 60, Justices, with the recommendation the same do pass.

A message was received from the Senate, in reply to the authorities of Charlotte, declining their invitation.

In this the House concurred.

The Senate informed the House that they insisted on their amendments to H. R. 390, and asked a conference thereon.

The House concurring, the Speaker appointed Messrs. Williams of Nash, Merrimon and Bullock on the part of the House.
On motion of Mr. Merrimon,
Mr. Clark, of Craven, obtained leave of absence until Monday, and

On motion of Mr. Pearson,
Leave of absence was also granted to Mr. Tapscott:

On motion of Mr. Bullock,
A message was sent to the Senate proposing to proceed forthwith to the election of a United States Senator, and that Messrs. T. L. Clingman and Sion H. Rogers were nominated in this House.

Mr. Hayes introduced the following resolution:

"Resolved, That twenty copies of the bill to call a Convention be printed for each member west of the Blue Ridge, so that the same may be sent out at the earliest day possible."

Mr. Williams, of Nash, moved to amend by striking out all after the word member.

Mr. White moved to amend by inserting "twenty-five" for "twenty" copies to each member, and it was adopted, and so amended, the resolution was adopted.

Bills, etc., of the titles following, then being introduced and read, passed the first reading, and other proceedings were had as follows, viz:

By Mr. Williams, of Nash, from the Committee on Claims, a resolution (H. R. 413,) in favor of J. H. Moore.

By Mr. Hill, resolution 414, concerning the relation of this State to the Southern States, as follows:

"Resolved, That if all efforts to reconcile the unhappy differences existing between the two sections of the country shall prove abortive, then in the opinion of this General Assembly every consideration of honor and interest demands that North-Carolina shall unite her destinies with the other slaveholding States."

And this resolution being read the first time and passed,
Mr. Hill moved it be read the second time.

Mr. Henry moved the yeas and nays be ordered thereon,
And Mr. Farrow moved the same be laid upon the table.  
And pending the question,  
A message was received from the Senate, agreeing in the proposition to proceed forthwith to elect a United States Senator, and the Speaker having appointed Messrs. Marsh and Bullock to superintend the same in this House, an election was held with the following result, viz:  
The following named members of the House voted for Thomas L. Clingman:  
Mr. Fleming paired off with Mr. Simonton.  
Mr. Harrington paired off with Mr. Kelly.  
The following for William A. Graham:  
Messrs. Barringer, Clark of Davidson, Cowles, Ferebee, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Harris, Hayes, Patterson, Poindexter, Shoaber, Siler and Winslow.  
The following for Sion H. Rogers, viz:  
Messrs. Albritton, Blue, Booth, Clark of Craven, Davis of Rutherford, Marsh, Merrimon, Perkins and Russ.  
Messrs. Latham, McCleese, Yeates and Newby voted for W. N. H. Smith.  
Mr. Meares voted for Robert H. Cowan.  
Mr. Henry voted for Lewis Thompson.
Messrs. Burgin, Dickson, Folk, Horton, Jordan and Rogers for Burgess S. Gaither.

Messrs. Farrow and Liles for R. S. Donnell.

The House resumed the question on H. R. 414, the question being on the motion of Mr. Farrow, to lay the resolution on the table, and the question thereon was put and

Decided in the negative, \( \{ \text{Yea}, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \l...
Decided in the negative, \{ \begin{align*} \text{Yeas} & : 30 \\ \text{Nays} & : 66 \end{align*} \}

On motion of Mr. Burgin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


And the question recurring upon the amendment of Mr. Liles,

Mr. Merrimon introduced the following amendment:

"And the action of North Carolina in the contingency herein mentioned, must be determined by the people in Convention assembled, as to them shall seem best; and they alone can determine whether the destiny of this State shall be with all the Southern States or a part of them."

And the question thereon was put and

Decided in the negative, \{ \begin{align*} \text{Yeas} & : 35 \\ \text{Nays} & : 58 \end{align*} \}

On motion of Mr. Merrimon,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question recurring upon the amendment of Mr. Liles, Mr. Marsh, from the committee to superintend the election of Senator, reported as follows, viz:

"The committee on the election of United States Senator, beg leave to report the whole number of votes cast, 147. Necessary to a choice, 74, of which

Thomas L Clingman received 85; Wm. A. Graham 17; Bedford Brown 16; Sion H. Rogers 11; B. S. Gaither 6; W. N. H. Smith 4; Wm. Eaton 1; G. E. Badger 1; R. S. Donnell 2; R. H. Cowan 1; D. S. Reid 1; John A. Gilmer 1; Lewis Thompson 1—147.

All of which is respectfully submitted.

WM. T. MARSH,
J. M. BULLOCK.
When the question upon the amendment of Mr. Liles was put and

Decided in the negative

\[
\begin{align*}
\text{Yeas} & : 34 \\
\text{Nays} & : 61
\end{align*}
\]

On motion of Mr. Liles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Clark, of Craven, offered the following amendment, viz:

"Resolved, That in the opinion of this General Assembly the State Convention, if assembled, should use every effort to reconcile the present unhappy differences existing between the two sections of the Confederacy, and, if possible, reestablish the union of the States; and to this end the said Convention should exhaust every means before entertaining propositions for the withdrawal of North-Carolina from the Union."
And the question thereon was put and
Decided in the negative, Yeas 45
Nays 57

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question recurring, Mr. Yeates offered the following amendment, viz:
"That is to say, that if the unhappy difficulties that now distract our Government, cannot be reconciled so that a Constitutional Union shall be preserved, then if a final separation between the contending sections must take place, the interests of North-Carolina are identical with and inseparable from the slave States." And the question being thereon

Mr. Davis, of Rutherford, moved the same be postponed, until 12 o'clock to-morrow, and the question thereon was put and
Decided in the negative, \{ Yeas ......................... 36
\} Nays ......................... 63

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Barringer, Burgin, Carson, Clark of Craven,
Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow,
Ferebee, Folk, Foust, Gaither, Gorrell, Green of Chatham,
Guthrie, Hayes, Henry, Horton, Jordan, Kelly, Latham,
Liles, Marsh, Martin, Merrimon, Patterson, Poindexter,
Rogers, Russ, Shober, Siler, Waugh, Whitehurst, Winslow
and Yeates—36.

And the following in the negative, viz:
Messrs. Albritton, Autry, Barrow, Batchelor, Baxter,
Blue, Booth, Bowman, Branch, Bridgers, Bullock, Bynum,
Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis
of Halifax, Davis of Mecklenburg, Ewell, Fagg, Faison,
Ferguson, Foy, Green of Franklin, Hall, Hill, Hoke, Jenkins,
Kallum, Lemmonds, Logan, Love of Haywood, Love of
Jackson, McMillan, Meares, Mitchener, Mordecai, Newby,
Padgett, Pearson, Peebles, Perkins, Person, Pope, Potts,
Ransom, Shaw, Slade, Small, Tapscott, Ward, Waters, Watson,
White, Wilkerson, Williams of Cumberland, Williams of
Nash, Wishart, Withers, Woodard, Wooten and Wright—63.

And the question recurring on the amendment of Mr.
Yeates, it was not adopted.
Mr. Cowles offered the following amendment:
"But it is not understood that this resolution is introduced
to control in any way the action of the State Convention,
which may now assemble in the State." And it was not
adopted.

And the question upon the passage of the resolution
recurring, was put and
Decided in the affirmative, \{ Yeas ......................... 94
\} Nays ......................... 5

On motion of Mr. Person,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Mr. Ransom was refused leave to vote.
Mr. Hill moved the rule be suspended, and the resolution passed the third time, and
Mr. Henry moved the yeas and nays be ordered, when
Mr. Farrow moved the same be postponed until 11 o'clock and 30 minutes Monday and be printed. And the question was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & \quad 27 \\
\text{Nays} & \quad 62 \\
\end{align*}
\]

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Barringer, Burgin, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferebee, Folk, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Harris, Henry, Horton,

And the following in the negative, viz:


The question was then put, upon the motion of Mr. Hill, and

Decided in the affirmative, 

- Yeas..........................59
- Nays..........................41

On motion of Mr. Henry,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Barringer, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Ferebee, Folk, Foust, Gaither, Gorrell, Green of

At 12 o'clock, Mr. Hill moved the special order be postponed until 7 P. M., and this question was put and

Decided in the affirmative, { Yeas..............................56

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Thereupon, on motion of Mr. Hill, the resolutions were postponed until to-morrow at half-past 1 o'clock.

A message was received from the Senate, announcing Messrs. Burton, Arendell and Harris, as appointed to a conference committee on the part of the Senate, whereupon the Speaker appointed Messrs. Williams of Nash, Bullock and Merrimon, on the part of the House.
Other bills introduced as follows:

By Mr. Ward, a bill (H. 415,) for the relief of Leah White. To Propositions and Grievances.

By Mr. Logan, bill (416,) in favor of C. P. Wilkins and others. To Propositions and Grievances.

By Mr. Fleming, bill (417,) in favor of Nelson Patterson. To Slaves and Free Persons of Color.

By Mr. Wooten, bill (418,) to prevent the sale of spirituous liquors near Lenoir Institute. To Propositions and Grievances.

By Mr. Horton, bill (419,) to lay off a ward in Wilkes. Passed the first and second reading.

The House then resumed the unfinished business, being the resolution of Mr. Autry, upon the subject of adjournment.

Mr. Martin offered the following amendment, viz:

Resolved, That a message be sent to the Senate proposing that the two branches of this General Assembly adjourn \textit{sine die}, on Friday 8th February at 7 o'clock, A. M.’’

Mr. Love, of Jackson, moved the same be laid upon the table, and the question thereon was put, and

Decided in the negative, \{ Yeas..............39 \} \{ Nays..............59 \}

On motion of Mr. Love, of Jackson,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Autry, Barringer, Baxter, Blue, Booth, Bowman, Branch, Bullock, Carson, Clark of Craven, Clark,

The question recurring, Mr. Waters moved as a substitute, that a message be sent to the Senate proposing to raise a joint select committee of five to consider and report when the General Assembly may adjourn with a proper regard to the public business, and it was adopted.

Mr. Slade gave notice that he would, to-morrow, move that (H. 41,) the bill to charter the Greensboro' and Danville Railroad be made a special order for 10 o'clock and 30 minutes on Monday.

On motion of Mr. Crumpler, H. 211, the bill to charter the Statesville and Tennessee Turnpike Company, was made the special order for Tuesday next.

And then the hour for the recess arrived, and the House took a recess accordingly.

Night Session—Thursday, 31st January, 1861.

A message was received from the Senate transmitting a memorial of citizens of Halifax opposed to the passage of a stay law.

The House, under the special order of this morning, considered the bill, (105,) to charter the Caswell Railroad Company, and the question being, "shall the bill pass the second reading," was put and
Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots 45 \\
Nays \ldots \ldots \ldots \ldots \ldots \ldots \ldots 49 \}

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Fleming paired off with Mr. Simonton.
The House considered under special order, H. 106, bill to provide a military Code, the question being upon the substitute adopted by the committee.

Mr. Meares, from the Committee on Internal Improvements reported, H. 330, bill concerning tonnage on the Cape Fear River, with the recommendation that the same do pass.

Mr. Peebles moved the vote by which the House had rejected the bill (105,) to charter the Caswell Rail Road Company be reconsidered.

Mr. Meares moved the same be laid upon the table, and the question being thereon, the same was passed over informally, and the House resumed the consideration of the bill
(106,) to provide a Military Code, and the same being adopted, and the question being, "Shall the bill pass the second reading?"

Mr. Merrimon moved that section 1 be amended, so as to strike out "persons," and insert "males."

And it was adopted.

Mr. Latham moved to strike out in the sixth section of the bill, the word "eighteen," and insert the word "twenty-one."

And it was not adopted.

Mr. Yeates moved to strike out the tenth section.

And it was not adopted.

The question upon the passage of the bill, was then put, and the bill passed the second reading, when,

On motion of Mr. Hoke,

The bill was made the special order for Tuesday 12 o'clock. The House resumed the consideration of the bill (105,) to charter the Caswell Rail Road Company, the question being upon the motion of Mr. Meares, and it was not adopted, and then the question recurring, "Shall the vote be reconsidered?" was put and

Decided in the affirmative, { Yeas ......................... 69
{ Nays ......................... 29

On motion of Mr. Batchelor,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Nash, Winslow, Wishart, Withers, Wright and Yeates—69.
And the following in the negative, viz:
Messrs. Albritton, Autry, Batchelor, Branch, Bridgers, Bullock, Cannady, Clark of Craven, Crawford, Davis of Halifax, Ewell, Faison, Green of Franklin, Jenkins, Latham, Meares, Mitchener, Patterson, Peebles, Perkins, Person, Poindexter, Pope, Russ, Shaw, Waugh, Whitehurst and Woodard.—29.
And the question recurring upon the passage of the bill the second reading,
Mr. Ward offered the following amendment, viz:
"Be it further enacted, That should this road ever be extended, so as to connect with any road in Virginia, leading to Richmond, then and in that case, this charter to be forfeited."
And it was adopted.
Mr. Meares offered the following amendment, viz:
"Be it further enacted, That the gauge of said Rail Road, shall be the same as the gauge of the North-Carolina Rail Road."
And it was adopted.
Mr. Person, offered the following amendment, viz:
Strike out "the Company's Shops, in Alamance," and insert "Hillsboro', in Orange county."
And it was not adopted.
The question then recurring on the passage of the bill, was put and
Decided in the affirmative, { Yeas .......................53
Nays .......................39

On motion of Mr. Clark of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Barringer, Baxter, Booth, Bowman, Burgin, Bynum, Carson, Clark of Davidson, Cline, Cowles, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Fagg, Farrow, Ferguson, Ferebee, Fleming, Foust,

And the following in the negative, viz:


The House resumed the unfinished business, being the question upon the concurrence in the Senate recommendation of justices in the county of Camden, when,

On motion of Mr. Rogers,

The same was postponed until 12 M. to-morrow.

Mr. Williams, of Nash, from the committee of conference with the Senate, upon the bill reported that they had conferred with the Senate branch, and recommended the House do concur in the amendments of the Senate, and the question thereon was put and

Decided in the negative, { Yeas..............................37
\{ Nays..............................49

On motion of Mr. Latham,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Bowman, Bridgers, Bullock, Cannady, Cheek, Crawford, Davis of Halifax, Faison, Ferguson, Fleming, Galloway, Hall, Hayes, Hill, Kallum, Lemmonds, Logan, Love of Haywood, Meares, Patterson, Pearson, Peebles, Person, Pope, Russ, Slade,
Tapscott, Ward, Watson, Williams of Nash, Withers, Woodard and Wright—37.

And the following in the negative, viz:


Mr. Foy having moved that this vote be reconsidered,

Mr. Latham moved the same be laid upon the table, and the question thereon was put and

Decided in the negative, \{ Yeas.................................42
\{ Nays.................................45

On motion of Mr. Latham,

The yea and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Bowman, Branch, Bridgers, Bullock, Cannady, Cheek, Cline, Crawford, Davis of Halifax, Davis of Rutherford, Ewell, Faison, Fleming, Foy, Green of Chatham, Hall, Hayes, Henry, Hill, Kallum, Lemmonds, Logan, Love of Haywood, Martin, Meares, Mitchener, Patterson, Pearson, Peebles, Person,
Pope, Potts, Small, Tapscott, Ward, Watson, White, Williams of Nash, Wishart, Withers, Woodard and Wright—45.

The question then recurred upon the motion of Mr. Foy, and was put and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots \ldots 44
Nays \ldots \ldots \ldots \ldots \ldots 42 \}

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Autry, Barrow, Batchelor, Baxter, Bowman, Branch, Bridgers, Bullock, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Foy, Hall, Hayes, Hill, Kallum, Lemmonds, Logan, Love of Haywood, Martin, Meares, Mitchener, Newby, Patterson, Pearson, Peebles, Person, Pope, Potts, Shober, Tapscott, Watson, White, Williams of Nash, Withers, Woodard and Wright—44.

Mr. Fleming was allowed to withdraw all his votes on this question.

And the following in the negative, viz:

And the question recurring, on the motion to concur, and the yeas and nays ordered on motion of Mr. Marsh,
The hour for the adjournment arrived, and the House adjourned.

FRIDAY, 1st February, 1861.
On motion of Mr. Siler,
The bill (119,) to provide for Western Turnpike roads, was
referred to the Committee on Propositions and Grievances.

Mr. Burgin presented the memorial of citizens of McDowell county, opposed to the county of Mitchell.

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

Mr. Fleming, from the Committee on Internal Improvements, reported (H. 212,) bill to amend charter of Greenville and French Broad Railroad Company, with the recommendation the same do not pass.

Mr. Clark, of Craven, from the same Committee, (H. 228,) bill to charter Fenton and Dover Plankroad Company, with an amendment recommending the same do pass.

Mr. Love, of Haywood, from the Committee on Cherokee Lands, (H. R. 295,) in favor of Clarke Byrd, recommending the same do pass.

Mr. Baxter, from the Committee on Propositions and Grievances, (H. 299,) bill to establish a causeway in Cabarrus, recommending the same do pass.

H. 348, bill in favor of Blackwell & Company, asking to be discharged.

Mr. Love, of Haywood, from Cherokee Lands, (H. R. 335,) in favor of Ephraim Stillwell, with the recommendation the same do pass.

Mr. Baxter, from Propositions and Grievances, (H. R. 391,) resolution concerning distribution of the Revised Code, with the recommendation the same do pass.

Mr. Waugh, from the Committee on Corporations, (S. 407,) bill to amend charter of Newbern, with the recommendation the same do pass.

Mr. Person, from the Committee on the Judiciary, reported a substitute for (H. 95,) bill to divide the State into eight judicial circuits, with the recommendation the same do pass.

The Speaker laid before the House an invitation to an exhibition of the pupils of the Deaf and Dumb Asylum to-night.

Mr. Waters, from the Committee on Enrolled Bills, reported (H. 192,) the bill to call a State Convention.
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H. 19, Bill to prohibit the emancipation of slaves by will—
as correctly and truly enrolled.

These acts were then signed by the Speaker and sent to the
Senate.

On motion of Mr. Crawford,
Leave of absence was granted to Mr. Woodard till Monday.
Mr. Cannady obtained leave of absence till Tuesday.

Bills, etc., of the titles following being introduced, passed
the first reading and were referred as follows, viz:

By Mr. Hayes, a bill (H. 422,) to amend Revised Code,
chapter 102—Salaries and Fees. Also, a bill (423,) in favor
of Samuel E. Byers.

By Mr. Ward, a bill (424,) in favor of James Moore, a free
person of color.

By Mr. Shaw, a bill (425,) to charter N. E. Academy in
New Hanover. To Education.

The House resumed the consideration of the unfinished
business, being the question upon concurring in the report of
the joint committee of conference upon the disagreement of
the two Houses with regard to the resolution (H. 390,) in
favor of Federal Commissioners, and the House concurred.

Under a special order the House considered (H. 115,) bill
to charter New River Canal Company.

The question upon the amendments of the committee (No.
1,) to strike out the fourth section, authorizing a subscription
on the part of the State, was put and

Decided in the affirmative, \{ Yeas ......................... 63
{ Nays ......................... 24

On motion of Mr. Marsh,
The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Barringer, Batchelor, Baxter, Booth,
Bowman, Bullock, Burgin, Bynum, Cannady, Carson, Clark
of Davidson, Cowles, Crawford, Davis of Bladen, Davis of
Halifax, Dickson, Ewell, Farrow, Ferebee, Fleming, Folk,
Gaither, Galloway, Gorrell, Green of Chatham, Green of

And the following in the negative, viz:


Amendment, No. 2, concerning the appointment of Directors by the State was then adopted.

The House resumed the calendar and (H. 13,) bill to abolish the office of State Geologist having been already read, and the question being, shall the same pass the second reading? the hour arrived for a special order, viz: the Senate recommendation of justices in Camden county.

On motion of Mr. Crumpler,

The same was postponed until 1 o'clock, and the House resumed the pending question, when Mr. Fleming moved the same be indefinitely postponed, and the question thereon was put, and

Decided in the negative, { Yeas............................30
                } Nays...............................66

On motion of Mr. Crumpler,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:

The question recurring, Mr. Shober moved the same be postponed until Wednesday next, and it was not adopted.

And the special order recurring the same was again postponed on motion of Mr. Crumpler.

And the question recurring, Mr. Love of Jackson moved to strike out all after the enacting clause and insert the following:

"That the State Geologist be and is hereby required to spend, out of the next two years ensuing, one year in the counties west of the Blue Ridge."

Be it further enacted, That this act shall take effect from and after its ratification.

And the question being on the motion to strike out, it was not adopted.

And the question recurring, was put and

Decided in the affirmative, \{ Yeas. ......................... 66 \}
\{ Nays. ......................... 33 \}

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Antry, Barringer, Barrow, Baxter, Booth, Bowman, Branch, Bullock, Burgin, Bynum, Cannady, Carson, Cline, Cowles, Crawford, Crumpler, Davis of Bladen,

And the following in the negative, viz:


Mr. Newby moved the bill be now read the third time, and the question being thereon,

A message was received from the Senate concurring in the proposition to raise a joint committee to fix the day of adjournment, sine die, whereupon the Speaker appointed Messrs. Waters, Fagg and Ferebee on the part of the House. Also, transmitting certain recommendations for Justices of the Peace for the counties of Gates and Sampson.

The question was then put upon the motion of Mr. Newby and

Decided in the affirmative, { Yeas, ......................... 67 
\{ Nays, ......................... 30

On motion of Mr. Henry,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Autry, Barringer, Barrow, Baxter, Booth, Bowman, Branch, Bullock, Burtin, Bynum, Cannady, Carson, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Rutherford, Dickson, Ewell, Fagg, Faison, Farrow, Fergu-

And the following in the negative, viz:

The bill was then read the third time, and the question put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 68 \\
\text{Nays} & : 29
\end{align*}
\]

On motion of Mr. Crawford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Cheek, Clark of Davidson, Davis of Mecklenburg

The hour for the consideration of the Senate recommendation for justices in Camden, again arriving, the House considered the same until 1 o'clock and 30 minutes, when the hour for the special order, viz:

The Resolution (H. R. 414,) upon the proposed position of North-Carolina towards the other Southern States arrived, when,

On motion of Mr. Hill,

The same was postponed until 12 o'clock Monday, and the House resumed the consideration of the pending question until the hour for the adjournment, when the House adjourned.

SATURDAY, 2ND FEBRUARY, 1861.

Prayer by the Rev. Mr. Fitzgerald.

Reports were submitted, received and filed as follows, viz:

Mr. Hoke from the Committee on Military Affairs, reported (H. 37,) bill to arm and equip the State, asking to be discharged.

H. 66, resolution concerning public arms and Hillsboro' Military Academy, asking to be discharged.

H. 176, bill to charter the Bladen Guards, asking to be discharged.

Mr. Fleming from the Committee on Internal Improvements, reported (H. 288,) bill to charter the Fayetteville and Florence Railroad Company, with the recommendation the same do not pass.

Mr. Waugh from the Committee on Corporations reported (H. 309,) bill to charter the North-Carolina Shoe Manufacturing Company, with the recommendation the same do pass.
H. 310, bill to charter Colvin's Creek Academy, with amendments and the recommendation the same do pass.

Mr. Hoke from the Committee on Military Affairs, (H. 313,) bill to change the lines of the 92d and 105th regiments of North-Carolina State Militia, with the recommendation the same do pass.

Mr. Jenkins, from the Committee on Education, (H. 316,) bill to grant a certain tract of 10 acres of land in Cherokee, with the recommendation the same do not pass, and the same was,

On motion of Mr. Hayes,
Recommittted.

H. 332, bill to amend charter of Bascomb College, with the recommendation the same do pass.

Mr. Waugh from the Committee on Corporations, (H. 345,) to charter Charlotte and South-Western Railroad Company, with amendments, recommending the same do pass.

Mr. Baxter, from the Committee on Propositions and Grievances, (H. 353,) resolution in favor of James C. Luter, with the recommendation the same do pass.

Mr. Jenkins, from the Committee on Education, (H. 357,) bill to charter Robeson Institute, with the recommendation the same do pass.

Mr. Waugh, from the Committee on Corporations, (H. 381,) bill in favor of Daniel Johnson, with the recommendation the same do pass.

Mr. Baxter, from the Committee on Propositions and Grievances, (H. R. 389,) resolution in favor of sureties of Sheriff Ward, with the recommendation the same do pass.

H. R. 392, resolutions in favor of sureties of C. Griggs, with the recommendation the same do pass.

Mr. Fleming from the Committee on Internal Improvements, (H. 408,) bill to repeal chapter 169, section 4, laws of 1858-'9, with the recommendation the same do pass.

H. 409, bill to amend charter of Paint Rock and Sulphur Springs Turnpike Company, with the recommendation the same do not pass.
Mr. Love, of Haywood, from the Committee on Cherokee Lands, (H. R. 423,) resolution in favor of Samuel E. Byers, with the recommendation the same do pass.

Mr. Person, from the Committee on Finance, submitted the following report:

"The joint select committee on finance have instructed me to report the accompanying bill to amend an act passed at the last session entitled "Revenue," and to recommend its passage.

"The committee are of opinion that the ordinary demands upon the Treasury for the next two years will not require any increase of the aggregate amount of revenue raised by the tax bill of 1858-'9, and therefore such changes, in the main, as they propose, are more for the purpose of adjusting irregularities and lessening or taking off burdens, than with any view to increase the revenue, though it is believed that there will be an increase. The tax of twenty cents on the one hundred dollars value of land they recommend shall be reduced to fifteen cents, because it is believed, from such information as they have been able to get, that the aggregate value of the taxable lands of the State was increased nearly if not quite fifty per cent. by the last assessment, so that a thousand dollars worth of land, which at twenty cents paid twenty dollars, would, upon the supposition that it is now valued at fifteen hundred dollars, pay twenty-two dollars and fifty cents, at fifteen cents. It is only necessary that the value should have been increased thirty-three and a third per cent. in order to raise the same sum at fifteen cents as has been produced by twenty cents on the one hundred dollars of value. But it is thought that a larger number of acres will pay taxes in consequence of the more accurate manner in which their duties have been performed by the assessors in the several counties. And the committee have no doubt that as much money will be paid into the Treasury from this source under a reduction of five cents, as was paid in either of the last two years."
"The committee also recommend that the minimum sum upon which a tax shall be levied under the clause taxing professions, salaries, &c., shall be one thousand dollars, in order to exempt mechanics, clerks, and a large class of laborers, altogether from its operation. While this will not affect the revenue of the State to any considerable amount, it will relieve a great many persons from a tax which, in many cases, was no inconsiderable burden.

"It will also be observed that some strong measures are proposed for the protection of banks against brokers; and in respect to the policy of such measures, it may be but just to say, that all of the members of the committee do not concur. It is proposed to tax non-resident merchants, drummers, &c., who come here to sell goods, mostly to be delivered either by sample or merely upon their representation, because they come in competition with residents who are taxed and deprive them of their trade and the State of its revenue. This business is said to be carried on extensively in some parts of the State, and especially by merchants of Petersburg and Norfolk, Va. The bill proposes to tax all liquors which are brought into the State or bought of the maker or his agent here, as well when intended for private use, as to sell again. No good reason is seen why one who buys his wines and liquors from a North Carolina dealer should have to pay the tax indirectly, while he who buys them from a New York dealer and imports them should pay nothing, if the object be revenue, and if it be prohibition it would be better to say so.

"There are a good many other changes which will be seen from the bill, the reasons for which will no doubt readily suggest themselves, one of which only will be mentioned, and that is designed to facilitate the collection of the tax upon collateral estates, by requiring executors and administrators to set forth in their inventories the names of the persons entitled to the estate, real and personal, and whether they are strangers or lineal or collateral kinsmen of the testator or intestate. If the tax be a proper one, it should be
collected in every instance; but either from ignorance of the law or negligence, but mostly from the former, perhaps, a large sum is due the State; and your committee have thought that by requiring this additional duty of the executors and administrators, who have to pay the tax on personal estate, they would get knowledge of the law, while, at the same time, it would afford the officers of the State, the ready means of tracing delinquents.

Respectfully submitted,

SAMUEL J. PERSON,
Chairman.

AN ACT TO AMEND "AN ACT ENTITLED REVENUE," RATIFIED 16TH DAY OF FEBRUARY, 1859.

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 "an act entitled Revenue," which was ratified on the 16th day of February, 1859, be amended in the following particulars, to-wit: In addition to the exemption specified in section 25, there shall also be exempted from taxation, all such property and estate, and their profits, as may belong to State and County Agricultural societies, and be set apart and used by them for Agricultural fairs; and all such and their profits as may belong to any church or religious society, and be set apart and used by them for Parsonages.

Schedule A.

Sec. 2. The amendments under schedule A, shall be as follows, to-wit:

(1.) Real property with the improvements thereon, including entries of land, shall be taxed annually fifteen cents on every hundred dollars of its value.

(2.) Every toll bridge shall be taxed two and a half per cent.,
and every ferry one per cent. on the gross receipts during the year, whether the same be chartered or licensed by the court or not.

(3.) The provisions of paragraph (6) shall be construed to extend to interest received or accrued upon the subjects therein named, whether held in one's own right, or as guardian, executor, administrator, clerk or clerk and master of any court, or as trustee or agent of any kind whatever.

(4.) Hereafter, (§1000) one thousand dollars shall be the minimum sum upon which a tax shall be imposed upon surgeon-dentists, physicians, and the other classes of persons mentioned in paragraph (16.)

(5.) So much of paragraph (17) as limits the tax upon spirituous liquors, wines and cordials to such only as is intended to sell again, is hereby repealed. And this paragraph so amended is hereby transferred to schedule B, and the tax imposed by it shall hereafter be given in and paid under the same rules, regulations and penalties as are hereby prescribed in case of merchant’s tax.

(6.) To facilitate the collection of the tax imposed by paragraph (18) on collateral estates, it shall hereafter be the duty of every executor and administrator to set forth in his inventory, the names of the persons entitled to the estate both real and personal, and how they are related to the testator or intestate, under a penalty of one hundred dollars, to be recovered in the name and for the use of the State.

Schedule B.

Sec. 3. The amendments under schedule B shall be as follows, to-wit:

(1.) Every money or exchange, bond or note broker, private banker, or agent of a foreign broker or banker, shall pay the sum of one thousand dollars for each county in which he has an office or place of business, and every person acting for such broker, whether with or without compensation, shall
be held and deemed a broker to all intents and purposes, in the place or county in which he shall so act, and shall be liable for the above tax.

(2.) Every person who is not a resident of this State, and who shall come into this State in the capacity of, or as agent for a broker, and with the intention of exercising any of the functions of a money or exchange broker, shall pay the sum of five hundred dollars in each and every county in which he shall act as a broker, which tax shall be collected by the sheriff of the county, and be accounted for as other taxes.

(3.) Every cashier, agent or secretary of any insurance office or savings institution who shall deal in exchange, or who shall act as a money or exchange broker, shall be deemed and held as such, and be liable to the same tax as is imposed on brokers residing in the State.

(4.) Every person who shall propose to act as broker according to the foregoing section, shall pay the tax to the sheriff of the county in which such broker's business is to be transacted, and take a license for the same, which shall authorise him to act as broker for one year; and any person who shall act without such license shall forfeit the sum of three thousand dollars, to be recovered by the sheriff of the county where such tax may be due, one-third of which shall go to the sheriff, and the remainder shall be accounted for as other taxes, and such person so offending shall be guilty of a misdemeanor.

(5.) Every bagatelle table, or other gaming table of similar kind, by whatever name, shall pay a tax of fifty dollars.

(6.) The tax imposed upon auctioneers in paragraph (18) shall hereafter be one-half of one per cent. where it is now one per cent., and two and a half per cent. where it is now five per cent.

(7.) Every non-resident merchant, drummer or agent who shall come into this State and sell any goods, wares or merchandise, by sample or otherwise, whether delivered or to be delivered, shall, before making such sale, obtain a written
license from the sheriff of the county in which he proposes
to do business, which the sheriff is authorised to issue when-
ever such person shall give bond with security in the sum of
five hundred dollars, for the payment of a tax of one-half of
one per cent. on the gross amount of his sales during the
year, at the time and under the same rules and regulations as
are prescribed for the payment of merchants' tax; and any
person violating the provisions of this paragraph shall be
liable to a penalty of five hundred dollars, to be collected by
the Sheriff, four hundred dollars of which shall be accounted
for and paid as other State taxes, and he shall be further liable to indictment as for a misdemeanor.

(8.) The tax imposed on dealers in ready-made clothing
(for males) in paragraph (20) shall hereafter be one per cent.

(9.) The proviso in paragraph (25) "that any person shall
be permitted to sell any spirituous liquors, wines or cordials
made from products of his own farm without paying the tax
in this paragraph imposed," is hereby repealed.

Schedule C.

Sec. 4. And the amendments under schedule C shall be as
follows, to wit:

1. So much of paragraph (5) as imposes a tax upon deeds
(other than mortgages, marriage contracts, and deeds in
trust,) where the consideration is three hundred dollars and
upwards, is hereby repealed.

2. Paragraph (6), requiring every broker not a resident
of the State, to pay a tax of one-quarter of one per cent. upon
exchange or specie drawn from any banks, is hereby re-
pealed.

Sec. 5. Hereafter the clerks of the County Courts shall
have until the tenth day of April, in the year ensuing the
taking of the tax list, to deliver to the Sheriff such a copy
thereof, and under the same penalties as are prescribed in the
fortieth (40) section of said act.
And the bill accompanying the same was entered upon the Calendar, (as H. 426,) and ordered to be printed and made the special order for Monday next at 12 o'clock, and so on from day to day until disposed of.

On motion of Mr. Slade, H. 41, the bill to charter the Greensboro' and Danville Railroad Company was made a special order for Tuesday at 1 o'clock.

Mr. Waters, from the Committee on Enrolled Bills for the week, reported as follows, viz:

"The Committee on Enrolled Bills for the week have examined a resolution requiring His Excellency, the Governor, to cause the act calling a Convention of the people, to be published in the several newspapers of the State, and for other purposes, report that they have examined the same and find it correct and ready for the signature of the Speaker.

A. G. WATERS, Chairman."

Mr. Hoke, from the Committee on Military Affairs, reported the resolution of Mr. Blue upon the subject of public arsenals and the memorial of certain officers of forty-third regiment of North-Carolina militia, and asked to be discharged from the further consideration of the subject.

On motion of Mr. Williams, of Nash, Leave of absence was granted to Mr. Hoke on Monday, and,

On motion of Mr. Hoke, Leave of absence was granted Mr. Fleming.
On motion of Mr. Merrimon, Leave was granted Mr. Winslow.
On motion of Mr. Ward, Leave of absence was granted Mr. Foy.
On motion of Mr. Fleming, H. 83, bill to amend charter of the Western North Carolina Railroad Company was made a special order for Wednesday next at 11 o'clock.
On motion of Mr. Peebles,
H. 254, bill concerning the Court of Wardens in Northampton was made a special order for Tuesday next at 11 o'clock.

Mr. Bynum gave notice that he would move on Monday to make the motion to reconsider (H. 25,) the bill concerning Chatham county a special order.

Bills, etc., of the titles following then being introduced, passed the first reading and were referred as follows, viz:

By Mr Watson, resolution (H. R. 427,) in favor of Charles Beasley. To Claims.

By Mr Williams, of Nash, resolution (H. R. 428,) in favor of E. B. Freeman. To Claims. Also, (H. R. 429,) resolution in favor of Henry J. Brown and others. To Claims.

By Mr. Person, (H. R. 430,) resolution in favor of D. W. Courts. To Finance.

By Mr. Davis, of Bladen, bill (431,) to allow free persons of color to choose their own masters. To Judiciary.

By Mr. Harrington, resolution (H. R. 432,) in favor of Martha Spears. To Claims.

By Mr. Meares, bill (H. 433,) to establish the Mariner's School of North-Carolina. To Education.

By Mr. Dickson, bill (434,) to charter the Northwestern Railroad Company.

By Mr. Bridgers, bill (435,) to amend an act concerning Sinking Fund.

Ordered, That it be the special order for Monday at 11 o'clock.

On motion of Mr. Fagg,

H. 208, for the relief of the people, etc., was made a special order for Tuesday night, 9 P. M.

Mr. Meares gave notice that he would, on Monday, move to amend the rules concerning debate, etc.

The Speaker laid before the House the statement of the Miners' and Planters' Bank. Sent to the Senate.

On motion of Mr. Newby,
The rules being suspended, (H. 324,) bill to give certain
authority to the Commissioners of Hertford was read the second and third times, and passed the second and third readings.

Bills, etc., of the titles following, passed the third readings, viz:

H. 75, bill to charter the Valley River Gold Mining Company.

H. 76, bill to amend charter of Perquimons Male and Female Academy.

H. 134, bill to charter Ball’s Creek Camp Ground.

The Senate transmitted the proceedings and an invitation of the authorities of Wilmington, offering the General Assembly the use of their Town Hall, Theatre, etc., and proposed that the Speakers of each House acknowledge and respectfully decline the same, in which the House concurred.

Bills, etc., of the titles following passed the second reading, viz:

H. 82, bill to charter the Chatooga Gold Mining Company.

H. 127, bill to amend the charter of Franklin.

H. 159, bill to charter the Wilmington Water Works Company. Passed the second and third readings.

H. 161, bill in favor of Celia Lynch.


H. 163, bill to charter the Lafayette Light Infantry.

H. 166, bill concerning county courts in Columbus.

H. R. 178, resolution in favor of the sheriff of Henderson, did not pass the second reading.

Mr. Bowman presented a memorial and accompanying resolution of instruction to the Committee on Propositions and Grievances in behalf of the sureties of Benjamin Henline, which being adopted was, with the memorial, referred to that committee.

And the House resuming the Calendar, other bills, etc., passed the second reading as follows, viz:

H. 179, bill to charter the Greensboro’ Hotel Company. Passed the second and also the third reading.
H. 181, bill to amend the charter of the State Agricultural Society.
H. 187, bill to amend the charter of the Iredell Blues.
H. 189, bill in favor of W. Haymore, sheriff of Surry, did not pass the second reading.

On motion of Mr. Williams, of Nash,
The vote being reconsidered, the same was recommitted to the Committee on Propositions and Grievances.
S. 203, bill in favor of the sheriff of McDowell.
S. 204, bill to charter the Buncombe Riflemen.
H. 216, bill to charter the Fayetteville Mill Company.
H. 218, bill to resurvey the county line between Surry and Wilkes.
H. 219, bill to charter Richland Institute.
H. R. 224, resolution in favor of Jesse McGee.
H. 233, bill to charter Concord Copper Mining Company.
H. 234, to charter the Hornet's Nest Riflemen.
H. R. 235, resolution in favor of James M. Lilly's invention, did not pass the second reading, but was indefinitely postponed.
H. R. 238, resolution in favor of Calvin Bishop.
H. R. 240, resolution in favor of L. N. B. Battle.
S. 242, (a) bill in favor of James H. Allen.
S. R. 244, resolution in favor of John Pate.
H. 247, bill in favor of Wright Locus.
H. 248, bill to charter the Salem Camp Ground.
H. 250, bill to charter the Patterson Manufacturing Company.
H. 251, bill to amend the charter of Laurel Fair.
H. 252, bill to charter Cross Creek Academy.
H. 253, bill to charter Fayetteville Gaslight Company.
H. 555, bill to amend the charter of Edenton.
H. 257, bill to charter Yadkin College.
H. 258, bill to abolish jury trials in Polk.
H. 260, bill to charter Greensboro' Cemetery.
H. R. 262, resolution in favor of N. L. F. Redd, did not pass the second reading.
H. 266, bill to prohibit sales of spirituous liquors in Chatham county.

H. 267, bill to charter Tokay Wine Company.

H. 270, bill to authorize the sale of the old jail in Wilkes.

H. R. 274, resolution in favor of Ruben King.

H. R. 275, resolution in favor of Lewis Williamson, laid on the table.

H. 287, bill concerning jury trials in Cleveland, the same being first amended, so as to include Gaston and Cherokee.

H. 290, bill to charter the Warren Lodge, A. Y. F. M.

H. 291, bill to provide for a Military Corps, in Washington.

H. R. 295, resolution in favor of Clarke Byrd.

H. 298, bill to amend charter of Asheville.

Mr. Ewell moved that the vote by which the House had adopted the amendments to H. 115, to charter New River Canal Company be reconsidered, and

On motion of Mr. Foy,

The same was postponed until Tuesday next.

Mr. Martin moved there be a call of the House.

And it was not adopted.

Mr. Yeates moved that the vote by which the House had yesterday passed the bill (H. 13,) to abolish the office of State Geologist, be reconsidered.

Mr. Davis, of Rutherford, moved there be a call of the House, and the same being adopted, the roll was called, and the following named members did not answer to their names, viz:

The door was then closed, and the roll of absentees called, when Mr. Alfred being excused,
Mr. Wilkerson moved that all the absentees be excused, and the question thereon was put and
Decided in the affirmative, Yeas .......................... 38
Nays ........................................... 33

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

When the hour for the adjournment having arrived, the House adjourned.

MONDAY, 4TH FEBRUARY, 1861.
The Speaker announced the following committee, viz:
Mr. Hill presented the proceedings and resolutions of a meeting of the people of Caswell, upon the subject of federal relations.
Mr. Yeates presented similar proceedings in the county of Hertford, on the 19th inst.
Reports were submitted, received and filed from Committees as follows, viz:

By Mr. Baxter, from the Committee on Propositions and Grievances, (H. 296,) bill to establish the county of Brevard, with the recommendation the same do not pass.

H. 358, bill to establish a ferry over Catawba River, with the same recommendation.

H. R. 365, resolution concerning the Fayetteville and Western Plank Road Company, with the same recommendation.

H. 377, bill to lay off a road in Ashe, with the same recommendation.

S. 402, bill to charter Lake Ellis Company, recommending the same be referred to the Committee on Swamp Lands, and it was so ordered.

Mr. Yeates moved that a message be sent to the Senate proposing that both Houses of the General Assembly adjourn on Friday next at 3 o'clock, P. M.

Mr. Merrimon moved that the same be referred to the committee on the subject of adjournment, and it was adopted.

Mr. Booth introduced the following resolution:

"Resolved, that a message be sent to the Senate proposing to take a recess, from and after Thursday next, until the second Monday in April next."

Which being read was referred to the same committee.

On motion of Mr. Padgett,

Leave of absence was granted to Mr. Williamson.

The House, under a special order, considered (H. 435,) bill to amend an act concerning the sinking fund, and the same passed the second and third readings.

Mr. Person, from the Committee on the Judiciary, reported that they had considered the memorial of Wm. Peace, and submitted the following report, viz:

"The Committee on the Judiciary have had under consideration the resolution in favor of Wm. Peace, and the memorial accompanying the same, setting out his claim for compensation on account of the buildings upon Burke Square,
and have instructed me to report that the claim is founded upon the following facts, to-wit:

"In 1801, the Legislature granted to the "Trustees of the Raleigh Academy, the use of Burke Square for the purpose of establishing and maintaining a school. The Trustees erected buildings and kept up a school until 1830, when they dissolved the corporation in consequence of a failure to make enough to keep up the school, and sold the buildings to pay their expenses, amounting to about $1,300. Mr. Peace was the treasurer of the Trustees, and also their creditor, by way of advances made as such to the amount of about $1,000. He bought the buildings and paid $300 of other debts, thus making his claim $1,300. Since that time, and up to 1854, Mr. Peace continued, for the most part, to rent out the buildings to school teachers, and expended about $1,500 in repairs; and in the latter year the legislature passed a resolution directing the treasurer to rent out Burke Square for the benefit of the State, without in any way adjusting the claim of Mr. Peace upon the buildings. The committee have come to the conclusion, from the evidence of Mr. Lovejoy, that the buildings were worth at that time $1,500 to any one who could have the privilege of removing them, and of course more to the State as owner of the lot where they were situated. They have further come to the conclusion that the receipts of Mr. Peace during his possession, did not more than pay interests and repairs; and therefore that in Equity he is entitled to the value of the buildings at the time the State took possession, and that the same ought to be paid out of the present value of the lot, which they are informed, is $7,000 or $8,000, and they recommend the sale of the land for the payment of the sum; and also for the reason that the whole property has been rented for the last five years at $125 per year, most of which has been expended in keeping the property in repair, so that from an estate worth $7,000 or $8,000 the treasury realizes very little.

"And the committee, in their investigation, having had their attention directed to other surrounding lots belonging
to the State, are of opinion that the public interest would be promoted by the sale of the whole of them.

"In order to carry out the foregoing recommendation the committee submit the accompanying resolutions."

Respectfully submitted,

SAMUEL J. PERSON, Chairman.

The resolutions referred to were entered upon the calendar, (H. R. 436,) and entitled "resolutions concerning public squares in Raleigh."

Other bills, etc., were introduced, read and passed the first reading, as follows, viz:

By Mr. Farrow, bill (437,) to regulate wreck districts in Hyde county.

By Mr. Pearson, bill (438,) to establish the county of Ellis, and a memorial. To Propositions and Grievances.

By Mr. Waugh, bill (439,) to improve a road near Douglas Gap. To Internal Improvements.

By Mr. Person, bill (440,) to amend an act concerning insane persons, and this bill also passed the second and third readings.

By Mr. Slade, bill (441,) to charter the Bank of Wentworth.

By Mr. Peebles, resolution (H. R. 442,) for repairs to the Commons Hall. To Propositions and Grievances.

Bills, etc., of the titles following, then being read the third time, passed the third reading, to wit:

H. 27, bill to extend the time for the registrations of certain deeds, the amendment referred to the Committee on the Judiciary being first rejected.

H. 121, bill to charter the University Rail Road Company.

H. 218, bill to re-survey the county line between Surry and Wilkes.

Bills, etc., of the titles following being read the second time, passed the second reading, and other proceedings were had as follows, viz:

H. 6, bill to amend Revised Code, chapter 114, "Usury." did not pass the second reading.
H. 37, bill to arm and equip the State, being read the second time, and the question put,
A message was received from the Senate, informing the House of the appointment of Messrs. Turner, Thomas of Jackson and Walker to the Committee on Enrolled Bills, and the hour therefor having arrived, the House considered,
H. 105, bill to charter the Caswell Rail Road Company, the question being, "Shall this bill pass the third reading?" and a division demanded, it appeared that no quorum was present, and the hour having arrived therefor, the House considered the resolution (H. R. 414,) concerning the position of North-Carolina in the South, the question being "Shall the resolution pass the third reading?" and the same being put, the resolution passed unanimously.
Ordered, That the same be engrossed and sent to the Senate.
By unanimous consent, Mr. Merrimon introduced the following resolution, to wit:
"Resolved, That the Secretary of State be, and he is hereby instructed to furnish the Capitol with seasoned fire wood, while the Legislature remains in Session."
And it was adopted and sent to the Senate.
The Hour for the special order, viz: the bill (426,) to amend the Revenue Law, having arrived, Mr. Merrimon moved the same be postponed until Monday 12 o'clock, M., and the question thereon was put, and there being counted yeas 32, nays 41, it was not adopted.
Mr. Gaither moved to postpone until Thursday at 12 o'clock, when, Mr. Latham moved to postpone until Wednesday, 8 o'clock, P. M., and it was not adopted.
Mr. Meares moved to postpone until Friday 8 o'clock, P. M., and Mr. Person moved to postpone until 11 o'clock and 30 minutes, to-morrow, and they were not adopted.
The question was then put upon the motion to postpone until Thursday, at 12 o'clock, M., and there being counted, yeas 37, nays 35, it was so ordered.
The House therefore resumed the consideration of the bill (105,) to charter the Caswell Rail Road Company, and
the question being, "Shall the bill pass the third reading?"

Mr. Person offered the following amendment, viz:

"Be it further enacted, This charter shall be void, unless the company shall be organized, and the work actually commenced within two years."

And it was not adopted.

And the question recurring on the passage of the bill the same was put and

Decided in the affirmative, \{ Yeas ......................... 40 \\
Nays .................. 35 \}

On motion of Mr. Small,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


And the House having resumed the calendar, and the question being on the passage of the bill (H. 39,) to arm and equip the State,

Mr. Bowman moved the same be indefinitely postponed, and the question thereon was put and

Decided in the negative, \{ Yeas ......................... 29 \\
Nays .................. 44 \}

On motion of Mr. Bowman,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The bill was then informally passed over.
H. R. 66, resolution concerning Hillsboro’ Military Academy being read, and the question being, “Shall this resolution pass the third reading?” the same was informally passed over.
H. 79, bill to charter the Buncombe Powder Manufacturing Company, the amendments being first adopted, passed the second reading.
H. 91, bill to charter Black Mountain Turnpike Company, did not pass the second reading.

On motion of Mr. Merrimon,
The vote being reconsidered, the question was postponed until Friday next at 8 P. M.

A message was received from the Senate, informing the House that the Senate had passed the bill (H. 120,) to amend the charter of the Haywood Male and Female Academy, and the bill (H. 69,) to amend charter of the town of Charlotte, with certain amendments in which they asked the concurrence of the House, and the House having concurred therein,
Ordered, That a message accordingly be sent to the Senate. The House resumed the Calendar, (H. 95,) bill to divide the State into eight judicial circuits, the question being, "Shall the bill pass the second reading?"

Mr. Bowman moved that the same be indefinitely postponed, and that the yeas and nays be ordered thereon.

And the question being thereon, the hour for the recess arrived.

Night Session—Monday, 4th February, 1861.

The House resumed the consideration of (H. 95,) the bill to divide the State into eight judicial circuits, the pending question being upon the motion of Mr. Bowman, to indefinitely postpone, and the question was put and

Decided in the affirmative, $\begin{align*}
\{ \text{Yeas} \} & \quad 55 \\
\{ \text{Nays} \} & \quad 26
\end{align*}$

On motion of Mr. Bowman, the yeas and nays being ordered, the following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Autry, Barringer, Barrow, Booth, Bowman, Branch, Carson, Clark of Craven, Clark of Davidson, Crawford, Crumpler, Davis of Rutherford, Dickson, Ewell, Faison, Farrow, Ferguson, Ferebee, Folk, Gaither, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Harris, Henry, Horton, Jenkins, Kallum, Kelly, Lathom, Liles, Marsh, Martin, Newby, Patterson, Person, Poindexter, Pope, Potts, Rogers, Shober, Siler, Simonson, Slade, Small, Ward, Whitehurst, Wilkerson, Withers and Yeates—55.

And the following in the negative, viz:

Mr. Marsh moved the vote be reconsidered, and that motion be laid upon the table.
And the question thereon was put and
Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 48 \\
\text{Nays} & : 32
\end{align*}
\]

On motion of Mr. Batchelor,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Autry, Barringer, Barrow, Booth, Bowman, Branch, Carson, Clark of Craven, Clark of Davidson, Crawford, Davis of Rutherford, Dickson, Ewell, Faison, Farrow, Ferguson, Ferebee, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Harris, Hayes, Henry, Horton, Kallum, Kelly, Latham, Liles, Marsh, Martin, Newby, Patterson, Poindexter, Pope, Potts, Shaw, Shober, Simonton, Small, Whitehurst, Wilkes, Withers and Yeates—48.
And the following in the negative, viz:
H. 132, bill to amend Revised Code, chapter 66, Literary Fund, etc., being read the second time,
Mr. Latham moved the same be indefinitely postponed, and the question thereon was put and
Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 62 \\
\text{Nays} & : 16
\end{align*}
\]

On motion of Mr. Liles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Autry, Barringer, Barrow, Batchelor, Booth, Branch, Bridgers, Bullock, Bynum, Clark of Craven, Clark of Davidson, Crawford, Crumpler, Ewell,

And the following in the negative, viz:

H. 135, bill to amend charter of the Atlantic, Tennessee and Ohio Railroad was,

On motion of Mr. Simonton,
Postponed until to-morrow at half-past 11.

H. 139, bill to amend Revised Code, chapter 31, "Courts, County and Superior," being read the second time, and the question put,
Mr. Newby moved the same be indefinitely postponed, and it was not adopted, and the question recurring, the bill passed the second reading.

H. R. 142, resolution in favor of J. L. Ward, passed the second reading.

S. 143, bill to prevent felling of timber in certain streams in Iredell, passed the second and third readings.

H. R. 144, resolution in favor of James J. Harris did not pass the second reading, but was indefinitely postponed.

H. 147, bill to amend Revised Code, chapter 68, Legacies, etc., passed the second reading, and then,

On motion of Mr. Jenkins,
The same was recommitted to the Committee on the Judiciary.

On motion of Mr. Poindexter,
The rule being suspended, bills, etc., of the titles following,
pass the second and third readings, and were ordered to be engrossed and sent to the Senate, viz:

H, 277, bill to prevent the felling of timber in the county of Forsythe.

H. 289, bill concerning the pen in the county of Forsythe.

The House resumed the calendar, when certain other bills, etc., of the titles following, passed the second reading, viz:

H. 151, bill to increase the pay of witnesses.

By unanimous consent, Mr. White introduced the following resolution:

"Resolved, That from and after to-morrow the standing rules of this House shall be altered, so as to extend the morning sittings till 3 o'clock, instead of two o'clock as now." Laid over one day under the rule.

Mr. Fagg introduced a bill (H. 443,) to amend Revised Code, chapter 66, Literary Fund, etc. Passed the first reading.

The House then resumed the calendar, (H. 160,) concerning license law in Sampson. Passed the second reading.

H. 165, bill to amend Revised Code, chapter 107, "Slaves and Free Negroes," passed the second reading, the amendments of the Committee being first adopted.

H. 167, bill to increase the pay of constables, did not pass the second reading, but was,

Indefinitely postponed, there being counted, yea 33, nay 28.

Mr. Booth introduced the following resolution:

"Whereas, There is good reason to believe that the small-pox prevails in Raleigh, therefore,

Resolved, That the General Assembly take a recess from and after Tuesday the 3d of February, to meet in Wilmington, on Monday the 11th of February, 1861, which being read,

Mr. Henry moved the same be laid upon the table, and it was not adopted.
Mr. Clark, of Craven, moved the same be amended so as to strike out "Wilmington," and insert "Newbern," and the question being thereon,

Mr. Hayes moved the same be referred to the committee upon the subject of adjournment, and it was not adopted.

Mr. Yeates moved to amend by striking out all after the word "resolved," and insert that a message be sent to the Senate, proposing that both Houses stand adjourned, on Tuesday next at 3 o'clock, P. M," and the question being thereon, and a division demanded, the question was first put on the motion to strike out, and it was not adopted, and the question recurring upon the resolution of Mr. Booth, the hour for the adjournment arrived, and the House adjourned.

TUESDAY, 5TH FEBRUARY, 1861.

Prayer by the Rev. Dr. Mason,

Reports were submitted, received and filed from Committees, as follows, viz:

Mr. Person, from the Committee on the Judiciary, reported (H. R. 99,) resolution in favor of Jonas Cline, asking to be discharged from the consideration thereof.

H. 156, bill to provide for limited partnerships, with the recommendation the same do pass.

Mr. Hill, from the Committee on Banks and Banking, reported (H. 198,) bill to amend Bank of Salisbury, with the recommendation the same do not pass.

Mr. Person, from the Committee on the Judiciary, reported (H. 307,) bill to increase witnesses pay in Columbus, with a substitute, recommending the same do pass.

H. 339, bill to make compensation to slave owners, with an amendment as follows:

"Strike out the 5th section and insert 'and the said value shall be paid by the Treasurer of the State upon the certificate of the clerk of the Superior Court, immediately after the
execution of said slave, and not before, out of any money in the public treasury, not otherwise appropriated,'" and so amended recommended the same do pass.

H. 380, bill to amend Revised Code, chapter 34, "Crimes and Punishments," with an amendment recommending the same do pass.

Mr. Hill, from the Committee on Banks, reported (H. 384,) bill to charter the Bank of Macon, with amendments recommending the same do pass.

Mr. Person, from the Committee on the Judiciary, reported, (S. 393,) bill to release forfeitures of the Lagrange Mining Company, recommending the same do pass.

H. 431, bill to allow free persons of color to choose their own masters, with the recommendation the same do not pass.

Mr. Hill, from the Committee on Banks and Banking, reported, (H. 441,) bill to charter the Bank of Wentworth, with the recommendation the same do not pass.

H. 315, bill to charter the Bank of Hudsonville, with amendments and recommending the same do not pass.

Mr. Davis, of Rutherford, presented the proceedings of a meeting of the people in the county of Rutherford. Left on the table:

On motion of Mr. Harris,

The use of the Hall was granted Rev. C. H. Wiley, Superintendent of Common Schools, for a lecture this afternoon, at 3 o'clock and 30 minutes.

Mr. Cline, presented the memorial of citizens in the county of Catawba, opposed to the proposed new county of Ellis. Referred to the Committee on Propositions and Grievances.

Bills, etc., of the titles following being introduced, passed the first reading, to wit:

By Mr. Waters, bill (444,) to annex Cleaveland to the 6th Judicial Circuit. To Judiciary.

By Mr. Galloway, bill (445,) to amend Revised Code, chapter 48, "Fences," passed the second and third readings.
By Mr. Siler, a substitute for his bill (H. 131,) to amend charter of Macon Turnpike Company. To Cherokee Lands.

By Mr. Davis, of Rutherford, a bill (447,) to pay jurors in Bladen county.

The House resumed the unfinished business, being the question upon the passage of the resolution of Mr. Booth, when on motion of Mr. Green of Franklin, the same was laid upon the table.

Bills, etc., of the titles following then being read the third time, passed the third reading, and were ordered to be engrossed and sent to the Senate, to wit:

H. 139, bill to amend Revised Code, chapter 31, Courts County and Superior.

H. R. 142, resolution in favor of J. L. Ward.

H. 151, bill to increase the pay of witnesses, being read, Mr. Person moved to substitute for the same the substitute for the bill (307,) reported this morning by the Committee on the Judiciary, and the question being thereon,

Mr. Bowman offered the following amendment:

"Be it further enacted, That the provisions of this act shall only extend to civil cases, and not to criminal cases."

And the question being thereon, Mr. Yeates moved the bill be indefinitely postponed, and the question thereon was put and

Decided in the negative,  \{ Yeas, \ldots \ldots \ldots \ldots 28 \}
\{ Nays, \ldots \ldots \ldots \ldots 61 \}

On motion of Mr. Person,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Barrow, Batchelor, Branch, Bridgers, Bullock,

And the question recurring upon the motion of Mr. Person, the same was put and

Decided in the affirmative, \{ Yeas .................................................. 53 \\
Nays .................................................. 36

On motion of Mr. Bowman, the yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


And so amended, the bill passed the third reading.
At 11 o'clock and 30 minutes, the House under a special order, considered (H. 135,) bill to amend charter of Atlantic, Tennessee and Ohio Rail Road, the question being, "Shall this bill pass the second reading?"

Mr. Simonton offered the following amendment, viz:

"Be it further enacted, That the acceptance of this amendatory act by a majority of the stockholders in North-Carolina shall be deemed and taken a valid acceptance of the same by the Atlantic, Tennessee and Ohio Rail Road Company."

And the same was adopted.

Mr. Meares offered the following additional section:

"That the gauge of this Road shall be the same as the North-Carolina Rail Road."

And the question being thereon, the hour for the consideration of (H. 106,) a bill to provide a Military Code, arrived, and the same being read the third time, and the question being thereon,

Mr. Hoke offered a substitute for section 10, as follows:

"Sec. 10. That whenever any person shall wish to be exempt from military duty in any county, and shall pay to the sheriff of such county the sum of five dollars, the Clerk of the County Court under his seal of office shall give to such person a certificate of discharge from military duty for one year, unless in case of war, and the sheriff of the respective counties, shall account for such monies to the treasurer of the State as a part of the public taxes."

And the question being thereon, and a division demanded, the question was first put upon the motion to strike out.

Mr. Farrow moved to postpone the bill and amendments to Tuesday next, at 12 o'clock, and the question thereon was put and

Decided in the negative, \{ Yeas ....................... 23  
Nays ....................... 64  

On motion of Mr. Farrow,

The yeas and nays being ordered,

The following voted in the affirmative, viz:
Messrs. Alfred, Carson, Clark of Davidson, Cowles, Davis of Rutherford, Dickson, Farrow, Foust, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hayes, Horton, Marsh, Martin, Mendenhall, Padgett, Rogers, Shober, Siler, Whitehurst and Yeates—23.

And the following in the negative, viz:


And the question recurring,

Mr. Meares offered the following amendment:

"That any person liable to military duty may be exempted therefrom, by the payment, annually, of the sum of five dollars to the sheriff of the county wherein he resides, and the clerk, &c.," as a substitute for the first part of the substitute.

And it was adopted.

And the question recurring,

Mr. Potts moved to amend the amended substitute by striking out the word "five."

And it was adopted.

Other amendments were then offered to fill the blank, as follows, to wit: one proposing "twenty;" another "ten;" another "six;" another "four;" another "three;" another "two;" another "one;" each of which being severally rejected,

And the question recurring,

Mr. Hoke withdrew the amendment.
And the question recurring upon the adoption of the substitute, as amended, and a division of the question demanded, section one was read, and the question being thereon,

Mr. Martin moved to amend the same as follows:

"Add after the word 'persons,' 'except ministers of the gospel, physicians, judges of the supreme and superior courts, post-masters, county officers and justices of the peace.'"

And the question being upon this amendment,

Mr. Bowman moved to substitute as follows:

"'Except such persons as are now exempt, by law, from performing military duties.'"

And it was not adopted.

Mr. Peebles moved to amend the amendment by striking out all after the words "ministers of the gospel," and there being counted yeas 38, nays 23, it was adopted.

Mr. Gaither moved to add "millers," and it was not agreed to.

Mr. Henry moved the bill be recommitted, and there being counted yeas 37, nays 44, it was not adopted.

Mr. Farrow moved to add "sea-faring men and pilots," and there being counted yeas 37, nays 27, it was adopted.

Mr. Bullock moved to add "physicians," and it was not adopted.

And then the question being upon the amendment of Mr. Martin, it was adopted.

Mr. Martin then moved to strike out the first section, and the question thereon was put and

Decided in the negative, { Yea s.................................39
{Naye s.................................51

On motion of Mr. Harrington,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Batchelor, Bowman, Bullock, Burgin, Bynum, Carson, Clark of Davidson, Crumpler, Davis of
B R U T H E R D O R F ,  \ F A R R O W ,  \ F E R E B E E C ,  \ F O L K ,  \ F O U S T ,  \ G R E E N  \ o f  \ C h a t - 
ham,  \ G R E E N  \ o f  \ S t a n l y ,  \ G U T H R I E ,  \ H A R R I N G T O N ,  \ H A R R I S ,  \ H E N R Y ,  
H O R T O N ,  \ J O R D A N ,  \ K E L L Y ,  \ L I L E S ,  \ L O V E  \ o f  \ J a c k s o n ,  \ M C M I L L A N ,  
M A R S H ,  \ M A R T I N ,  \ M E N D E N H A L L ,  \ M E R R I M O N ,  \ M O R D E C A I ,  \ P A D G E T T , 

A n d  t h e  f o l l o w i n g  i n  t h e  n e g a t i v e ,  v i z : 
M e s s r s .  A l b r i t t o n ,  A n t r y ,  B a r r i n g e r ,  B a r r o w ,  B a x t e r ,  B r a n c h ,  B r i d g e r s ,  C l a r k  \ o f  
C r a v e n ,  C o w l e s ,  C r a w f o r d ,  D a v i s  \ o f  B l a d e n ,  D a v i s  \ o f  \ M e c k l e n b u r g ,  D i c k s o n ,  E w e l l ,  F a g g , 
F a i s o n ,  F e r g u s o n ,  G a i t h e r ,  G a l l o w a y ,  G o r r e l l ,  G r e e n  \ o f  \ F r a n k l i n ,  H a l l ,  H i l l ,  H o k e ,  J e n k i n s ,  
K a l l u m ,  L a t h a m ,  L e m m o n d s ,  L o v e  \ o f  \ H a y w o o d ,  M e a r e s ,  M i t c h e n e r ,  N e w b y ,  P e e b l e s ,  P e r s o n ,  P o p e ,  P o t t s ,  R o g e r s ,  S h a w ,  S i m o n t o n , 
S l a d e ,  S m a l l ,  T a p s c o t t ,  W a r d ,  W a t e r s ,  W a t s o n ,  W a u g h ,  W h i t e ,  W h i t e h u r s t ,  W i l k e r s o n ,  W i l l i a m s  \ o f  
N a s h ,  W i s h a r t ,  W i t h e r s  \ a n d  \ W o o d a r d — 5 3 .  

S e c t i o n  2 ,  t h e n  b e i n g  r e a d ,  M r .  L i l e s  o f f e r e d  t h e  f o l l o w i n g  a m e n d m e n t : 
S t r i k e  o u t  a f t e r  t h e  w o r d  " b y , "  a n d  i n s e r t  " t h e  c o m m i s s i o n e d  o f f i c e r s  o f  t h a t  d i v i s i o n  o r  b r i g a d e  a s  t h e  c a s e  m a y  b e , "  
and  t h e  q u e s t i o n  b e i n g  t h e r e o n ,  
M r .  B a t c h e l o r  m o v e d  t o  a m e n d  t h e  s a m e  a s  f o l l o w s : 
" P r o v i d e d ,  h o w e v e r ,  i f  t h e  s a i d  o f f i c e r s  s h a l l  n o t  b e  e l e c t e d  w i t h i n  n i n e t y  d a y s  f r o m  t h e  r a t i f i c a t i o n  o f  t h i s  a c t ,  t h e n  t h e  
s a i d  o f f i c e r s  s h a l l  b e  a p p o i n t e d  b y  t h e  C o m m a n d e r - i n - c h i e f,"  
and  i t  w a s  n o t  a d o p t e d .  
A n d  t h e  q u e s t i o n  r e c u r r i n g  u p o n  t h e  a m e n d m e n t  o f  M r .  L i l e s ,  i t  w a s  p u t  a n d  
D e c i s e d  i n  t h e  a f f i r m a t i v e ,  \{ \ Y e a s  \.......................................................... 6 2 \\
N a y s  \.......................................................... 2 8 \\
O n  m o t i o n  o f  M r .  C l a r k ,  o f  C r a v e n ,  
T h e  y e a s  a n d  n a y s  b e i n g  o r d e r e d ,  
T h e  f o l l o w i n g  v o t e d  i n  t h e  a f f i r m a t i v e ,  v i z :  
M e s s r s .  A l b r i t t o n ,  A n t r y ,  B a r r i n g e r ,  B a r r o w ,  B o o t h ,  B o w m a n ,  B r a n c h ,  B u l l o c k ,  B u r g i n ,  B y n u m ,  C a r s o n ,  C l a r k  \ o f  
C r a v e n ,  C l a r k  \ o f  \ D a v i d s o n ,  C o w l e s ,  C r u m p l e r ,  D a v i s  \ o f  

And the following in the negative, viz:


Mr. Davis, of Rutherford, offered the following substitute, to wit:

Section 2. Whenever a vacancy shall occur in the office of major-general, the rank and file of the division shall elect one of the officers already in commission of the State, to fill the vacancy; the election to be held on a day, designated by the Governor at the court-houses of the counties forming the division, whenever a vacancy shall occur in the office of brigadier-general, the rank and file of the division shall elect a successor in the same manner, and the Governor shall commission said officers, when notified of their election.''

And the question thereon was put and

Decided in the affirmative, { Yeas
{ Nays

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Barrow, Burgin, Bynum, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Farrow, Folk, Foust, Gaither, Gorrell,

And the following in the negative, viz:

When the hour for the recess arrived.

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Night Session—Tuesday 5th February, 1861.

A message was received from the Senate, recommending certain persons for justices of the peace, in the county of Davidson, and communicating the report of the Directors of the Asylum for the Insane.

On motion of Mr. Crumpler,
H. 211, was made the special order for 10 o'clock and 15 minutes to-morrow, and,

On motion of Mr. Slade,
H. 41, as special order immediately after the bill before the House.

The House then resumed the consideration of the bill, (106,) to provide a military code, and section 3 being under consideration,
Mr. Henry moved to amend by striking out "108," and insert "50," and it was not adopted.
Mr. Batchelor moved to insert the word "General," after the word "Brigadier," and it was adopted.

Section 4, read, Mr. Henry moved to amend by striking out "50" and insert "10," and the question thereon was put and

Decided in the negative, { Yea s .............................. 29

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Barringer, Barrow, Batchelor, Booth, Branch, Bridgers, Clark of Craven, Cline, Crawford, Davis of Brunswick, Davis of Halifax, Davis of Mecklenburg, Dickson, Fagg, Ferguson, Galloway, Green of Franklin, Guthrie, Hall, Hill, Hoke, Jenkins, Love of Jackson, McMillan, Meares, Mitchener, Mordecai, Newby, Padgett, Patterson, Pearson, Peebles, Person, Pope, Potts, Rogers, Shaw, Simonton, Slade, Stanford, Waters, Watson, White, Williams of Nash, Withers, Woodard and Yeates—47.

Section 5 was then read, and Mr. Martin offered the following amendment, viz:

Strike out all after the words "held by the," in the 4th line, and insert "rank and file of the regiment at the usual place of meeting for regimental musters in their respective counties, on a day designated by the Governor, under the superintendence of the captain and first lieutenant of each company, who shall inform the Governor of the result of said election, and he shall issue a commission to the officer receiving a plurality of the votes cast."
And the question being thereon, was put and
Decided in the affirmative, 

<table>
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<th>Yeas</th>
<th>Nays</th>
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<td>33</td>
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On motion of Mr. Marsh, 
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Section 6 read, and Mr. Clark, of Craven, offered the following amendment:

"Strike out 'one hundred' in fourth line, and insert 'five hundred'; strike out 'fifty' in 7th line, and insert 'two hundred.'"

And it was not adopted.

Mr. Carson offered the following amendment:

"Section 6th, 4th line, strike out 'one hundred' and insert 'fifty dollars'; in 7th line, strike out 'fifty' and insert 'twenty-five dollars.'"

And it was not adopted.

Section 7 read and passed; section 8 read and passed; section 9 read and passed; section 10 read and passed; section 11 read and
Mr. Martin offered the following amendment:

"Section 11, strike out the word 'shall' in the first and third lines, and insert 'may.'"

And it was not adopted.

Section 12 read and

Mr. Henry moved to amend as follows:

"In line 6 strike out 'sixty-four' and insert 'forty,'" and the question thereon was put and

Decided in the negative {Yeas ......................... 23
{Nays ......................... 63

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Carson, Clark of Craven, Clark of Davidson, Crumpler, Davis of Rutherford, Dickson, Farrow, Gaither, Gorrell, Guthrie, Henry, Horton, Latham, Liles, McCleese, Martin, Patterson, Poindexter, Rogers, Russ, Simonton, Whitehurst and Wilkerson—23.

And the following in the negative, viz:


Mr. Wilkerson moved to strike out fifty-four and insert sixty, and a division being demanded, the question thereon was put, and the motion to strike out was not adopted.

Section 13 read and

Mr. Peebles moved to amend by striking out the word "the" and inserting the word "two," and it was adopted.
Mr. Davis of Rutherford, offered the following amendment:

"Strike out all after the words "Major-General to be" and insert "elected by the rank and file of the division under the same rules and regulations as shall be provided for the election of colonels, lieutenant-colonels and majors," and a division being demanded, the question was put upon the motion to strike out, and

Decided in the affirmative, { Yeas ........................................57

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Love of Jackson, paired off with Mr. Horton.
And the question being upon inserting the amendment of Mr. Davis, of Rutherford, was put and

Decided in the affirmative, { Yeas ........................................62

33
On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Section 14 being read, Mr. Martin offered the following amendment:

"Strike out in line 2 the word 'appointed' and insert 'elected by the rank and file.'"

And it was adopted.

Mr. Clark, of Craven, moved to amend by adding thereto "in the same manner and at the same time and places as prescribed for the election of major-generals in the preceding section."

And it was adopted.

Section 15 read.

Mr. Martin offered an amendment, as follows:

"Strike out in line 4 'commissioned officers' and insert 'elected by the rank and file.'"

And it was adopted.

Section 16 read and passed.
Section 17 read, and Mr. Henry offered an amendment, as follows:

"Strike out all from the word 'regiment' in the 11th line to and including the word 'major' in the 15th line, and insert 'and the rank and file shall meet at the court house of their respective counties, on a certain day designated by the Governor, and elect, by ballot, a colonel, lieutenant-colonel and major, under the direction of the captain.'"

And it was accepted.

Mr. McMillan the following:

"Strike out the word 'court-house' and insert 'parade ground.'"

And it was adopted.

Mr. Davis, of Rutherford moved to amend by adding to the 7th line the words "to the extent of the appropriation made for that purpose," and the question thereon was put and

Decided in the affirmative, Yeas ......................... 44

Nays ........................................ 38

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Baxter, Branch, Bridgers, Bullock, Cline, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Fagg, Faison, Ferguson, Folk, Foy, Hill, Hoke, Jenkins, Lemmonds, Love of Haywood, McMillan, Meares, Mitchener, Mordecai, Patterson, Pearson, Person, Potts, Shaw, Slade, Small, Stanford,
Ward, Watson, White, Wilkerson, Williams of Nash, Wistar and Woodard—38.

Section 18 read and passed; section 19 read and passed; section 20 read, and

Mr. Gaither offered the following amendment:

Strike out the word "County," in the 4th line, and insert "State."

And it was not adopted.

Section 21 read and passed; section 22 read, and

Mr. Henry offered the following amendment:

"In line 11th, strike out sixty-four, and insert forty-four."

And it was not adopted.

Mr. Merrimon offered the following:

"After the word "bond," in line 3, add "payable to the State of North Carolina."

And it was adopted.

Section 23 read and adopted; section 24 read, and

Mr. Clark, of Craven, moved to strike out the proviso, and

Mr. Barringer moved to amend the same by striking out "ninety days," and inserting "nine months."

And a division being demanded, the question was first put on the motion to strike out and

Decided in the affirmative, \{\text{Yeas.} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 46 \} \{\text{Nays.} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 44 \}

On motion of Mr. Foust,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:

Messrs. Barrow, Batchelor, Baxter, Booth, Branch, Bridgers, Bullock, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Folk, Galloway, Green of Franklin, Hall, Hill, Hoke, Jenkins, Kallum, Lemonds, Love of Haywood, Love of Jackson, McMillan, Meares, Mitchener, Mordecai, Newby, Patterson, Person, Potts, Shaw, Small, Stanford, Watson, White, Wilkerson, Williams of Nash, Wishart and Woodward—44.

Mr. Clarke, of Craven, moved to amend the amendment by inserting "twelve months," instead of "nine months," when

Mr. Autry said, that upon the proposition to strike out the words "ninety days" he had voted in the negative, and not in the affirmative, as reported by the Clerk; and the roll of that vote being corrected accordingly resulted yeas 45, nays 45. The Speaker voted in the negative, and the House having thus refused to strike out the words "ninety days," the amendments offered were ruled out.

Then the question being upon the motion of Mr. Clark, of Craven, to strike out the proviso was put and

Decided in the negative, \{ Yeas ........................................44
\{ Nays ........................................46

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Branch, Bridg-

And the question recurring,
Mr. Mendenhall moved to amend the section as follows:
"Provided further, That the Governor shall purchase no more arms than may be called for (by companies duly organized) within ninety days."

And the question thereon was put and

Decided in the negative, \{ Yeas............................33
\} Nays............................56

On motion of Mr. Foust,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
When, the hour for the adjournment arriving, the House adjourned.

WEDNESDAY, 6th February, 1861.

Prayer by the Rev. Thos. E. Skinner.

Mr. Russ presented the petition of sundry persons, opposed to the county of Dobbin, which, being read, was referred to the Committee on Propositions and Grievances.

At 10 o'clock and 15 minutes the Speaker called the notice of the House to the 14th rule, and stated that on yesterday a special order had passed directing a certain bill to be considered at this hour, and that there was unfinished business on the table. If there should be no objection he should go on with the morning business, and then proceed with the unfinished business under the rule, notwithstanding the special order, and submitted to the House that such is the proper construction of the rule.

In this the House concurred unanimously.

Recommendations of justices of the peace in several counties in the State, as follows, viz:

By Mr. Hayes, for the county of Cherokee.
By Mr. Peebles, for the county of Northampton.
By Mr. Jenkins, for the county of Granville.
By Mr. Rogers, for the county of Wake.

Mr. Batchelor, from the Committee on the Deaf Dumb and Blind Asylum, submitted a report in writing, with a bill, and the bill referred to was entered upon the calendar as H. 449, and entitled a bill to enlarge the appropriation for the Deaf, Dumb, and Blind Asylum. Passed the first reading and ordered to be printed.

Reports were submitted, received and filed as follows, viz:

Mr. Marsh, from the Committee on Slaves and Free Persons of Color, reported

H. 46, bill concerning Free Persons, with the recommendation the same do pass.
H. 101, bill concerning Free Negroes and Persons of Color, with the recommendation the same do pass.

H. 249, bill concerning Free Negroes, with the recommendation the same do pass.

Mr. Baxter, from the Committee on Propositions and Grievances, reported

H. 359, bill concerning County Court of Lincoln.

Mr. Marsh, from the Committee on Slaves and Free Negroes,

H. 360, bill to provide for the registration of Free Negroes, with an amendment recommending the same do pass.

Mr. Baxter, from the Committee on Propositions and Grievances.

H. 382, bill to lay off a road No. 3, in Madison county, with the recommendation the same do pass.

He also reported that the same committee had had under consideration the memorial of certain citizens of Madison county, upon the subject of a stay law, asking to be discharged from the further consideration thereof.

In this request the House concurred.

Bills, etc., of the titles following, then being introduced, passed the first reading, as follows, to wit:

By Mr. Baxter, bill (450,) for the relief of the Albemarle and Chesapeake Canal Company. To Internal Improvements.

By Mr. Rogers, bill (451,) to authorize the issue of certain bank notes.

By Mr. Baxter, bill (452,) to amend Pilot Laws. To Propositions and Grievances.

From the Senate, bill (S. 453,) to provide Tax Collectors in certain counties; also (S. 454,) bill to charter certain Military Companies in Wake; also (S. R. 455,) resolution in favor of Greene Monument Association.

And the House resumed the consideration of the bill (H. 106,) to provide a Military Code, when the following proceedings were had:

Section 25 read and adopted; section 26 read and
Mr. Wilkerson offered the following amendment:

"Strike out the three last words and insert 'until called into actual service.'"

And it was adopted.

Section 27 read.

Mr. Martin offered the following amendment:

"Lines 5 and 6 strike out the words 'five' and 'three' and insert the words 'twelve' and 'nine.'"

And it was not adopted.

Section 28 read and adopted; section 29 read and Mr. Wilkerson moved the same be stricken out, and it was adopted.

Section 30 read.

Mr. Gaither offered the following amendment:

"Strike out the words 'his name' in line 40, and insert the words 'the name of the State of North-Carolina.'"

And it was adopted.

Mr. Harris offered the following:

"Strike out 'good behaviour' and insert 'for two years.'"

And it was not adopted, there being counted yeas 38, nays 40.

Mr. Jenkins offered the following:

"Strike out '$200' in lines 31 and 32, and insert '$100,'" and a division being demanded, the question was first put upon the motion to strike out and

Decided in the affirmative, { Yeas   .................. 51
                         | Nays   .................. 47

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Patterson, Poindexter, Russ, Shober, Siler, Small, Waugh, Whitehurst, Wilkerson, Wishart and Yeates—51.

And the following in the negative, viz:

Messrs. Baxter, Booth, Branch, Bridgers, Clark of Craven; Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Dickson, Ewell, Fagg, Faison, Ferguson, Green of Franklin, Hall, Harris, Hill, Hoke, Jordan, Logan, Love of Haywood, Meares, Mendenhall, Merrimon, Mitchener, Mordecai, Newby, Pearson, Peebles, Person, Pope, Potts, Rogers, Shaw, Simonton, Slade, Stanford, Tapscott, Ward, Waters, Watson, White, Williams of Nash, Withers and Woodard—47.

Mr. Clark, of Craven, moved the blank be filled with the sum of $283 33\frac{1}{3}$. The question thereon was put and

Decided in the negative, {\text{Yeas}}.........................17
{\text{Nays}}..............................83

On motion of Mr. Liles,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Baxter, Branch, Bridgers, Clark of Craven, Clark of Davidson, Ewell, Ferguson, Fleming, Hall, Logan, Meares, Mendenhall, Simonton, Slade, Stanford, Waters and Woodard—17.

And the following in the negative, viz:

Whitehurst, Wilkerson, Williams of Nash, Wishart, Withers and Yeates—83.

Mr. Meares moved to fill up the blank with two hundred and fifty dollars, and the question thereon was put and

Decided in the negative, \{ Yeas.............................. 4 \\ Nays..............................83

On motion of Mr. Bowman,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Meares, Mendenhall, Slade and Woodard—4.
And the following in the negative, viz:

Mr. Clark, of Craven, moved to fill the blank with one hundred and seventy-five dollars, and the question thereon was put and

Decided in the negative, \{ Yeas..............................33 \\ Nays..............................61

On motion of Mr. Bynum,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Baxter, Booth, Branch, Bridgers, Clark of Craven, Crawford, Davis of Mecklenburg, Dickson, Ewell, Fagg, Ferguson, Harris, Hill, Hoke, Jordan, Latham, Lemmonds,

And the following in the negative, viz:


Mr. Jenkins moved the blank be filled with the sum of one hundred and fifty dollars, and the question thereon was put and

Decided in the affirmative; { Yeas ......................... 59
Nays ................................ 37

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Alfred, Autry, Bowman, Bynum, Cowles, Crumpler, Davis of Bladen, Davis of Rutherford, Donnell, Farrow
Mr. Clark, of Craven, moved to amend 44th line. Strike out "during good behavior," and insert "for the space of four years," and it was adopted.

Mr. Mendenhall, offered the following:

In 40th line after the word "state," insert "or before any justice of the peace, when the amount sued for is within the jurisdiction of justices of the peace by the laws of this State," and it was adopted.

Mr. March offered the following amendment:

"Be it further enacted, That no person shall be eligible to the office of adjutant-general who is not a regular graduate of West Point Military Academy or has been an officer of the regular army of the United States, above the rank of lieutenant," and it was not adopted.

S. 31, read, and Mr. Wilkerson offered the following:

Strike out "good behavior," in the third line, and insert "2 years." Mr. Meares offered an amendment which provided for an organization of an artillery regiment, and it was not adopted.

Mr. Davis, of Mecklenburg, the following, to wit:

"Be it further enacted, That the provisions of the first section of this act, shall not apply to the presidents or other executive officers of any railroad in this State, nor to the locomotive engineers, firemen, brakesmen, train hands or conductors on said railroads," and it was not adopted.

The remaining sections of the bill were then read, and adopted without amendment, and the question then recurring upon the passage of the bill,

Mr. Galloway offered the following amendment, viz:

"Be it further enacted, That at the drills provided for in the 6th section of this bill, all persons required to perform
On motion of Mr. Harris,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Autry, Barringer, Blue, Bowman, Bridges, Bullock, Burgin, Bynum, Clark of Davidson, Davis of Bladen, Davis of Halifax, Ewell, Farrow, Foy, Gaither, Green of Chatham, Green of Stanly, Guthrie, Harrington, Harris, Henry, Horton, Kelly, Latham, Marsh, Martin, Patterson, Poindexter, Potts, Russ, Withers and Yeates—32.
And the following in the negative, viz:

And the question, "Shall this bill pass the third reading?" was put and
Decided in the affirmative, { Yea...56 } Nays...42
On motion of Mr. Henry,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


On motion of Mr. Rogers,

(H. R. 436,) resolution concerning public squares in Raleigh, was made a special order for Monday at 12 o’clock.

Mr. Crumpler moved the bill, (H. 211,) concerning the Statesville and Tennessee Turnpike Company, be made the special order after the disposition of the bill of Mr. Slade, (H. 41,) to charter the Danville Railroad. Laid over one day under the rule.

Mr. Davis, of Mecklenburg, moved that (H. 158,) bill to charter the Industrial Savings Bank, be made a special order for Friday at 11 o’clock. Laid over one day under the rule.

The House then considered the resolution of Mr. White, proposing to extend the morning session until three o’clock, and the question being, “Shall the resolution be adopted?” was put and
Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots \ldots 20 \\
Nays \ldots \ldots \ldots \ldots \ldots 74 \}

On motion of Mr. Waters,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


A message was received from the Senate containing the report of the Directors of the Insane Asylum, and proposing to elect six directors of the Insane Asylum, on Friday next at 12 o'clock, and nominating Pride Jones, J. W. B. Watson, P. T. Henry, S. H. Rogers, Lawrence Hinton and J. E. Wilson for that office, in which the House having concurred, the Speaker appointed Messrs. Foy and Shober, to superintend said election on the part of this House.

A message was received from his Excellency, the Governor, informing the House of three vacancies in the Board of Trustees of the University. Ordered to be sent to the Senate with a proposition to print.

Also, another, transmitting resolutions of New Jersey,
Pennsylvania, Tennessee, Kentucky, Maine and Alabama.

Ordered, That the message and documents, excepting the resolutions of Pennsylvania, be sent to the Senate.

The House then resumed the consideration of (H. 41,) bill to charter the Greensboro' and Danville Railroad Company, until the hour arriving, the House took a recess until seven o'clock, P. M.

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Night Session—Wednesday, 6th February, 1861.

The House having reassembled, resumed the consideration of (H. 41,) the bill to charter the Greensboro' and Danville Rail Road Company, the question being, "Shall the bill pass the second reading?" when Mr. Galloway offered the following amendment, to wit:

Strike out the word "Danville," wherever the same occurs in the bill and title and insert, "Leakesville;" strike out in section 14, all over the word "to," and insert "Leakesville."

Strike out sections 15 and 33.

And the same were adopted.

The hour for the consideration of the bill, (H. 83,) arriving,

On motion of Mr. Fleming,

The same was postponed until 10 o'clock and 30 minutes, to-morrow.

And the House resumed the consideration of the bill (H. 41,) aforesaid, and the question pending, the hour for the adjournment arrived, and the House adjourned.

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Thursday, 7th February, 1861.

Prayer by the Rev. Mr. Tucker.

Recommendations of Justices of the peace were filed, read, adopted and sent to the Senate as follows, to wit:

By Mr. Slade, for the county of Rockingham.

By Mr. Small, for the county of Chowan.
Mr. Love, of Haywood, presented the proceedings of a meeting of the people in the county of Haywood, upon the subject of federal relations. Left upon the table.

The Speaker laid before the House the memorial of G. W. Hallock, of New York, a creditor of the Cape Fear and Deep River Navigation Company, praying for relief. Referred to the Committee on Claims.

On motion of Mr. Liles,

Ordered, That application be made to his Excellency the Governor, for twenty copies of the Revised Code, for the use of the House.

On motion of Mr. Merrimon,

Leave of absence was granted to Mr. Siler.

Mr. Yeates moved that a message be sent to the Senate proposing that both Houses of the General Assembly adjourn sine die on Friday next at 4 o’clock P. M.

On motion of Mr. Merrimon,

The same was referred to the committee on the subject of adjournment, there being counted yeas 40, nays 39.

On motion of Mr. Jenkins,

Leave of absence was granted Mr. Hill.

Mr. Bowman moved that the vote by which the House had yesterday passed the bill (106,) to provide a Military Code be reconsidered, and the question thereon was put and

Decided in the negative, \{ Yeas.........................57
\{ Nays.........................38

On motion of Mr. Bowman,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:


Reports were submitted, received and filed from standing committees as follows, to wit:

Mr. Hill, from the Committee on Banks and Banking, reported, (H. 183,) bill to establish the Manufacturers' Bank, with a special report and the recommendation the same do not pass.

Ordered, That the report be printed.

The report is as follows:

REPORT OF COMMITTEE ON THE MANUFACTURERS' BANK.

The committee to which was referred a bill to incorporate "The Manufacturers' Bank," have instructed me to report against the bill, for that the said bill inaugurates a system of banking heretofore discarded in this State, and repudiated by some other States that have tested it, to wit, having a circulation based almost and altogether on State bonds.

This bank proposes to be established on a capital stock of one million of dollars, and to commence operations when three hundred thousand dollars are subscribed, and on this sum only 20 per cent. is to be paid, or in other words $60,000. The charter further requires only one half of that sum, to wit, $30,000, "to be paid in specie or its equivalent," and the other half in "the coupon bonds of N. C." Your committee would suggest that the stockholders in this bank,
should this stock be taken, will be enabled by this charter, in the present financial disorders of the country, to put in operation a bank of one million, by paying sixty thousand dollars, one half in an "equivalent," and the other half in bonds that are worth only $80 in the hundred. What the stockholders would understand by the word "equivalent," it is not in the power of your committee to say.

The charter further proposes, that should the whole of the one million dollars be taken, that the rest of it shall be paid in like manner. Thus it will be perceived, that this bank proposes to issue notes for circulation twice the amount of its capital stock, and also hold real and personal estates to the amount of three millions of dollars, and yet, never pay one dollar of specie except at its own option, to justify this unheard of expansion, the whole being based on the bonds of North Carolina. Experience has taught, by sad experiment, many of the Northwestern States in 1836-'37, that note holders of banks based simply on State stock, rely on a delusive hope in the hour of financial difficulties, and which results only in loss to them, and embarrassment to the State.

Why is this? The charter provides, that if the bank refuses to redeem its notes in specie, the holder has to notify the Treasurer of each failure in his office. Then the Treasurer, after the notes have been protested, must notify the cashier or president of the bank to pay the same, and if they fail to do it, then after ten days notice, the Treasurer is to sell the State bonds to redeem the notes, after publishing the fact in three newspapers; and even then, this sale is not to take place to redeem these notes, unless the Treasurer shall be satisfied that there is no good and sufficient reason for the bank refusing to redeem them. Now this committee most respectfully submit, that the people who hold these notes, would, if they desired specie for them, rather than suffer this delay, undergo this trouble, and be at the expense of coming to Raleigh to the Treasurer's office, would hunt the note broker, and get rid of the currency that has within itself the seed of
Is it right that the Legislature should give its sanction to a corporation that the experience of other States teaches us, will finally result so disastrously to the people.

How will it embarrass the State? We are engaged in a system of internal improvement, for the execution of which, the bonds of the State are annually sold, and will continue so to be, for an indefinite future, to aid in their successful completion; and even now the State is unable to sell her bonds without a heavy discount to redeem her pledges to the various railroads. But suppose at the time her bonds for this purpose are offered for sale, this bank should refuse to redeem her notes, the treasurer would have to sell State bonds, pledged by this bank, for whatever he could get for them at public auction, for the redemption of these notes. So that the State would have to either fail in her pledges to the railroad, or put her own bonds in market in opposition to her own bonds owned by this bank, and forced into market for cash. It is humbly conceived that such a state of things would be disastrous to the State. And it is a matter of profound consideration for this legislature that if this bank should become finally insolvent, and the bonds of the State should not sell for par, to redeem the notes of this bank, whether good faith would not require the State to repay the note holders the amount of money lost from such a cause.

Whether this bank will ever become insolvent, your committee are unable to positively assert, but when this charter proposes as it does, to permit it to deal in gold, bullion, bills of exchange, promissory notes, bonds, notes of other banks, mint certificates, stocks and bonds that have been or may hereafter be issued by this State or the Government of the United States, or any future Government or Confederacy of which this State may be a member, the thought will naturally present itself to some that there might be such a thing as a little over trading.

This charter further proposes, that the notes of this bank for circulation shall have the same force and effect, as if issued
by a person in his private capacity. What legal effect would attach to these notes with this peculiar property belonging to them, your committee are not prepared to say, but precedent teaches us that no other bank in this State has a like provision, nor can there be presented a necessity for it.

Your committee further submit, that there is nothing in this charter that prevents any corporation from subscribing for the whole stock of this bank, and should any railroad hold any State bonds obtained in payment of the State subscription to said road, or in exchange of bonds, there would be combined a force and power too dangerous to be granted. The credit of the State would to some extent be in its keeping, having at its control as it would the bonds of the State. Persons who used the road for transportation or the facilities of the bank, might be oppressed and bent to its will, and thus injury and oppression would result where this Legislature intended only to promote the welfare and advance the interest of the citizens of North-Carolina.

The railroads of North-Carolina if generalized under a system, would be to the interest of this sovereign State, terrible; but join with it the banking strength, and there is a power within the State more terrible "than an army with banners."

Is it not the duty of this Legislature to keep them distinct, or so provide that the banks and railroads cannot join together under the sanction of the Legislature, and thereby destroy the great principle of this sovereign State of North-Carolina?

SAMUEL P. HILL,  
Chairman

Mr. Marsh gave notice that he would move to make bill (No. 360,) entitled "A bill to provide for the registration of Free Negroes," a special order for Thursday next, at 12 o'clock. Laid over one day under the rule.

Mr. Small gave notice that he would to-morrow move to
make (H. 255,) bill to amend charter of Edenton, a special order for Saturday at 10 o'clock.

Bills, etc., of the titles following being introduced, passed the first reading as follows, to wit:

By Mr. Marsh, from the Committee on Slaves and Free Negroes,

A bill (H. 457,) to authorize voluntary enslavements.

By Mr. Hayes, bill (458,) to provide for the selection of a county site for Clay county. To Propositions and Grievances.

By Mr. Ward, bill (459,) for the relief of certain free negroes. To the same Committee.

By Mr. Ward, bill (460,) for the relief of Stephen Donnel and others. To Propositions and Grievances.

By Mr. Wright, (H. R. 461,) resolution in favor of H. L. Myrover and others. To Claims.

The House resumed the consideration of the bill (H. 41,) to charter the Greensboro' and Danville Railroad Company.

Mr. Mendenhall moved to strike out the 5th section, and it was adopted.

And the question, "Shall this bill pass the second reading," was put and

Decided in the affirmative, \{ Yeas ......................... 50
\{ Nays ......................... 42

On motion of Mr. Batchelor,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Russ paired off with Mr. Davis, of Rutherford.

At 12 o'clock, the Speaker announced the special order. (H. 426,) bill to amend the Revenue Law.

Mr. Merrimon moved the same be postponed until Wednesday next.

Mr. Love, of Jackson, moved to postpone the further consideration of the same until Tuesday at 12 o'clock. Laid over one day under the rule.

The House proceeded to the consideration of the said bill section by section, and section 1 being read was adopted.

Section 2, clause 1, read, and Mr. Hayes moved to strike out "15" and insert "12\(\frac{1}{2}\)", and the question thereon was put and

Decided in the negative,

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tr>
<td>37</td>
<td>58</td>
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On motion of Mr. Hayes,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Barringer, Barrow, Batchelor, Baxter,
Clause 2 read.

Mr. Merrimon moved to amend, as follows:

"Insert after 'toll bridge' the words 'every toll gate on any turnpike road.'"

Mr. Hayes moved to strike out "two and a half per cent., and it was not adopted.

Mr. Foy moved to amend by adding "and every gate permitted by the county court to be erected across a highway, three dollars," and it was not adopted.

Mr. Lemmonds moved to add to section 2 "every incorporated gold, silver, lead, iron, coal and copper mining company, when the majority of the stock is, or may be, owned by non-residents of this State, shall be taxed one per cent. upon the gross receipts during the year," and this was adopted.

Clause 3 read.

Mr. Merrimon moved to amend as follows, to wit:

"Add 'and the person or persons holding any such subject of taxation shall list the same for taxation.'"

And it was adopted.

Mr. Crumpler offered the following:

"Add to clause 3, schedule A, 'and every resident of this State, who shall own bonds of the State of North-Carolina, or of any other State, shall be liable to a tax of 4 cents on every dollar of interest received from such investment.'"

And the question thereon was put and
Decided in the negative, \{ Yeas. \ldots \ldots \ldots \ldots \ldots 34 \} \{ Nays. \ldots \ldots \ldots \ldots \ldots 64 \}

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Crumpler offered the following:
"[And every person who shall own bonds of any other State than the State of North-Carolina.] Every person who shall, after the ratification of this Act, acquire any bond of the State of North-Carolina shall be liable to a tax of four cents on every dollar of interest received from such investments."

On motion of Mr. Person,
All that part in brackets, to-wit, the first clause of the above amendment, was stricken out, and the question being upon the amendment as amended,
Mr. Bridgers moved to amend as follows:
Provided, That no bond shall be sold for less than par value." And the yeas and nays being ordered thereon, the proposed proviso was withdrawn, and the question recurring,

On motion of Mr. Russ,

Leave of absence was granted Mr. Mendenhall.

Mr. Peebles offered the following amendment:

"And the Treasurer of the State shall retain in his hands for the benefit of the State the taxes thus due from non-resident bond holders; and he shall receive in compensation of his services thus rendered, the same commissions that are allowed sheriffs for the collection of taxes."

And the question being upon the amendment, the hour for the recess arrived.

Night Session—WEDNESDAY, 9th Feb., 1861.

The House having re-assembled, a message was received and read from the Senate transmitting the following engrossed bills and requesting the concurrence of the Senate, viz:

S. 462, bill to amend charter Western Railroad.
S. 465, bill to alter the rules of pleading, and for the relief of the people. Ordered to be printed.
S. 466, bill to alter the place of election in the 44th Senatorial district.
S. R. 467, resolution in favor of R. R. Heath and others.
S. 468, bill to charter the Albemarle Steam Packet Company.
S. 469, bill to amend charter of Lincolnton.
S. 470, bill to charter Orange Light Infantry.
S. 471, bill to amend charter of Asheboro.
S. 472, bill to provide for special magistrates in the county of Craven.
S. 473, bill concerning Reynoldson Institute, in the county of Gates.
S. 474, bill to charter the Davidson Copper Mining Company.
Each of which being read the first time passed the first reading.
The Senate transmitted certain recommendations of justices of the peace in the counties of Stanly and New Hanover.
Mr. Williams, of Nash, gave notice that he would to-morrow move to make H. 318a special order for Tuesday, 8 P. M.
Mr. Marsh gave notice that he would move to amend the rules so as to restrict the business of the night sessions to bills on the Calendar not especially ordered to be considered at another time.
The House then resumed the bill (H. 426,) to amend the revenue law—the question being upon the amendment of Mr. Peebles. And it was not adopted.
Then the question being upon the amendment of Mr. Crumpler,
Mr. Clark, of Craven, offered the following amendment thereto:
"And every person to whom, after the ratification of this Act, bonds of the State shall be issued, or by whom such bonds issued after the ratification of this Act shall be," etc.
And it was adopted.
Then the question recurring upon the amendment of Mr. Crumpler as amended,
Mr. Crumpler offered the following as a substitute:
"And every resident of this State owning any bonds of the State of North-Carolina, issued after the ratification of this Act, shall be liable to a tax of four cents on every dollar of interest received from such investment."
And the question thereon was put and
Decided in the affirmative, { Yea,..........................58
\{ Nays,..........................44

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Barringer, Booth, Bowman, Bullock, Bur-

And the following in the negative, viz:


The question recurring upon the clause 3, as amended, Mr. Peebles offered the following amendment to the same:

"Add or non-residents; and the treasurer of the State shall retain in his hands, for the benefit of the State, the tax due on the State bonds of said non-resident bond holders."

And the question thereon was put and

Decided in the affirmative,

Yeas .................................. 52
Nays .................................. 49

On motion of Mr. Peebles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Autry, Barringer, Barrow, Booth, Branch, Bynum, Cannady, Cheek, Clark of Craven, Cline, Crumpler, Davis of Halifax, Davis of Rutherford, Dickson, Ewell, Faison, Foust, Foy, Galloway, Green of Stanly, Guthrie, Harrington, Howard, Jenkins, Kallum, Latham, Lemmonds, Logan, McMillan, Mitchener, Newby, Padgett, Patterson,

And the following in the negative, viz:


The question recurring upon the clause as amended, Mr. Fleming moved to strike out the same, when Mr. White moved that the vote by which the House had adopted the amendment of Mr. Peebles be reconsidered, and it was adopted; when the question recurring upon the same, it was rejected.

Mr. Rogers moved that the vote by which the House had adopted the amendment of Mr. Crumpler be reconsidered, and it was adopted.

Then the question recurring upon the same amendment, was put and again Decided in the affirmative, yeas ..................... 56

Nays ..................... 43

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Booth, Bowman, Branch, Bullock, Burgin, Cannady, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Halifax, Davis of Rutherford, Folk, Foust, Gaither, Gorrell, Green of Stanly, Guthrie, Harris, Hayes, Howard, Horton, Jenkins, Jordan, Kelly, Latham, Liles, Logan, Love of Jackson, McCleese,
Clause 4 then being read, Mr. Person offered the following substitute, to wit:

"Every resident surgeon, district physician, lawyer, portrait or miniature painter, daguerrean artist, or other person taking likenesses of the human face; every commission merchant, factor, produce broker and auctioneer; every State and county officer, except judges of the Supreme and Superior courts; every president and cashier, or treasurer of any bank, railroad, or other incorporate company, whose annual total receipts and income, whether in money or otherwise, in the way of practice, salary, fees, wages, perquisites and emoluments, amount to or are worth one thousand dollars or upwards, one per cent. on such total receipts and income, and so much of clause 16, schedule A, (of the act of 1858–9,) as imposes a tax upon persons other than those herein named, is hereby repealed."

And the question being thereon, Mr. Clark, of Craven, offered the following:

"Provided, That the operation of this paragraph shall not apply to salaries and wages."

And it was not adopted.

Mr. Crumpler moved to amend the proposed substitute by
striking out ($1000) and inserting ($500,) and it was not adopted.

Mr. Bowman moved to strike out "lawyers," and it was not adopted.

And the question recurring,

Mr. Crumpler moved to reconsider the vote by which the House had stricken out a part of his amendment.

Mr. Latham moved the motion be laid upon the table, and the question was put and

Decided in the affirmative, 48

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


The question recurring upon the substitute of Mr. Person, Mr. Cannady offered the following amendment:

"Strike out $1,000, and insert $700," and a division being demanded, and the question put first on the motion to strike out, it was
Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & \quad 55 \\
\text{Nays} & \quad 34
\end{align*}
\]

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And then the question being on the motion to insert seven hundred dollars, was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & \quad 33 \\
\text{Nays} & \quad 55
\end{align*}
\]

On motion of Mr. Williams, of Nash,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

35
And the following in the negative, viz:


And the question being upon the substitute of Mr. Person, Mr. Meares moved to fill the blank with five hundred dollars, and the question being thereon, the Chair, (Mr. Fagg,) said the hour for the adjournment had arrived, and the House accordingly adjourned.

FRIDAY, 8th February, 1861.

Mr. Crumpler, presented the memorial of S. W. Scott and others. Referred to the Committee on Propositions and Grievances.

Reports were submitted, received and filed as follows:

Mr. Donnell, from the Committee on the Library, reported (H. 100,) bill concerning public printing, etc., with the recommendation the same do pass.

By Mr. Waugh, from the Committee on Corporations, (H. 268,) bill to charter the Cherokee Mining and Manufacturing Company, with amendments recommending the same do pass.

Mr. Ferebee, from the Committee on Education, (H. 425,) bill to charter N. E. Academy, in New Hanover, with the recommendation the same do pass.

H. 433, bill to charter the Mariner’s School of North Carolina, with the recommendation the same do pass.
Mr. Williams, of Nash, moved that the bill (318,) to establish the county of Dobbin, be made a special order for Tuesday morning, and it was not adopted.

On motion of Mr. Small,
S. 468, was made a special order for to-morrow at half past ten o'clock.

Mr. Yeates moved that a message be sent to the Senate, proposing to adjourn sine die, on next Saturday week at 2 o'clock.

Mr. Merrimon moved the same be referred to the committee on the adjournment.

Mr. Person moved the same be laid upon the table, and the question thereon was put and

Decided in the negative, \{ Yeas.........................49
Nays..........................53

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

The question was then taken upon the motion to refer, and it was adopted, there being counted yeas 51, nays 36.

Mr. Jenkins introduced the following resolution, to-wit:

"Resolved, That no member of this House shall speak longer than five minutes on any question."

Mr. Wilkerson moved the same be laid upon the table, and it was not adopted.

Mr. Hayes offered the following substitute:

"Resolved, That no member shall hereafter be allowed to detain this House, by speaking, more than fifteen minutes on any subject, and that the Speaker will be pleased to cause this rule to be strictly adhered to during the remainder of the session."

Mr. Martin moved to amend the resolution by striking out "five," and insert "ten," and it was adopted.

Mr. Hayes' substitute being then withdrawn, the resolution so amended was adopted.

Mr. Newby offered the following resolution:

"Resolved, That the Committee on Adjournment be requested to report on to-morrow a suitable day for the adjournment of both Houses of the General Assembly."

And it was adopted.

Mr. Fleming, pursuant to notice, moved to confine the consideration of the revenue bill to the day sessions of the House, and the question being thereon,

Mr. Newby moved the same be laid upon the table, and the question was decided in the negative, there being counted yeas 41 and nays 41, and the Speaker voting in the affirmative.

Bills, etc., of the titles following being introduced, passed the first reading as follows, to-wit:

By Mr. Donnell, on the part of the Committee on the Public Library, (H. R. 475,) resolution concerning the Legislative and Public Libraries. Read also the second and third readings, passed and was ordered to be engrossed and sent to the Senate.
By Mr. Crumpler, a bill (H. 476,) concerning public roads in Ashe and Alleghany.

By Mr. Latham, a bill (477,) to amend Revised Code, chapter 107, Slaves and Free Negroes.

By Mr. Waters, a bill (H. 478,) to cede a portion of Rutherford to Cleaveland county. To Propositions and Grievances.

By Mr. Yeates, a bill (H. 479,) in favor of sureties of E. L. Dunstan and others.

By Mr. Latham, a bill (H. 480,) to alter the time of elections in the county of Washington.

By Mr. Foy, a bill (H. 481,) to repeal prohibitory liquor laws. To Judiciary.

Recommendations for justices of the peace in various counties of the State were filed, as follows:

By Mr. Tapscott, a list for the county of Alamance,

By Mr. Simonton, a list for the county of Iredell,

By Mr. Green, of Franklin, a list for the county of Franklin,

Each of which being read, was adopted, and ordered to be sent to the Senate.

A message was received from the Senate recommending certain persons as justices of the peace for the county of Cumberland, and it was concurred in and sent to the Governor.

Mr. Hayes gave notice that he would to-morrow move to call up H. 22 and make it the special order for Tuesday at 8 P. M.

Mr. Russ moved that the bill (H. 318,) be recommitted to the Committee on Propositions and Grievances, and it was not adopted.

Mr. Russ then moved that the bill be made the special order for Wednesday night, and it was not adopted.

Mr. Bullock introduced the following resolution:

"Resolved, That no bill shall be introduced from and after Monday next, unless a majority of the House concur therein." Laid over one day.
The House resumed the consideration of (H. 426,) the bill to amend the revenue law, the question being upon the motion of Mr. Meares to insert $500 in the substitute of Mr. Person, and it was not adopted.

Mr. Williams, of Nash, moved to insert $675, and it was not adopted.

Mr. Jenkins moved to insert $600, and it was adopted.

The question recurring on the substitute as amended, Mr. Davis, of Rutherford, moved to amend by striking out the words "except Judges of the Supreme and Superior Courts," and the question thereon was put and

Decided in the negative, \{ Yeas ........................................25
\} Nays........................................76

On motion of Mr. Davis, of Rutherford,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Latham offered the following as an additional clause, to wit:

Section 27, clause 12, laws of 1858-'9, 'strike out fifty and insert one hundred dollars.'

And it was adopted.

Mr. Latham moved to strike out in section 27, clause 15, LL. 1858-'9, the word "pistol," and the question thereon was put and

Decided in the negative, Yeas .......................... 6
Nays .......................... 92

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Newby moved to amend, as follows:

"Provided such tax does not apply to those arms owned by persons on patrol duty."

And it was not adopted.
Mr. Davis, of Mecklenburg, moved to amend section 27, chapter 14, LL. 1858-'9, page 58, by inserting after the word "value" the words "except such as are now used by locomotive engineers and conductors on the railroads of this State."

And it was not adopted.

Clause 5 read and adopted.

Mr. Wilkerson moved to amend section 27, clause 17, LL. 1858-'9, page 36, by striking the same out, and inserting as follows: "Every resident of the State that brings into this State, or buys from a non-resident, whether by sample or otherwise, any spiritous liquors, wines or cordials, 5 per cent. on the amount of his purchases, and every person that buys any spiritous liquors, wines or cordials, from a resident of this State, 3 per cent. on the amount of his purchases; and this paragraph, as amended, is hereby transferred to schedule "B," and the tax imposed by it shall hereafter be given in and paid under the same rules, regulations and penalties as are hereby prescribed in case of merchant's tax."

And the question being thereon, and a division demanded, the question was first put on the motion to strike out, and it was not adopted.

Mr. White offered the following amendment:

"Section 2, clause 5, of the amended bill, strike out, after the word "as," in the first line, the words following, viz: "limits the tax upon wines, spirituous liquors and cordials to such only as are intended to sell again," and insert "imposes a tax upon wines, spirituous liquors and cordials made in this State."

And the question thereon was put and

Decided in the affirmative, { Yeas..........................63

On motion of Mr. White,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Autry, Barringer, Barrow, Batchelor, Booth,

And the following in the negative, viz:


Section 2, clause 6 read.

Mr. Merrimon offered the following: add

"Provided, nevertheless, That the county court, for good cause shown, may authorize any executor or administrator to make such return without setting forth the names of the persons entitled."

And it was not adopted.

Mr. Rogers the following:

"Insert in the 4th line, after the word 'fourth,' the words 'as nearly as he can.'"

And it was adopted.

Section 3, clause 1 read.

Mr. Hoke moved to amend by striking out, in line three, the words "one thousand dollars," and insert "three hundred dollars," and a division being demanded, the question was put on the motion to strike out, and

Decided in the affirmative, {Yeas..........................80}
{Nays..........................22}
On motion of Mr. Clark, of Craven,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


The question was then put, upon the motion to insert $300, and it was not adopted.

Mr. Ward moved to insert $500, Mr. Davis of Mecklenburg $800, Mr. Liles $700, and the question being thereon, the blank was ordered to be filled with the sum of "(500,) five hundred dollars,"

And the question recurring, the clause was adopted.

Clause 2, read and adopted.

On motion of Mr. Hoke,

Leave of absence was granted Mr. Williams of Nash, until Tuesday.

On motion of Mr. Ward,
Similar leave to Mr. Ewell.
On motion of Mr. Rogers,
Similar leave to Mr. Wright.
On motion of Mr. Williams of Nash,
Similar leave to Mr. Antry.
On motion of Mr. Carson,
Similar leave to Mr. Yeates.
House resuming Clause 3, read and,
On motion of Mr. Rogers,
Stricken out.
Clause 4, read, Mr. Person moved to strike out, "three thousand," in line 7, and insert the words, fifteen hundred dollars."
And it was adopted.
And the hour having arrived, the house took a recess until 7 o'clock P. M.

Night Session—FRIDAY, 8th February, 1861.
The House having reassembled, by unanimous consent, Mr. Poindexter introduced bill (H. 482,) to amend Revised Code, chapter 24, "Constables." Read and passed the first reading.
And the House resumed the consideration of, (H. 426,) to amend the Revenue Law, when the following proceedings were had, to wit:
Section 3. Clauses 5 and 6, read and adopted, Clause 7 read and adopted, Clause 8 read and Mr. Clark, of Craven, offered the following amendment, to wit:
"Provided, That no tax shall be imposed on clothing of the manufacture of this State."
And it was adopted.
Mr. Gorrell offered the following amendment:
"And the same tax as is now imposed on dealers in ready made clothing, shall be imposed on all clothing, (for males,)
sent to this from other States, and said tax shall be collected from the persons for whose benefit such clothing shall be sent."

And it was not adopted.

Mr. Foy, from the committee to superintend the election of Directors for the Insane Asylum, reported that 137 votes had been counted in said election, of which

Doctor Pride Jones had received 87; Doctor P. T. Henry 61; S. H. Rogers 91; L. Hinton 63; E. Yarboro' 3; Doctor J. M. Carson 2; G. A. Carter 1; James Calloway 2; J. M. Cannon 1; J. W. B. Watson 73; James E. Williams 18; Doctor J. E. Williamson 56; Charles Hinton 4; W. S. Copland 43; Thos. Hogg 37; Doctor Benjamin Robinson 1; P. F. Pescud 1; E. Cantwen 2; C. H. Jordan 2; E. G. Read 1; J. W. Bowman 1; S. J. Person 1; Doctor E. W. Ward 2; J. J. Fagg 6; G. W. Autry 1; Doctor Howard 1; John A. Luter 1; Doctor R. S. Primrose 8; D. T. Taylor 2; Doctor Caleb Winslow 1; William Blount 1; L. F. Siler 1; Samuel T. Williams 1; W. N. H. Smith 1; Jonathan Worth 5; H. B. Short 4; Doctor P. P. Peace 1; G. N. Carter 1; S. L. Love 1; Gen. E. W. Haywood 2; Doctor D. C. Mebane 3; W. T. Dortch 2; W. W. Holden 1; A. M. Lewis 1; Doctor P. C. Caldwell 1; Charles Manly 1; D. G. Fowle 1.


The House resuming, Clause 8, was read. Mr. Love of Jackson offered the following amendment:

"Ten per cent if purchased in the Northern States, and one per cent if purchased in the Southern States."

Mr. Davis, of Mecklenburg, moved to amend the same by striking out "ten," and inserting "twenty," per cent.

And it was not adopted.

The amended amendment was not adopted.

Mr. Rogers offered the following amendment:
"No tax shall be imposed on merchants, grocers or traders for their purchases of sugar, molasses, coffee, salt, iron, spice, pepper, ginger, indigo, cotton yarn, wool and domestic cloths, and so much of paragraph 19, schedule B. LL. 1858-'59, page 51, as conflicts herewith, is hereby repealed."

And the question thereon was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 86 \\
\text{Nays} & : 6
\end{align*}
\]

On motion of Mr. Rogers,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Clause 9 read, and

Mr. White offered the following substitute therefor, viz:

Strike out and insert: "The tax imposed in paragraph (25) upon restaurants who sell spirituous liquors, wines and cordials, manufactured in this State, in quantities from one quart to one barrel, is hereby repealed."

And a division being demanded, the question was first put upon the motion to strike out and
Decided in the affirmative, {Yeas......................51
Nays................................31

On motion of Mr. Foy,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Batchelor, Blue, Booth, Bowman, Branch, Bullock, Bynum, Cannady, Davis of Mecklenburg, Dickson, Farrow, Ferguson, Galloway, Green of Chatham, Harris, Hayes, Jenkins, Kelly, Latham, Logan, McMillan, Merrimon, Patterson, Peebles, Person, Shaw, Small, Stanford, Tapscott, Winslow, Wishart and Yeates—31.

The question recurring upon the insertion of the substitute of Mr. White,
Mr. Foy offered the following amendment, to-wit:
Insert the word "imported" after the word "sell," and before the word "spirituous."

And the question thereon was put and

Decided in the affirmative, {Yeas............................4
Nays................................85

On motion of Mr. Foy,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
Messrs. Alfred, Barringer, Barrow, Batchelor, Baxter,
And the question recurring upon the substitute of Mr. White, Mr. White had leave to modify the same by striking out the words, "in quantities from one quart to one."

Mr. Crumpler moved to amend the same, by adding before the words "one barrel," the words "one quart."

And the question thereon was put and

Decided in the negative, { Yeas .........................29
{ Nays ..............................56

On motion of Mr. Crumpler, The yeas and nays being ordered, The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Batchelor, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Clark of Craven, Clark of Davidson, Crawford, Crumpler, Davis of Mecklenburg, Dickson, Donnell, Ferguson, Ferebee, Foust, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly,

Then the question recurring upon the substitute of Mr. White, was put, and

The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Bridgers paired off with Mr. Hoke; Mr. Clark, of Craven, paired off with Mr. Rogers.

But the hour for the adjournment having arrived, before the result was announced, the House adjourned.

SATURDAY, 9th February, 1861.

Prayer by the Rev. Dr. Smedes.

On motion of Mr. Merrimon,

Leave of absence was granted to W. M. Hardy, Assistant Clerk of the House, until Tuesday next.

The House considered under a special order (H. 255,) bill
to amend the charter of Edenton. And the same being read the third time passed the third reading.

On motion of Mr. Waters,

"Resolved, The Senate concurring, that we adjourn *sine die* on Tuesday, the 20th instant, at 6 o'clock, A. M."

Reports were submitted, received and filed from Committees as follows, viz:

Mr. Blue, from the Committee on Claims, reported the memorial of G. W. Hallock, of New York, praying for relief against the Cape Fear and Deep River Navigation Company, recommending the petition be not granted.

Also, the memorial of Alexander Elliott and Jesse G. Shepherd, asking to be discharged from the further consideration thereof. In this request the House concurred.

Also, the memorial of Henry Bagley, recommending the same be granted.

By Mr. Waugh, from the Committee on Corporations, reported (H. 269,) bill to charter the Peach-Tree Paint and Mineral Company, with an amendment, and the recommendation the same do pass.

By Mr. Blue, from the Committee on Claims, (H. R. 301,) resolution in favor of Henry Bagley, with the recommendation the same do pass.

H. R. 428, resolution in favor of E. B. Freeman, with the recommendation the same do pass.

H. R. 429, in favor of Henry J. Brown and others, with the recommendation the same do pass.

On motion of Mr. Waters,

The House reconsidered the vote adopting the resolution to fix the 20th of February for the adjournment *sine die*, and the question recurring,

On motion of Mr. Waters,

The same was postponed until Monday at 10 o'clock and 30 minutes, A. M.

Mr. Liles introduced the following resolution, to-wit:

36
"Resolved, That from and after Monday next the House hold afternoon sessions from 3½ to 6½ o'clock."

Laid over under the rule.

On motion of Mr. Bynum,

The motion to reconsider the vote by which (H. 25,) the bill concerning Chatham county had been indefinitely postponed was taken up and postponed until Monday.

Mr. Waters filed a recommendation for justices of the peace in the county of Cherokee, in which the House having concurred, it was transmitted to the Senate.

On motion of Mr. Shoher,

And pursuant to previous notice, the House considered the bill (S. 333,) to charter Valley Mining Company. And the same being amended, on motion of Mr. Person, so as to strike out "one director" to be residents, etc., and insert "two" directors, to be residents of the State, and to strike out "sixty years," in the last section, and insert "thirty years." Passed the second and third readings, and the same was ordered to be returned to the Senate.

Also, S. 395, to charter the North Carolina and Baltimore Copper Mining Company, and (S.) bill to charter the Silver Valley Mining Company. Passed the second and third readings, similar amendments thereto being adopted, on motion of Mr. Person, and the Senate were informed thereof and requested to concur.

Bills, etc., of the titles following then being introduced and read the first time, passed the first reading as follows, to-wit:

By Mr. Rogers, a resolution (H. R. 483,) in favor of Graham Daves.

From the Senate, bill (S. 485,) to charter the Green Swamp Company.

On motion of Mr. Meares,

The rules being suspended, this bill passed also the second and third readings, and was ordered to be enrolled.

From the Senate, a bill (S. 486,) to amend the charter of the Wilmington and Weldon Railroad Company.
Mr. Stanford gave notice that on Monday he would move to make this bill the special order for Wednesday at 12 o'clock.

By Mr. Ferebee, a bill (H. 487,) to charter the Jonesboro' Division Sons of Temperance.

By Mr. Hayes, a bill (H. 488,) to restore jury trials in the county of Cherokee. And the same being first amended,

On motion of Mr. Person,

This bill also passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

By Mr. Fleming, bill (489,) in favor of the county courts of Rowan. Passed the second reading.

By Mr. Merrimon, a bill (490,) to charter Blackmer Lodge. Referred to Private Bills.

By Mr. Dickson, a bill (491,) to alter the line between the counties of Watauga and Caldwell.

By Mr. Williams, of Pasquotank, a bill (492,) to exempt overseers from military duty. To Judiciary.

By Mr. Galloway, a bill (493,) in favor of the Rockingham Coal-Fields Railroad.

By Mr. Gorrell, a resolution (H. R. 494,) authorizing the Governor to offer a certain reward of $1,000. And,

On motion of Mr. Gorrell,

This bill was also passed the second and third readings and ordered to be engrossed and sent to the Senate.

The House, under a special order, considered (S. 453,) a bill to provide tax collectors in certain counties. And the same being first amended, so as to include the counties of Johnston, Madison, Orange, Cherokee, Henderson, Pitt, Chatham, Bertie and Surry, passed the second and third readings, and was ordered to be sent to the Senate for the concurrence of that body therein.

Mr. Person moved that the House consider the bill (S. 393,) to remit certain forfeitures of charter privileges incurred by the La Grange Mining and Manufacturing Company, and it was not adopted.
Mr. Person then filed with the Clerk notice that, on Saturday, he would renew the motion.

A message was received from the Senate concurring in the amendments to the bills to charter the Davidson Copper Mining Company; the Baltimore and North-Carolina Copper and Gold Mining Company, and the Silver Valley Mining Company; also in the amendments proposed to the bill to appoint certain tax collectors.

The Senate also transmitted the memorial of Thomas C. Fuller and other citizens of Cumberland, opposed to a further stay of executions upon civil judgments at law, etc., which was read and left on the table.

And the Senate also transmitted a recommendation of justices in the counties of Sampson and Wayne, in which the House concurring, the same was sent to the Governor for appointment.

Private bills of the titles following then being read the third time, passed the third reading, and were ordered to be engrossed and sent to the Senate, to-wit:

H. 82, bill to charter the Chatooga Gold Mining and Aqueduct Company.
H. 127, bill to amend the charter of Franklin, in the county of Macon.
H. 161, bill in favor of Celia Lynch and John T. Watson.
H. 163, bill to charter the LaFayette Light Infantry.
H. 166, bill concerning county courts in Columbus.
H. 181, bill to amend charter of the State Agricultural Society.
H. 187, bill to amend charter of the Iredell Blues.
S. 203, bill for the relief of the sureties of the late sheriff of McDowell.
S. 204, bill to charter the Buncombe Riflemen. Ordered that they be enrolled.
H. 216, bill to charter the Fayetteville Mill Company.
H. 219, bill to charter Richland Institute, in the county of Haywood.
H. R. 24, resolution in favor of Jesse McGee.

H. 233, bill to charter the Concord Copper Mining Company, the same being first amended on motion of Mr. Person.

H. 234, bill to charter the Hornet's Nest Riflemen,

H. R. 238, resolution in favor of Calvin Bishop.

H. R. 240, resolution in favor of L. N. B. Battle.

H. 242, (b) bill in favor of James H. Allen, sheriff of Brunswick, the same being first amended on motion of Mr. Waugh, so as to include William Haymore and Jesse A. Reeves.

S. R. 244, resolution in favor of John Pate. Ordered to be enrolled.

H. 247, bill in favor of Wright Locus.

H. 248, bill to charter the Salem Camp Ground.

H. 250, bill to charter the Patterson Manufacturing Company.

H. 251, bill to amend charter of Laurel Fair.

H. 252, bill to charter Cross Creek Academy.

H. 253, bill to charter the Fayetteville Gas Light Company.

H. 254, bill concerning Court of Wardens in Northampton.

H. 255, bill to amend charter of Edenton.

H. 257, bill to charter Yadkin College in Davidson.

H. 258, bill to abolish jury trials in the county of Polk.

H. 260, bill to charter the Greensboro' Cemetery.

H. 266, bill to prohibit the sale of spirituous liquors in the county of Chatham, the same,

On motion of Mr. Bowman,

Being first amended so as to include the counties of Yancey and Cherokee.

H. 267, bill to charter the Tokay Wine Company.

H. 270, bill to authorize the sale of old jail in Wilkes.

H. R. 274, resolution in favor of Ruben King, sheriff of Robeson.

H. 287, bill concerning jury trials in Cleaveland county,
the same being first amended, on motion of Mr. Hayes, so as to strike out the county of Cherokee.

H. 290, bill to charter Warren Lodge 101, of A. Y. F. M.
H. 291, bill to provide a military corps in Washington.
H. R. 295, resolution in favor of Clark Byrd.
H. 298, bill to amend the charter of the town of Asheville.

Mr. Peebles, from the Committee on Enrolled Bills, reported, as follows, to wit:

"The Committee on Enrolled Bills have carefully examined the roll of an act entitled an act for the protection of Haywood Male and Female Academies, with the original engrossment, and find the same truly enrolled and ready for the signature of the Speaker, and he presented similar reports in behalf of the following other entitled acts, to wit:

"The act to incorporate the Judson Female College, in the town of Henderson.

"An act to change the places of holding the Court of Wardens of Northampton county.

"An act to prevent the felling of timber in certain streams in Iredell county.

"A resolution in favor of Daniel Willis and David Lewis."

Upon which the Speaker signed the said acts and rolls in the presence of the House.

Ordered they be transmitted to the Speaker of the Senate.

A bill entitled (H. 136) a bill to amend the charter of Windsor, then being read the second time, did not pass the second reading.

H. 176, bill to charter the Bladen Guards was read the second time and passed over informally.

When the hour for the adjournment arriving, the Speaker laid before the House an invitation from Rev. Dr. Smedes, to divine service at St. Mary's Chapel, on to-morrow at 11 A. M., and then the House adjourned.
MONDAY, 11TH FEBRUARY, 1861.

Prayer by the Rev. Mr. Atkinson.

The Speaker announced the following Committee, viz:
On Enrolled Bills, Messrs. Batchelor, Blue, Davis of Mecklenburg, Galloway and Harris.

Mr. Farrow presented the memorial of citizens of Hyde, upon the subject of the pilot laws. Read and referred to the Committee on Propositions and Grievances.

Mr. Hanes presented a recommendation of justices of the peace for the county of Davidson.

Mr. Burgin, a similar recommendation for justices in the county of Davidson.

Both of which were read and adopted.

Mr. Person presented the memorial and proceedings of a meeting of merchants and others in Wilmington, N. C., upon the subject of a stay law. Read and left on the table.

Bills, etc., of the titles following then being introduced and read the first time, passed the first reading, and other proceedings were had as follows, to wit:

By Mr. Branch, a resolution (H. R. 495,) concerning the distribution of the Revenue Code, passed the second and third readings.

Ordered, to be engrossed and sent to the Senate.

By Mr. Rogers, a resolution (H. R. 496,) in favor of Wm. Watson, passed the second and third readings.

Ordered to be engrossed and sent to the Senate.

By Mr. Love, of Jackson, bill (H. 497,) to change the county line between Macon and Jackson.

The House then considered the resolution of Mr. Waters, upon the subject of an adjournment, and the same being again read, Mr. Merrimon moved the same be postponed until Friday next, and it was adopted, there being counted yea's 59.

Mr. Love, of Jackson, introduced the following resolution:
"Resolved, That the House devote Thursday evening next to the consideration of business on the private calendar."
Laid over one day under the rule.

On motion of Mr. Stanford,

H. 486, the bill to authorize a branch road to the Wilmington and Weldon Rail Road, not ordered to be printed.

Mr. Stanford filed notice that on to-morrow or some subsequent day he would move to make this bill the special order for Thursday next at 12 o'clock.

Other notices were filed with the Clerk as follows, viz:

By Mr. Fleming, that on to-morrow at 11 o'clock, he would move to take up the bill to amend the charter of the North Carolina Railroad.

By Mr. Meares, that he would to-morrow move to take up the same bill, and also the Senate bill for a branch from the Wilmington and Weldon Rail Road, and the bill to charter the North-Carolina Marine School.

By Mr. Rogers, that he would move to take up the resolution concerning Public Squares in Raleigh, at 11 o'clock and 30 minutes, Wednesday.

By Mr. Person, that a motion will be made on to-morrow to take up the engrossed bill from the Senate, concerning the Wilmington, Charlotte and Rutherford Rail Road, and put it upon its several readings.

By Mr. Fleming, that on to-morrow at eleven o'clock he would move to take up the engrossed bill from the Senate to amend charter of the Western North-Carolina Rail Road Company.

By Mr. Simonton, that he will move to-morrow at 12½ o’clock to take up the unfinished business, bill (135,) entitled a bill to amend the charter of the Atlantic, Tennessee and Ohio Rail Road Company.

By Mr. Crumpler, that he would move at 10 o’clock and 45 minutes to-morrow, to take up the bill for the Statesville and Tennessee Turnpike company.

By Mr. Slade, that immediately after the passage of the Revenue bill a motion will be made to take up and consider
the bill to amend the charter of the Rockingham Coal Field Rail Road.

The House resumed the consideration of the bill (H. 426,) to amend the Revenue Law of 1858-'59, when the following proceedings were had.

Clause 4 read, and Mr. Rogers offered the following amendment:

"No tax shall be imposed on citizens of North-Carolina, who deal in or put up lightning rods, and all laws coming in conflict with this provision are hereby repealed."

And it was not adopted.

Mr. Martin offered the following, amend 25th paragraph under Schedule B, so as to read as follows:

"Every non resident who puts up lightning rods shall be liable to the same tax as pedlars, but it shall not be necessary for such persons to obtain from Court a license, and that every thing else in said 25th paragraph in Schedule B., is hereby stricken out."

And it was not adopted.

Mr. Crawford offered the following amendment:

"Be it further enacted, That 22d section of schedule B, of the act passed at the session of General Assembly, for 1858-'59, an Act entitled Revenue, (being a tax imposed upon horse and mule drovers) be, and the same is hereby repealed."

And it was not adopted, and the schedule and section were adopted.

Section 4, schedule C read, and being considered with the same schedule in the act proposed to be amended,

Mr. Person offered the following amendment:

Section 93, schedule C, clause 3, page 37, LL., 1858-'59, shall be amended to read as follows, viz:

"The president and cashier of the banks herein named, on or before the first day of October in each year, shall pay into the public treasury the following tax on each share of stock owned by individuals or corporations, to wit:
The Merchants' Bank of Newberne, 25 "
The Bank of Wadesboro', 12½ "
The Bank of Fayetteville, 12½ "
Commercial Bank of Wilmington, 25 "
Farmers Bank of North-Carolina, 25 "
Bank of North-Carolina, 60 "
Bank of Lexington, 30 "
Miners and Planters Bank, 30 "
Bank of Commerce, 30 "
Bank of Clarendon, 30 "
Bank of Cape Fear, 60 "
Bank of Wilmington, 60 "
Bank of Charlotte, 12½ "
Bank of Salisbury, 60 "
Bank of Yanceyville, 25 "

And any other which may be chartered by this or any future General Assembly 60 cents on the share of one hundred dollars of such stock, and that proportion for shares of a less sum. And in case the said officers of any bank shall neglect or fail to pay the tax as herein required, said bank shall pay double the amount of said tax, and the same shall be sued for and recovered by the Attorney-General in the name of the State, in the Superior Court of the county of Wake.''

And it was adopted.

Section 4, clause 1 of the amendments proposed by the Committee, then being read,

Mr. Poindexter offered the following amendment:

"So much of paragraph 5 as imposes a tax on deeds in trust, made to secure debts or liabilities, and every other deed conveying title to real estate, when the consideration is three hundred dollars or upwards, is hereby repealed."

And it was not adopted.

Mr. Love, of Jackson, moved to amend LL. 1858, chapter 25, section 3, by striking out the words "or supposed to exist" in the fifth line of said section.
And it was not adopted.

Mr. Love, of Jackson, moved to amend LL. 1858, chapter 25, section 33, clause 5, by striking out the words "marriage license," and it was not adopted. The clause was then adopted. Clause 2 read and adopted.

Section 5 of the proposed amendments read, and Mr. Ward moved to amend by striking out "the tenth of April," and inserting the "tenth of May," and it was not adopted.

And thus the several sections and clauses contained in the said bill to amend the revenue law, etc., being now read, the question recurred, and was put "Shall this bill, viz: H. 426, to amend the revenue act of 1858-'59, as thus amended, pass the second reading?" and it was

Decided in the affirmative, \{ Yeas ...................... 79
Nays ...................... 13

On motion of Mr. Clark, of Craven.
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
A message was received from the Senate, proposing to appoint an additional committee on enrolled bills, and the House having concurred therein, the Speaker appointed Messrs. Rogers, Stanford, Latham, Russ and Crumpler on the part of the House.

A message was received from His Excellency, the Governor, communicating the arrival and credentials of the Hon. Samuel Hall, Commissioner from the State of Georgia, which being read,

On motion of Mr. Person,

Resolved, That the Governor's message be sent to the Senate with a proposition to raise a joint committee of three on the part of the House, and two on the part of the Senate, to make suitable arrangements for the reception of the Hon. Samuel Hall, Commissioner from the State of Georgia; and that in the mean time, the freedom of the two Houses be extended to him.

The message having been sent accordingly, the Speaker stated the question under the general order adopted with reference to the revenue bill to be, "Shall this bill pass the third reading?" and the House proceeded to consider the same, section by section. And section 1 being read the third time passed.

Section 2, clause 1, read, and

Mr. Clark, of Craven, moved to strike out the word "fifteen" in the 2nd line, and the question thereon was put and

Decided in the negative, { Yeas........................................46
Nays........................................47

On motion of Mr. Clark, of Craven,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Fagg, Ferebee, Folk, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Hayes, Henry, Howard, Horton, Jordan,

And the following in the negative, viz:

Mr. Speaker, Messrs. Barringer, Barrow, Baxter, Booth, Branch, Bridgers, Bullock, Cannady, Check, Cline, Crawford, Davis of Bladen, Davis of Halifax, Ewell, Ferguson, Fleming, Foy, Green of Franklin, Hall, Harris, Hoke, Jenkins, Kallum, Lemmonds, Logan, Love of Haywood, McMillan, Meares, Padgett, Pearson, Peebles, Person, Pope, Potts, Shaw, Slade, Stanford, Tapscott, Ward, Waters, Watson, White, Wilkerson, Williams of Cumberland, Wishart and Withers—46.

Clause 2 read, and

Mr. Rogers moved to strike out the words "two and a half" in the first line, and insert "one per cent.," and a division being demanded, the question was put first on the motion to strike out, and

Decided in the negative

<table>
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<th>Yeas</th>
<th>Nays</th>
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<td>18</td>
<td>68</td>
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On motion of Mr. Rogers,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barringer, Barrow, Baxter, Booth, Branch, Bridgers, Bullock, Burgin, Cannady, Carson, Check, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Ewell, Fagg, Ferguson, Folk, Foust, Foy, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Harris, Hayes, Howard, Hoke, Horton, Jenkins, Kallum, Kelly, Latham, Lemmonds, Love of Haywood,

Mr. Hayes moved to amend the second part of clause 2 by striking out "one per cent." in the last line, and inserting the "one fourth of one per cent.," and a division being demanded, the question was first put upon the motion to strike out and it was adopted, there being counted yeas 47, nays 32. And then the question being upon the motion to insert "one fourth of one per cent.,"

Mr. Cannady moved to amend the amendment by striking out and inserting "one half of one per cent.," and it was not adopted, and the question recurring, the amendment was adopted.

Mr. Love, of Jackson, moved to strike out the second paragraph of clause 2, being the amendment concerning the tax upon mining companies, etc., and it was not adopted.

Mr. Ferebee moved to add as follows, to-wit:

"Every taxable poll sixty cents."

And the question thereon was put and

Decided in the negative, { Yea. s..........................11
{ Nays ........................................79

On motion of Mr. Ferebee,
The yeas and nays being ordered,
The following voted in the affirmative, viz :


And the following in the negative, viz:

Messrs. Alfred, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Burgin, Cannady, Carson, Cheek, Clark of Craven, Cline, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Dickson, Ewell, Fagg,
Mr. Foy offered the following amendment to LL. 1858-'59, schedule A, section 27, line 3 and line 5, strike out "15," and insert "5," and it was not adopted.

A message was received from the Senate, concurring in the proposition to raise a joint select committee of arrangements for the reception of the Hon. Samuel Hall, Commissioner of Georgia, and announcing Messrs. Hall and Arendell on their part, whereupon the Speaker appointed Messrs. Person, Green, of Franklin, and Blue, on the part of the House.

The Senate also informed the House of the appointment of Messrs. Stubbs, Street and Spencer, on the part of the Senate, to the joint committee on enrolled bills.

Mr. Person offered an amendment to be added to those of the committee, and to constitute clause 4, of section 2, schedule A, and the question thereon was put and

Decided in the affirmative, \{ Yeas ...................... 87
Nays ...................... 5

On motion of Mr. Person,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Barringer, Barrow, Batchelor, Baxter, Blue, Booth, Bowman, Bridgers, Bullock, Burgin, Cannady, Carson, Cheek, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Dickson, Ewell, Fagg, Farrow, Ferguson, Ferebee, Fleming, Folk, Foust, Foy, Gaither, Galloway, Gorrell, Green of

And the following in the negative, viz:

Messrs. Clark of Craven, Davis of Mecklenburg, Davis of Rutherford, Donell and Withers—5.

Clause 6 read. Mr. Wilkerson moved to amend by adding thereto as follows:

"And the tax of ten per cent., imposed in said paragraph, shall be reduced to five per cent."

Mr. Henry moved to amend the amendment by striking out and inserting "two per cent," and the question thereon was put and

Decided in the negative, Yeas ......................... 15

Nays ......................................... 79

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Barringer, Barrow, Batchelor, Blue, Booth, Bowman, Bullock, Burgin, Cannady, Carson, Cheek, Clark of Craven, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Dickson, Ewell, Fagg, Ferguson, Fleming, Folk, Foust, Gaither, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Hall, Harris, Hayes, Howard, Horton,
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And the question recurring upon the amendment of Mr. Wilkerson was put and

Decided in the negative, { Yeas ...................... 31
\{ Nays ...................... 62

On motion of Mr. Wilkerson,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

When the hour for the recess arriving, the House took a recess until 7 o'clock P. M.

37
The House having reassembled, a message was received from the Senate informing the House of the passage of the bill to charter the Greensboro' Hotel Company, and the bill to charter the Greensboro' Gaslight Company, with certain amendments, in which they asked the concurrence of the House, and the House having concurred therein, the bills were ordered to be enrolled.

The House resumed the consideration of the bill (H. 426,) to amend the Revenue Laws and Clause 7, "A." read.

Mr. Wilkerson offered the following amendment:

"Any spirituous liquors, wines or cordials brought in this State upon which the tax imposed in said paragraph shall have been once paid, shall be considered domestic liquors."

And it was not adopted.

Mr. Person offered the following amendment:

"Paragraph (17,) is amended to read 'Every resident of the State that brings into this State, or buys from a non-resident, whether by sample or otherwise, spirituous liquors, wines or cordials, whether for the purpose of sale or private use, five per cent. on the amount of his purchases. Every person that buys to sell again, or for his own use, spirituous liquors, wines or cordials, from the maker in this State, his agent, factor, or commission merchant, two and a half per cent. on his purchases, and this paragraph so amended is hereby transferred to Schedule B, and the tax imposed by it shall hereafter be given in and paid under the same rules, regulations and penalties, as are prescribed in the case of merchants' tax.'"

And it was not adopted.

 Clause 7 was adopted.

Clause 12, LL. 1858-'59, page 35, as amended by the House, read.

Mr. Person moved to strike out one hundred dollars, and insert seventy-five dollars, and the question thereon was put and
Decided in the affirmative, \{\begin{align*}
\text{Yea}s & : 53 \\
\text{Nay}s & : 36
\end{align*}\}

On motion of Mr. Latham,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


Section 3, Schedule B, clauses 1 and 2 read, (clause 3 had been stricken out,) clauses 4, 5 and 6 read and adopted, clause 7 read and

On motion of Mr. Batchelor,

Amended so as to insert "\text{Shall pay a tax of one half of one per cent, on the gross amount of such sales made in any one year, and,}' after the word delivered in the 4th line, and the words "\text{the tax hereby imposed,}' after the word "\text{of}" in the 9th line, and instead of the word preceding, the word "\text{at,}' and it was adopted.

Mr. Foy moved to amend as follows:

"\text{Merchants' tax in schedule B, section 19th of the act of 1858-'59, shall be taxed one fourth of one per cent., as the old law provides.'}"
And it was not adopted.
Clause 8 read and adopted.
Clause 9 read. Mr. Rogers moved to amend by inserting "Bacon," and it was not adopted.
Mr. Latham moved to add, "Pork and Flour," and it was not adopted.
Mr. Crumpler moved to strike out "wool," and it was not adopted.
Mr. Person moved to strike all out except "sugar, molasses, coffee, iron and salt," and it was adopted.
Mr. Rogers moved to amend by inserting the words, "manufacturers in the State," after the word "wool or domestic cloths," and it was not adopted.
Mr. Foy moved to amend as follows:
"The tax imposed on itinerant liquor pedlars in schedule B, section 25th, of the revenue bill passed last session, be and the same is hereby repealed."
And the question being thereon, was put and
Decided in the negative, \{ Yeas ....................... 24 \{ Nays ....................... 67

On motion of Mr. Foy,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
Messrs. Albritton, Alfred, Barringer, Batchelor, Blue, Booth, Branch, Bridgers, Bullock, Burgin, Cannady, Carson, Cheek, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Donnell, Ewell, Ferguson, Ferebee, Foust, Galloway, Gorrell, Green of Chatham, Green of Franklin, Guthrie, Harris, Hayes, Henry, Jenkins, Kelly, Latham, Lemmonds, Liles, Logan, Love of Haywood, McCleese, McMillan, Marsh, Meares, Merrimon, Mitchellener, Newby,

Mr. Foy offered the following amendment, to-wit:

"The tax on itinerant dealers in spirituous liquors, wines and cordials shall be twenty-five dollars."

Mr. Meares moved to amend the same by striking out "twenty-five" and inserting "fifty dollars."

And the question thereon was put and

Decided in the negative, \{\begin{align*} 
\text{Yea}s & : 42 \\
\text{Nay}s & : 48 
\end{align*}\}

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


And the question recurring upon the amendment of Mr. Foy, was put and

Decided in the negative, \{\begin{align*} 
\text{Yeas} & : 41 \\
\text{Nay}s & : 54 
\end{align*}\}
On motion of Mr. Foy,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
Mr. Slade moved that the vote by which the House had refused to insert "Bacon" be reconsidered. And the question thereon was put and

Decided in the affirmative, \( \text{Yeas} = 53 \), \( \text{Nays} = 38 \)

On motion of Mr. Rogers,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Blue, Bowman, Bridgers, Burgin, Carson, Clark of Davidson, Cline, Crumpler, Davis of Halifax, Davis of Mecklenburg, Donnell, Ewell, Fagg, Farrow, Ferguson, Fleming, Gaither, Galloway, Gorrell, Green of Stanly, Guthrie, Hanes, Harris, Hoke, Jordan, Kelly, Latham, Liles, Love of Jackson, McMillan, Marsh, Martin,
Meares, Merrimon, Newby, Patterson, Peebles, Perkins, Poindexter, Pope, Potts, Rogers, Russ, Shober, Simonton, Slade, Tapscott, Waugh, Wilkerson, Williams of Pasquotank and Withers—53.

And the following in the negative, viz:

And the question recurring, the amendment was adopted.
Mr. Ferguson moved to add "Fish," and it was not adopted.

Mr. Rogers moved to add "lard and pork," and the question thereon was put and

Decided in the affirmative, { Yeas ......................... 67
{ Nays ......................... 22

On motion of Mr. Pope,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Foy offered the following amendment:

"The tax on itinerant liquor pedlars of forty dollars, in schedule B, section 25, the act of 1858-9, is hereby repealed, and a tax of ten dollars only imposed."

And the question being thereon was put and

Decided in the negative, \{ Yeas ......................... 22 \\
Nays ......................... 64 \}

On motion of Mr. Foy,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Schedule C, section 4, clauses 1 and 2, read and adopted.

Clause 3 read and Mr. Fleming offered the following amendment:
"Insert after the word upon," the words "marriage license and," and it was not adopted.

Mr. Peebles offered the following:
"Strike out all except the word 'paragraph' and the three last words," so that the paragraph will read as follows, to wit:

"Paragraph (5) is hereby repealed."

And it was not adopted.

Clause 4 read and adopted.

Section 5 read and adopted, and the whole Bill having now been read the third time, the question recurred, "Shall this Bill pass the third reading?" and it was put, and

Decided in the affirmative, \{ Yeas. ......................... 73
\{ Nays......................... 15

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Meares moved that the House do now consider the
bill to charter the North-Carolina Marine School, and it was not adopted.

The House then proceeded to the consideration of bills upon the calendar, and the bill to arm and equip the State, (H. 37,) being read the second time, and the question put, Mr. Pope offered a substitute therefor, and the question being thereon,

Mr. Henry moved the bill and substitute be indefinitely postponed, and the question thereon was put and

Decided in the affirmative, { Yeas..........................55
Nays..........................37

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

H. R. 66, resolution concerning public arms, and for the relief of the Hillsboro' Military Academy, being read the second time and the question put, the same was,
On motion of Mr. Crumpler,
Laid upon the table.

H. 83, bill to amend charter of the Western North-Carolina Railroad, being read the second time, was,

On motion of Mr. Fleming,
Informally passed over, and,

On motion of Mr. Fleming,
S. 466, upon the same subject being read the second time, the hour for the adjournment arrived and the House adjourned.

TUESDAY, 12TH FEBRUARY, 1861.

Prayer by the Rev. Dr. Mason.

Mr. Foy filed with the clerk the following protest:

"The undersigned member of the House of Commons hereby avails himself of the privilege secured to him by the 45th section of the Constitution.

"A bill passed this House on the 9th inst., allowing polls to be opened in the counties of Chatham, Cherokee and Yancey, authorizing the people to vote for or against the sale of spirituous liquors in those counties; this bill leaves a question of private property to the decision of a majority of the voters, whether having any direct pecuniary interest in it or not, and I cannot but regard it as a step towards the establishment of a 'Maine Liquor Law,' an infringement of the right of private property, which should be held sacred and inviolable, unjust in its tendency and effect, and contrary to the genius and spirit of a free people.

"For these reasons I enter this, my protest, against the passage of said bill."

J. H. FOY.

Ordered, That the same be entered upon the Journal of this House.

Recommendations for justices of the peace from various
counties of the State were received, adopted and sent to the Senate, as follows:

By Mr. Watson, for the county of Johnston.
By Mr. Shober, for the county of Guilford.
By Mr. Barrow, for the county of Forsythe,
By Mr. Dickson, for the county of Caldwell.

Mr. Person presented the memorial of John McRae and others, opposed to the passage of a stay law, which was read and left on the table.

Mr. Ewell presented the memorial of Thomas Jones and others, asking an amendment of the laws concerning slaves.

Mr. Person from the Committee on Finance, to whom had been referred a resolution, (H. R. 430,) in favor of D. W. Courts, submitted a report in writing.

The resolution referred to, then being read the first time, passed the first reading, and,

On motion of Mr. Person,

The same being read the second time, the question was put, "Shall this resolution pass the second reading?"

Mr. Henry moved to amend the same by striking out the words "eight hundred dollars," and inserting the words "five hundred dollars."

Mr. Gorrell moved the resolution be postponed until 12 o'clock to-morrow, and it was not adopted, and the question recurring upon the amendment, and a division demanded, the question was put first on the motion to strike out, and

Decided in the affirmative, { Yeas ......................... 88
Nays ........................... 10

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Barringer, Barrow, Batchelor, Blue, Booth, Bowman, Branch, Bullock, Burgin, Cannady, Carson, Cheek, Clark of Craven, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Halifax, Davis of Mecklenburg, Davis of Rutherford, Dickson, Ewell, Fagg, Faison,
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And the following in the negative, viz:


And the question recurring upon the motion to insert, was put and

Decided in the affirmative, { Yeas .................................. 69
\ Nays .................................. 34

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

And so amended the resolution passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

Bills, etc., of the titles following, being introduced, passed the first reading, and other proceedings were had, as follows, to wit:

By Mr. Hayes, a resolution, (H. R. 498,) in favor of Hiram Ganter. To Cherokee Lands.

By Mr. Peebles, resolution (H. R. 499,) concerning Military Code.

By Mr. Batchelor, resolution (H. R. 500,) in favor of Wm. A. Jenkins.

By Mr. Crumpler, a bill (H. 501,) to extend the time for completing a road in Ashe county.

By Mr. Mendenhall, a bill (H. 502,) to incorporate High Point Lodge, Masons.

By Mr. Clark, of Craven, a bill (H. 503,) to incorporate the Neuse Cavalry Company.

By Mr. Foust, a bill (H. 504,) to incorporate North-State Rolling Mills.

By Mr. Guthrie, a bill (H. 505,) to incorporate the Orange, Person and Granville Railroad Company.

By Mr. McMillan, a bill (H. 506,) to repeal an act concerning jury trials in Robeson county. To Propositions and Grievances.

By Mr. Rogers, a bill (H. 507,) to amend the charter of the Chatham Coal-fields Railroad Company. To Internal Improvements.

By Mr. Foust, a bill (H. 508,) to charter New Salem Lodge, No. 209, A. Y. Masons.
By Mr. Batchelor, a bill (H. 509,) to alter the rules of evidence in this State in certain cases.

By Mr. Waters, a bill (H. 510,) concerning the county of Cleaveland.

By Mr. Ewell, a bill (H. 511,) to amend chapter 34, Revised Code, Crimes and Punishments.

A message was received from His Excellency, the Governor, transmitting the report of Hon. David L. Swain, M. W. Ransom and John L. Bridgers, Commissioners to Alabama, and documents. Read, and, on motion of Mr. Batchelor, sent to the Senate with a proposition to print.

The House considered the resolution of Mr. Liles, proposing an alteration of rules regarding the daily sessions.

Mr. Clark, of Craven, proposed to amend the same by substituting a daily session, half past nine to two, half past three to six, and from seven until nine, P. M., and the question being thereon,

On motion of Mr. Batchelor, the same was laid upon the table.

The House considered the resolution of Mr. Love, setting apart Thursday night for the further consideration of private bills, when,

On motion of Mr. Liles, the same was laid upon the table.

Mr. Waters introduced the following resolution, viz:

"Resolved, That the meetings of this House, from and after to-morrow, be as follows, viz: Meet at 9½ o'clock, A. M., adjourn at 2½ P. M., take a recess until 7, and adjourn at 10 o'clock." Laid over.

On motion of Mr. Bullock,

"Resolved, That from and after this day, no public bill be received or entered on the calendar, except Senate bills.

A message was received from the Senate, as follows, viz:
Mr. Speaker:—The Senate have passed the accompanying resolutions, to wit:

1. Resolved, That a public reception be extended to the Hon. Samuel Hall, Commissioner from Georgia, by the Senate and House of Commons, in the Hall of the House of Commons, on Wednesday evening the 13th inst. at eight o'clock.

"2. Resolved, That the Hon. Samuel Hall, during his stay, be the guest of the State of North-Carolina, and ask the concurrence of the House therein."

HENRY T. CLARK, S. S.

J. W. ALSPAUGH, C. S.

The House concurred.

Mr. Simonton gave notice that he would, to-morrow, move to take up House bill 155.

Mr. Folk gave notice that at half past eleven o'clock, to-morrow, he would move to take up the bill establishing a public road from the county of Alexander to Boon, in the county of Watauga.

Ordered, That hereafter these notices be filed with the clerk, and he keep the same ready for reference.

The House resumed the unfinished business, being (S. 464,) to amend charter of the Western North-Carolina Railroad, the question being, "Shall this bill pass the second reading?" and the same was put and

Decided in the affirmative, { Yeas .........................62
{ Nays ..........................33

On motion of Mr. Peebles, The yeas and nays being ordered, The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Baxter, Blue, Booth, Bowman, Burgin, Clark of Craven, Cline, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Ferebee, Fleming, Folk, Foust, Foy, Gaither, Gor-

And the following in the negative, viz:
Messrs. Albritton, Barrow, Batchelor, Branch, Bridgers, Bullock, Cannady, Carson, Cheek, Clark of Davidson, Crawford, Davis of Halifax, Ewell, Farrow, Ferguson, Green of Franklin, Hanes, Harris, Howard, Jenkins, Kallum, Latham, Mitchener, Mordecai, Patterson, Peebles, Perkins, Poindexter, Pope, Small, Watson, Waugh, Williams of Pasquotank and Withers—33.

Mr. Cowles paired off with Mr. Hill. Mr. Ward paired off with Mr. Siler.

Mr. Fleming gave notice that he would call up the bill to-morrow.

Pursuant to notice,

On motion of Mr. Person,
The House considered the bill, (S. 456,) to amend the charter of the Wilmington, Charlotte and Rutherford Railroad, and the same being read the second time,

Mr. Clark, of Craven, moved to strike out section 5, and the question thereon was put and

Decided in the negative, { Yeas.................................34
| Nays.................................59

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Barrow, Branch, Cannady, Cheek, Clark of Craven, Clark of Davidson, Crawford, Davis of Halifax, Ewell, Ferguson, Ferebee, Foy, Green of Chatham, Green of Franklin, Guthrie, Hanes, Howard, Jenkins, Kallum,
Latham, McCleese, Patterson, Perkins, Poindexter, Pope, 
Rogers, Russ, Tapscott, Ward, Whitehurst, Williams of 
Pasquotank, Withers and Wooten—34.

And the following in the negative, viz:

Messrs. Albritton, Barringer, Batchelor, Blue, Booth, 
Bowman, Bridgers, Bullock, Burgin, Carson, Cline, Cowles, 
Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of 
Rutherford, Dickson, Fagg, Faison, Farrow, Fleming, Folk, 
Gaither, Galloway, Gorrell, Green of Stanly, Harrington, 
Harris, Hayes, Hoke, Horton, Kelly, Lemmonds, Liles, 
Logan, Love of Jackson, Martin, Meares, Mendenhall, Mer-
rimon, Mitchener, Mordecai, Newby, Padgett, Pearson, 
Peebles, Person, Potts, Shaw, Shober, Simonton, Slade, 
Small, Watson, Waugh, White, Williams of Cumberland, 
Winslow and Wishart—59.

Mr. Ward moved to strike out section 1, and the question 
thereon was put and

Decided in the negative, {Yeas..........................49
} Nays..........................51

On motion of Mr. Wooten,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Barrow, Batchelor, Booth, 
Branch, Bridgers, Bullock, Cannady, Check, Clark of Craven, 
Clark of Davidson, Cowles, Crawford, Davis of Halifax, 
Ewell, Farrow, Ferguson, Green of Chatham, Green of 
Franklin, Guthrie, Hanes, Howard, Jenkins, Kallum, 
Latham, McCleese, Marsh, Mendenhall, Mitchener, Mor-
decai, Patterson, Pearson, Peebles, Perkins, Poindexter, 
Pope, Russ, Shober, Small, Tapscott, Ward, Watson, 
Waugh, Whitehurst, Wilkerson, Williams of Pasquotank, 
Withers and Wooten—49.

And the following in the negative, viz:

Messrs. Barringer, Blue, Bowman, Burgin, Carson, Cline, 
Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis 
of Rutherford, Dickson, Fagg, Faison, Fleming, Folk,

The question recurring, Mr. Farrow moved the bill be indefinitely postponed, and the question thereon was put and

Decided in the negative, \{ Yeas........................................42

Nays........................................57

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


And the question recurring, shall this bill pass the second reading, was put and
Decided in the affirmative, \{ Yeas. \ldots \ldots \ldots \ldots \ldots \ldots 51 \} \{ Nays. \ldots \ldots \ldots \ldots \ldots \ldots 49 \}

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Pursuant to notice, the House,
On motion of Mr. Crumpler,
Considered the bill (211,) to charter the Statesville and Tennessee Turnpike Company, the question being shall this bill pass the second reading, and the question thereon was put and

Decided in the affirmative, \{ Yeas. \ldots \ldots \ldots \ldots \ldots \ldots 54 \} \{ Nays. \ldots \ldots \ldots \ldots \ldots \ldots 36 \}

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Barringer, Blue, Bowman, Burgin, Carson, Clark

And the following in the negative, viz:


The House then,

On motion of Mr. Slade,

Considered the bill (H. 41,) to charter the Greensboro' and Danville Rail Road, and the bill being ordered to the third reading, the Clerk read until the hour for the recess arriving, the House took a recess until 7 P. M.

Night Session—Tuesday, 12th February, 1861.

Bills, etc., of the titles following, being introduced, passed the first reading and other proceedings were had as follows, viz:

From the Senate, a bill (512,) supplemental to the Act to establish the county of Transylvania. The bill also passed the second and third readings, and was ordered to be enrolled.

From the Senate, a bill (S. 513,) to amend the charter of Mars Hill Valley.

From the Senate, a bill (S. 514,) to charter Rudisill Gold Mining Company.
From the Senate, a bill (515,) to incorporate Carolina Gold and Copper Company.

From the Senate, a resolution (S. 516,) in favor of William Thompson.

From the Senate, a bill (517,) allowing the Raleigh and Gaston Company to increase their capital stock.

From the Senate, a bill (518,) to incorporate the North Carolina Fibre Company.

From the Senate, a bill (S. 519,) to incorporate the Cherokee Mining Company.

From the Senate, a bill (S. 520,) concerning Albemarle and Chesapeake Canal.

From the Senate, a bill (S. 521,) concerning the town of Jamesville, in Martin county.

From the Senate, a bill (S. 522,) to incorporate the Wilmington Horse Artillery Company. This bill also passed the second and third readings and was ordered to be enrolled.

From the Senate, a resolution (S. R. 523,) concerning engrossing clerks. This resolution also passed the first, second and third readings, and was ordered to be enrolled.

From the Senate, a bill (S. 524,) to charter the Milton, Yanceyville and Junction Rail Road Company.

From the Senate, a bill (525,) to amend an act entitled "an act to charter the Bank of Commerce."

From the Senate, a bill (S. 526,) to incorporate the Bank of Thomasville.

From the Senate, a bill (S. 527,) to protect the Fair Grounds in Newberne.

Mr. Baxter gave notice that he would to-morrow move to take up the Senate bill for the completion of the Albemarle and Chesapeake Canal, and put the same through its several readings.

Mr. Meares gave notice that he would to-morrow move to take up the bill for the Western Rail Road, and for the Marine School of North Carolina.

After which the House resumed the unfinished business of the morning session, viz:
H. 41, the bill to charter the (Danville,) Leakesville and Greensboro' Railroad, the reading being completed and the question, shall this bill pass the third reading?

Mr. Batchelor moved the same be postponed until 1 o'clock to-morrow, and the question thereon was put and

Decided in the negative, \{ Yeas.........................29
\}
\{ Nays.........................65

On motion of Mr. Potts,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Barrow, Batchelor, Branch, Bridgers, Bullock, Cannady, Check, Clark of Craven, Clark of Davidson, Crawford, Davis of Bladen, Davis of Halifax, Ewell, Green of Franklin, Jenkins, Kallum, Meares, Mitchener, Peebles, Person, Poindexter, Pope, Russ, Shaw, Small, Stanford, Watson, Waugh and Wooten—29.

And the following in the negative, viz:


And the question recurring on the passage of the bill, was put and

Decided in the affirmative, \{ Yeas.........................56
\}
\{ Nays.........................41

On motion of Mr. Potts,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Mr. Hayes paired off with Mr. Davis of Bladen.

And the following in the negative, viz:


Mr. Meares moved that the House do now consider the bill to amend charter of the Western Rail Road, and it was not adopted.

Mr. Meares moved that the House consider the bill to establish the Marine School of North Carolina, and it was not adopted.

Bills, etc., of the titles following being read the second time, passed the second reading, viz:

H. 46, a bill in relation to Free Negroes.

H. 91, a bill to incorporate the Black Mountain Turnpike Company. The question being, shall the bill pass the second reading?

Mr. Fagg moved to amend the same by excepting therefrom the shares of Madison and Henderson.

Mr. Fleming moved to amend the amendment by striking out section 6, containing all the proposed State appropriations, and it was adopted.
And so amended this bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 96, bill to amend Revised Code, section 14, chapter 26, Corporations.

H. 100, bill concerning Public Printing.

H. 101, bill to prevent Free Negroes from hiring or having the control of Slaves.

H. 117, bill for arming the State. Laid on the table.

H. 131, bill to amend charter of Macon Turnpike Company.

H. 135, the bill to amend charter of the Atlantic, Tennessee and Ohio Rail Road Company, being read the second time,

Mr. Clark, of Craven, offered the following amendment:

"Section — That the gauge of the road shall be the same as the North Carolina Rail Road."

And the question thereon was put and

Decided in the negative,

<table>
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<th>Yeas</th>
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<td>.................................20</td>
<td>.................................57</td>
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On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Fleming paired off with Mr. Hill.

And the question recurring, Mr. Batchelor offered the following amendment, viz:

"And the width or gauge of said Road shall not be the same as the width or gauge of the Charlotte and South Carolina Rail Road."

And the question being thereon, the hour for the adjournment arrived, and the House adjourned.

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WEDNESDAY, 13TH FEBRUARY, 1861.

Prayer by the Rev. Thos. E. Skinner.

On motion of Mr. Batchelor,

The bill (H. 509,) to alter the rules of evidence in certain cases being read the second and third times, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

Mr. Hall presented a recommendation of Justices of the Peace for the County of Rowan.

Mr. Bullock, a similar recommendation for the County of Granville.

Certain resolutions of a private character were introduced, read the first time and passed the first reading as follows, viz:

By Mr. Hayes, a resolution (H. R. 528,) in favor of Jonathan Parker and others.

By Mr. Patterson, a resolution (H. R. 529,) in favor of A. W. Hedgepeth and others. To Claims.

By Mr. Guthrie, a resolution in favor of John H. Watson. To Claims.

Reports were submitted, received and filed from Standing Committees as follows:

Mr. Fleming, from the Committee on Internal Improvements, reported
H. 379, the bill to improve a road in Watauga and Alexander counties, with an amendment, recommending the same do pass.

Mr. Love, of Haywood, from the Committee on Cherokee Lands, (H. 498,) the resolution in favor of Hiram Gunter, recommending the same do pass.

Mr. Green, of Franklin, from the Committee on Internal Improvements, (H. 509,) the bill to amend the charter of the Chatham Coalfields R. R. Company, with a substitute, recommending the same do pass.

The House resumed the consideration of the bill (H. 135,) to amend the charter of the Atlantic, Tennessee and Ohio Rail Road, the question being upon the amendment of Mr. Batchelor, and it was put, and

Decided in the negative,  

\begin{align*}
\text{Yeas} & \quad 31 \\
\text{Nays} & \quad 66
\end{align*}

On motion of Mr. Batchelor,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative viz:

Messrs. Alfred, Barringer, Blue, Bullock, Burgin, Cannady, Carson, Clark of Davidson, Cline, Crumpler, Davis of Rutherford, Dickson, Fagg, Faison, Farrow, Ferebee, Folk, Foust, Gaither, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanley, Hanes, Harrington, Harris, Hayes, Henry, Hill, Howard, Hoke, Horton, Jenkins, Jordan, Kelly, Latham, Lemmonds, Liles, Logan, Love of Haywood, McMillan, Marsh, Martin, Mendenhall, Merrimon, Mordecai, Padgett, Patterson, Pearson, Polk, Potts, Ransom,
Rogers, Russ, Shober, Simonton, Slade, Tapscott, Waugh, White, Wilkerson, Williams of Cumberland, Williams of Pasquotank, Winslow, Withers and Wright—66.

And the question recurring, the bill passed the second reading.

Pursuant to notice, the House considered the bill (S. 464,) to amend the charter of the Western N. C. Rail Road, the pending question being, shall the bill pass the third reading? Mr. Batchelor offered the following amendment, to wit:

"Be it further enacted, That the public treasurer shall not issue any bonds, under the provisions of this act, or of the act passed at the session of 1854-'55, referred to in this act, unless at the time of issuing the same, the bonds of the State of North Carolina shall be at par value, in the stock market of the City of New York."

And the question thereon was put, and

Decided in the negative, { Yea..........................41
{ Nay............................61

On motion of Mr. Branch,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Barringer, Barrow, Baxter, Blue, Bowman, Bridgers, Burgin, Carson, Clark of Craven, Clark of Davidson, Cline, Crumpler, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Ferebee, Fleming, Folk, Foust, Gaither, Galloway, Green of Chatham, Green of Stanly,

Mr. Branch offered the following amendment: (In section 6, H. 464.)

"Strike out the sixth section."

And it was not adopted.

And the question recurring upon the passage of the bill the third reading, was put, and

Decided in the affirmative,

{Yeas ......................... 62
 Nays .......................... 44

On motion of Mr. Peebles,

The yeas and nays being ordered;

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barrow, Batchelor, Booth, Branch, Bridgers, Bullock, Cannady, Cheek, Clark of Davidson; Cowles, Crawford, Davis of Halifax, Ewell, Farrow, Ferguson, Foy, Green of Franklin, Hanes, Harris, Howard, Jenkins, Kallum, Latham, Mitchener, Mordecai, Patterson, Peebles, Perkins, Poindexter, Pope, Small, Stanford, Tapscott, Watson, Waugh, Whitehurst, Wilkerson, Williams of Nash,
Williams of Pasquotank, Williamson, Withers and Woodward—44.

Mr. Marsh paired off with Mr. Siler.

Ordered that it be enrolled.

On motion of Mr. Wright,

And pursuant to notice, the House considered the bill (S. 462,) to amend the charter of the Western Rail Road, the question being, shall this bill pass the second reading?

Mr. Batchelor offered the following amendment:

"Be it further enacted, That the public treasurer shall not issue any bonds under this act unless at the time of issuing the same, the bonds of the State of North Carolina shall be at par value in the stock market of the City of New York."

And the question thereon was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 36 \\
\text{Nays} & : 64 
\end{align*}
\]

On motion of Mr. Batchelor,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Ward offered the following amendment, viz:

"Strike out the first section, and insert the following, viz:

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 there shall be two divisions of the Western Rail Road, viz:

The Eastern division shall commence at the most eligible point on Beaufort harbor, and run the most direct route through the Counties of Jones, Onslow, Duplin, Sampson and Cumberland, to the town of Fayetteville. And the Western division shall extend from Fayetteville in the County of Cumberland, to the Coalfields in Chatham county."

In sec. 2, strike out Eastern when it occurs, and insert Western.

In sec. 3, second line strike out Western, and insert Eastern.

In sec. 4, twelfth line strike out Western, and insert Eastern.

In sec. 5, ninth line strike out Western, and insert Eastern.

And in the same sec. in lines 23 and 24, strike out the "Eastern division on the North Carolina Rail Road," and insert "between the Western division and final terminus in Beaufort harbor," and a division being demanded,

And the question first put on the motion to strike out, it was

Decided in the negative, \{ Yeas ....................... 17
\} Nays ....................... 77

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Foy introduced the following amendment, viz:

"Be it further enacted, That the said Railroad Company shall be compelled, authorized and required to extend said road east, the most practicable route through the counties of Sampson, Duplin and Onslow to Beaufort Harbor, that the construction of said road may be commenced at the several points of Fayetteville, Beaufort Harbor, and some point on the Wilmington and Weldon Rail Road, and whenever a section of fifteen miles thereof shall have been graded and ready to receive the superstruction at any one of the above named points adjacent to Fayetteville, Beaufort Harbor, or some point on the Wilmington and Weldon Rail Road, the public treasurer is hereby authorized and required, on being thereof certified by the President and directors, to issue and deliver to the said Rail Road Company, two hundred thousand dollars, in coupon bonds of the State of North Carolina, signed by the Governor, countersigned by the Public Treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of twenty years, from the date thereof, and the Coupons of interest payable semi-annually in such form as the Public Treasurer may direct, to be made payable at such time and place as may
be agreed upon by the Public Treasurer, and said Company, and in the same proportion as often as any other fifteen miles of said road shall be graded.

*Be it further enacted,* That for the purpose of enabling the said Company to extend the said road east, to Beaufort Harbor as herein provided, that it shall be lawful to open books in the town of Clinton, under the direction of Patrick Murphy, Alfred Johnson, John R. Beaman, Mathew J. Faison, T. I. Faison, William Kirby, Dr. Thos. Bunting, A. B. Chesnut and T. M. Lee. In the town of Kenansville, under the direction of Isaac B. Kelly, Owen R. Kenan, W. J. Houston, Stephen Graham and William E. Hill. In the town of Jacksonville, under the direction of E. W. Ward, Charles Duffy, Dr. C. Wooten, Owen Huggins, Jasper Ethridge, Edward W. Fouville, D. W. Simmons, E. W. Montford and John M. Francks. In Swansboro' under the direction of C. B. Glouce, Edward W. Mattocks and Thos. B. Holland. In Beaufort, under the direction of Isaac Ramsey, Levi. T. Oglesby, William F. Bell and M. F. Arendell, and at such other places and under the direction of such other persons as a majority of the commissioners herein-before named to superintend the receiving of the same at Jacksonville shall direct.

*Be it further enacted,* That the State of North Carolina shall, by this act, have a lien upon all the estate of said Company, both real and personal, which they may now have or may hereafter acquire between Beaufort Harbor, Fayetteville, and the terminus of the road in the Coal Fields, together with all the rights, franchises and powers thereunto belonging or in any wise appertaining, or that may hereafter appertain to said Company, and which lien shall have preference over all other claims whatsoever.''

And the question thereon was put and

Decided in the negative, \{ Yeas............................12
Nays..............................81

On motion of Mr. Foy,
The yeas and nays being ordered,

39

And the following in the negative, viz:

The question recurring upon the passage of the bill the second reading, was put and

Decided in the affirmative, \{Yeas.........................57
Nays.........................48\}

On motion of Mr. Foy,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Crumpler moved that the House do now consider the bill (H. 211,) to charter the Statesville and Tennessee Turnpike Company, and it was not adopted.

On motion of Mr. Rogers,

Ordered that the House do consider the resolution, (H. R. 436,) concerning Wm. Peace, and Public Squares in Raleigh, to-night, at 7 o'clock and 30 minutes.

Mr. Faison moved that the House do now consider the bill to construct a branch of the Wilmington and Weldon road to Fayetteville, and it was not adopted.

At 1 o'clock, the House considered the special order, viz: S. 456, bill to amend the charter of the Wilmington, Charlotte and Rutherford Rail Road Company, the question being, shall this bill pass the third reading.

Mr. Batchelor offered the following amendment, viz:

"Be it further enacted, That the public treasurer shall not issue any bonds in the provisions of this act, unless at the time of issuing the same, the bonds of the State of North Carolina, shall be at par value in the stock market of the City of New York."

And the question thereon was put and

Decided in the negative, \{ Yeas........................................... 40
\{ Nays...................................................... 58

On motion of Mr. Batchelor,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Barrow, Batchelor, Booth, Branch,

And the following in the negative, viz:


Mr. Clark, of Craven, moved to strike out the fifth section of the bill, and the question thereon was put and

Decided in the affirmative, \[ \begin{align*}
\text{Yeas} & : 32 \\
\text{Nays} & : 67
\end{align*} \]

On motion of Mr. Clark, of Craven,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Barringer, Baxter, Blue, Bridgers, Bullock, Burgin, Cannady, Carson, Cline, Cowles, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford,

Mr. Wooten offered the following amendment, viz:

"Amend first section as follows:

Strike out $660,000 and insert $300,000 and strike out $340,000, and insert $150,000."

And the question being thereon, Mr. Farrow moved the bill be indefinitely postponed.

And the question thereon was put and

Decided in the affirmative, { Yeas..............................31
{ Nays..............................63

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Alfred, Barringer, Baxter, Blue, Bowman, Branch, Burgin, Carson, Clark of Davidson, Cline, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Fleming, Folk, Foust, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hall, Harrington, Harris, Hayes, Henry, Hoke, Horton, Jordan, Kelly, Lemmonds, Liles, Logan, Love of Haywood, Love of Jackson, McCleese, McMillan, Martin, Meares,
Mendenhall, Merrimon, Padgett, Pearson, Person, Polk, Potts, Shaw, Shoher, Simonton, Slade, Stanford, Tapscott, Ward, Waters, White, Williams of Cumberland, Wishart and Wright—63.

And the question recurring upon the amendment of Mr. Wooten, and a division being demanded,

The question was first upon the motion to strike out, and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 45 \\
\text{Nays} & : 55
\end{align*}
\]

On motion of Mr. Branch,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Batchelor offered the following amendment, viz:

"Strike out all after and including the word "and" in 7th line and insert "or by exchanging therefor any bonds of the State of North Carolina of the same amount."

And the question thereon was put and
Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots .41 \}
\{ Nays \ldots \ldots \ldots \ldots .53 \}

On motion of Mr. Batchelor,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the question recurring upon the passage of the bill the third reading, was put and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots .57 \}
\{ Nays \ldots \ldots \ldots \ldots .47 \}

On motion of Mr. Fagg,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Barringer, Baxter, Blue, Burgin, Carson, Clark of Davidson, Cline, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Fleming, Folk, Foust, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly, Hall, Harrington, Harris, Hayes,

And the following in the negative, viz:

The following report was submitted from the Joint Committee of Arrangements for the reception of the Commissioner of Georgia, viz:

"The Joint Committee appointed to make arrangements for the reception of the Hon. Samuel Hall, Commissioner from the State of Georgia, suggest that he be received by the Senate and House of Commons, in the Commons Hall this evening, at 8 o'clock. The Speakers of the two Houses will preside, and Senators will occupy seats on the right of the Speaker's desk.

ELI W. HALL,
Chairman."

February 13, 1861.

In this report the House concurred.
And the hour for the recess arriving, the House took a recess until 7 P. M.
Notices were filed with the Clerk as follows, viz:
By Mr. Simonton, that he would to-morrow move to take up bill 135, and it be considered in its third reading.
By Mr. Wilkerson, that he would move to take up the Roxboro' Bank bill to-morrow, at 12 o'clock, unless there was a special order for that hour, and if so, as soon as it was disposed of.

By Mr. Rogers, that he would move to take up Senate bill (No. —,) to increase the capital stock of the Raleigh and Gaston Rail Road Company, at 12 o'clock to-morrow.

By Mr. Rogers, that he would move to take up the House bill 507, to-morrow at 11 o'clock.

By Mr. Rogers, that he would move at 8 o'clock, on Thursday night, to take up a bill, to complete the buildings of the North Carolina Institute for the Deaf and Dumb, and Blind, and other purposes.

By Mr. Folk, that on to-morrow morning he should move to take up the bill, establishing the Watauga and Alexander Turnpike.

By Mr. Crumpler, that on to-morrow he would move to take up House bill 211, to charter the Statesville and Tennessee Turnpike Company.

By Mr. Baxter, that he would move to take up on to-morrow the bill, concerning the Albemarle and Chesapeake Canal, and put it upon its several readings.

By Mr. Harris, that he would move to take up on Friday, 15th inst., the bill (397) for the relief of Davidson College.

By Mr. Faison, that he would move to take up Senate bill, to ——— a branch road on to-morrow, at 11 o'clock.

By Mr. Foy, that he would move to take up on to-morrow, at 1 o'clock a bill (29,) concerning jurisdiction of the Courts in the rules of pleading and for the relief of the people.

By Mr. Foy, that he would move to take up a bill (No. 31,) from the Senate, to construct a rail road, from, near, or at Fayetteville, to some point on Wilmington and Western Rail Road.

By Mr. Wright, that he would move to take up bill (No. 462,) and put the same upon its third reading on to-morrow.
Night Session—Wednesday, 13th February, 1861.

The House having re-assembled, proceeded to the consideration of the Calendar, when bills of the titles following being read the third time, passed the third reading, and were ordered to be engrossed and sent to the Senate as follows, to wit:

H. 46, the bill concerning Free Negroes.
H. 79, the bill to charter the Buncombe Powder Manufacturing Company.
H. 96, the bill to amend Revised Code, chapter 36, section 14, "Corporations."
H. 101, the bill to prevent Free Negroes from hiring or controlling Slaves.

On motion of Mr. Folk,
The House considered the bill (H. 379,) to improve the road from Taylorsville to Boone, in the county of Watauga, the question being, shall this bill pass the second reading? when the amendment proposed by the Committee being first adopted, the question was put and

Decided in the affirmative, {Yeas.................................45
{Nays.................................42

On motion Mr. Cheek,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barrow, Batchelor, Baxter, Booth, Branch, Bynum, Cannady, Cheek, Crawford, Davis of Bladen, Ewell, Farrow, Ferguson, Ferebee, Foy, Harris, Hayes,

On motion of Mr. Rogers,
And pursuant to previous notice, at half past seven o'clock, the House considered (H. R. 436,) the resolutions in favor of Wm. Peace, and concerning Public Squares, and the same being read the second time, were,

On motion of Mr. Rogers,
Amended so as to strike out the second resolution, providing for sales of Public Squares in Raleigh, other than Burke Square, and the said resolution so amended, being read the third time, passed the third reading, and were ordered to be engrossed and sent to the Senate.

The House resumed the Calendar.

H. 100, bill concerning Public Printing, the question being, shall this bill pass the third reading?
Mr. Hoke moved the same be laid upon the table, and the question was put and

Decided in the affirmative, { Yea:.................48

On motion of Mr. Cowles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Batchelor, from the Committee on Enrolled Bills, submitted the following report, viz:

"The Committee on Enrolled Bills for the present week, have carefully examined bills of the following titles respectively, and having compared them with the originals, find them correct and truly enrolled, to wit:

1. An act to incorporate the Baltimore and North-Carolina Copper and Gold Mining Company.

2. An act to incorporate the Silver Valley Mining Company, in the county of Davidson.

3. An act to incorporate the Davidson Copper Mining Company.

4. An act to appoint a tax collector for the counties of Wayne, Haywood, Burke, Pasquotank, Mecklenburg, Iredell, Davidson, Anson, Union and other counties.

Respectfully submitted,

JAS. B. BATCHELOR,

For the Committee."

At eight o'clock,

On motion of Mr. Williams, of Nash, a message was sent to the Senate, informing that body, that the hour for the reception of the Hon. Samuel Hall, Commissioner from Georgia had arrived, and the House waited to receive them.

Soon after, the Senate preceded by their Speaker and Secretary arrived in the Hall, and were seated at the right of the Speaker, the House rising upon their appearance.
The Honorable, the Commissioner of Georgia, accompanied by the Honorable Eli W. Hall, Senator from New Hanover, Chairman of the Joint Select Committee of arrangements, being conducted into the presence of the General Assembly, and introduced, to the Speakers thereof, delivered a message upon Federal Relations, with which he was charged by the people of Georgia in Convention assembled, and the Speaker of the Senate, having replied thereto, and informed the said Commissioner of the recent reference of that subject, by this General Assembly, to the people of the State for their action, the Speaker of the Senate, accompanied by the Senators, withdrew from the Hall.

Mr. Williams, of Nash, moved the House do now adjourn, but objection being made, the House resumed the Calendar, when the following proceedings were had:

H. 115, bill to charter the New River Canal Company in the county of Onslow.

Mr. Foy moved the House do now proceed to consider the motion of Mr. Ewell to reconsider the vote by which certain sections of the bill providing for State aid thereto, had been stricken out, and it was not adopted.

On motion of Mr. Foy,

This bill was then laid upon the table.

Mr. Fagg moved that the House do now proceed to the consideration of the bill to provide a branch road from the Wilmington and Weldon Rail Road to the town of Fayetteville, and it was not adopted.

And the House resuming the Calendar,

H. 135, the bill to amend the charter of the Atlantic, Tennessee and Ohio Rail Road Company, the question pending, shall this bill pass the third reading? when the hour for the adjournment arrived and the House adjourned.
THURSDAY, 14TH FEBRUARY, 1861.

Recommendations of Justices for several counties of the State, submitted as follows, viz:

By Mr. Jordan, for the county of Transylvania.
By Mr. Crawford, for the county of Wayne.
By Mr. Russ, for the county of Wake. Read, adopted and ordered to be sent to the Senate.

Mr. Liles introduced a bill (H. 532,) concerning the town of Wadesboro', and the same being read, passed the first reading.

Reports were submitted, received and filed from Standing Committees as follows, viz:

Mr. Batchelor, from the Committee on Constitutional Reform, reported (H. 28,) bill to alter the Constitution, with the recommendation the same do not pass.

Mr. Fleming, from the Committee on Propositions and Grievances, (H. 39,) bill amending an act of 1850, to charter the McDowell and Yancey Turnpike Company, with an amendment, recommending the same do pass.

Mr. Batchelor, from the Committee on Constitutional Reform, (H. 58, (b.) bill to amend the Constitution of North-Carolina, recommending the same do not pass.

Mr. Mendenhall, from the Committee on Claims, (H. R. 70,) resolution in favor of George Crofton, with the recommendation the same do not pass.

Mr. Batchelor, from the Committee on Constitutional Reform, (H. 103,) bill to amend the Constitution, with the recommendation the same do not pass.

H. 126, bill to ascertain the voice of the people to amend the Constitution, with the recommendation the same do not pass.

Mr. Martin, from the Committee on Propositions and Grievances, (H. 189,) bill in favor of Wm. Haymore, sheriff of Surry, with the recommendation the same do pass.

Mr. Batchelor, from the Committee on the Judiciary, (H. 273,) bill to amend Revised Code chapter 28, county revenue and charges, with the recommendation that the same do not pass.
Mr. Martin, from the Committee on Propositions and Grievances, (H. 308,) bill concerning Columbus county, with the recommendation the same do pass.

Mr. Mendenhall, from the Committee on Claims, (H. R. 427,) resolution in favor of Charles Beasley, with the recommendation the same do not pass.

H. R. 402, resolution in favor of Martha Speares, with the recommendation the same do not pass.

Mr. Martin, from the Committee on Propositions and Grievances, (H. 438,) bill to establish the county of Ellis, with the recommendation the same do not pass.

Mr. Fleming, from the Committee on Internal Improvements, (H. 439,) bill to improve a road near Douglas Gap, with the recommendation that the same do pass.

Mr. Baxter, from the Committee on Propositions and Grievances, (H. 460,) bill for the relief of Stephen Donnel and others, with the recommendation that the same do pass.

Mr. Martin, from the Committee on Propositions and Grievances, (H. 506,) bill to repeal an act concerning jury trials in Robeson, with the recommendation that the same do pass.

Mr. Love, of Haywood, from the Committee on Cherokee Lands, (H. R. 528,) resolution in favor of Jonathan Parker and others, with the recommendation the same do pass.

Mr. Mendenhall, from the Committee on Claims, (H. R. 530,) resolution in favor of John H. Watson, with the recommendation that the same do not pass.

And the House resumed the unfinished business, being, (H. 135,) bill to amend charter of the Atlantic, Tennessee and Ohio Railroad. The question being, "Shall the bill pass the third reading?" This question was put and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots \ldots 70
\{ Nays \ldots \ldots \ldots \ldots \ldots \ldots \ldots 28

On motion of Mr. Branch,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

MESSRS. ALBRITTON, BARROW, BACHELOR, BOOTH, BRANCH, CHEEK, CLARK OF CRAVEN, CRAWFORD, DAVIS OF BLADEX, EWEll, Farrow, FERgusON, FLEMING, GUTHrie, Hall, HENry, McCleese, MEares, Patterson, Perkins, Person, Poindexter, Russ, Shaw, Stanford, Whitehurst, Williamson and Woodard—28.

H. 39, bill to amend the charter of McDowell and Yancey Turnpike Company, the question being, "Shall this bill pass the second reading?" was put and

Decided in the negative, \{ Yeas......................................43
\} Nays......................................59

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

S. 520, the bill concerning Albemarle and Chesapeake Canal being read the second time,

On motion of Mr. Baxter,

And the question put,

Mr. Batchelor offered the following amendment, viz:

"Be it further enacted, That the treasurer shall not issue any bonds under this act, unless, at the time of issuing the same, the bonds of the State of North Carolina shall be at par value in the stock market of the City of New York."

And the question thereon was put, and

Decided in the negative { Yeas ................................39
{ Nays ...........................................61

On motion of Batchelor,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Alfred, Autry, Barringer, Baxter, Blue, Booth, Bridgers, Burgin, Carson, Cline, Crumpler, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Fere-
Mr. Farrow moved the bill be indefinitely postponed. And the question thereon was put and

Decided in the negative, \{Yeas

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<td>70</td>
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</tbody>
</table>

Messrs. Albritton, Barrow, Batchelor, Bridgers, Bullock, Bynum, Cannady, Clark of Davidson, Cowles, Crawford, Farrow, Ferguson, Green of Franklin, Guthrie, Hanes, Harris, Howard, Jenkins, Kallum, McMillan, Mordecai, Patterson, Poindexter, Pope, Russ, Stanford, Watson, Waugh, Whitehurst, Wilkerson, Williams of Nash, Williamson, Wishart and Woodard—34.

And the following in the negative, viz:


The question recurring the same was passed, and

Decided in the affirmative, \{Yeas

<table>
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<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>58</td>
<td>49</td>
</tr>
</tbody>
</table>
On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
The question was then put, shall this bill pass the third reading, and
Decided in the affirmative, \(\text{Yeas} = 59, \text{Nays} = 50\)

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Antry, Barringer, Baxter, Blue, Booth, Bowman, Burgin, Clark of Craven, Cline, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Ferebee, Fleming, Folk, Foust, Galloway, Gorrell, Green of Stanly, Hall, Harrington, Hayes, Henry, Hoke, Jordan, Latham, Lemmonds, Logan, Love of Haywood, Love of Jackson, McCleese, Marsh, Meares, Menden-
And the following in the negative, viz:


H. 211, bill to charter the Statesville and Tennessee Turnpike Company, being read the third time, on motion of Mr. Crumpler, on his motion the same was also amended, so as to strike out the word "twenty" in the — section and insert "ten," and then the question being put, was

Decided in the affirmative, \{ Yeas ........................................ 56
\{ Nays ......................................... 47

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barrow, Batchelor, Booth, Branch,

H. 462, bill to amend the charter of the Western Railroad being read the third time and the question thereon, Mr. Wooten offered the following amendment, "Strike out $200,000 in section and insert $100,000."

And the question thereon was put and

Decided in the negative, { Yeas ......................................41
 Nays ......................................65

On motion of Mr. Wooten,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Alfred, Autry, Barringer, Blue, Bowman, Burgin, Bynum, Carson, Clark of Davidson, Cline, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Folk, Foy, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly, Hal Hanes, Harrington, Hayes, Hoke, Horton, Jordan, Kelly, Lemonds, Liles, Logan, Love of Haywood, Love of Jackson, Mc Cleese, McMillan, Martin, Meares, Mendenhall, Merrimon, Padgett, Patterson, Person, Polk, Potts, Rogers,

The question, viz: Shall this bill pass the third reading, was put and

Decided in the affirmative, \{ Yeas..................................60
\} Nays..................................46

On motion of Mr. Wooten,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


H. 486, the bill to charter the branch road from the Wilmington and Weldon Rail Road to Fayetteville, being read the second time,

Mr. Ward offered the following amendment.

"Add to 7th section, "and provide also that the eastern terminus shall not be south of Warsaw."
Mr. Farrow moved the same be indefinitely postponed, and this question was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 44 \\
\text{Nays} & : 53
\end{align*}
\]

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Barrow, Booth, Bullock, Bynum, Cannady, Clark of Craven, Clark of Davidson, Cowles, Crawford, Ewell, Farrow, Ferguson, Fereebee, Galloway, Green of Franklin, Guthrie, Harris, Hayes, Henry, Hill, Jenkins, Kallum, Latham, McCleese, Marsh, Mitchener, Morecai, Perkins, Poindexter, Pope, Russ, Shober, Small, Tapscott, Watson, Whitehurst, Williams of Nash, Williams of Pasquotank, Withers, Woodard, Wooten and Yeates—44.

And the following in the negative, viz:


So the House refused indefinitely to postpone the question, and it recurred, when the hour for the recess having arrived, the House took a recess until this evening, at 7 P. M.

Night Session—Thursday, 14th February, 1861.
The House having re-assembled, Mr. Yeates moved that the vote by which the House had to-day rejected the bill (H. 38,) to charter the McDowell and Yancey Turnpike Company, be reconsidered.
Mr. Fleming moved that the question be laid upon the table. And the question thereon was put, and

Decided in the negative, { Yeas, ......................... 26 
{ Nays, ......................... 68

On motion of Mr. Folk, The yeas and nays being ordered, The following voted in the affirmative, viz:


And the following in the negative, viz:


A message was received from the Senate, informing the House of the resignation of Thomas D. McDowell, a trustee of the University of North-Carolina.

A message was received from His Excellency, the Governor of the State, transmitting certain resolutions of New York, concerning the appointment of Federal Commissioners, and from the State of Minnesota, upon the subject of secession, and tendering the United States Government military aid, etc.
Mr. Newby moved that the resolutions of New York be sent to the Senate, and those of Minnesota be returned to the Governor of that State.

Mr. Peebles moved to amend the same as follows:

"Resolved by the General Assembly of North-Carolina, That the Assistant-Doorkeeper be ordered to burn said resolutions from the State of Minnesota, till they be entirely consumed."

Mr. Henry moved that the whole subject be laid upon the table, and the question thereon was put and

Decided in the negative, \( \frac{47}{59} \)

On motion of Mr. Williams, of Nash,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Mr. Farrow moved the question be postponed until the 1st April, and the question being put was

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 13 \\
\text{Nays} & : 89
\end{align*}
\]

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Farrow, Foust, Gorrell, Jordan, Mendenhall, Merrimon, Patterson, Russ and Winslow—13.

And the following in the negative, viz:

The question recurring upon the resolution of Mr. Peebles, the same was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 19 \\
\text{Nays} & : 80
\end{align*}
\]

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Autry, Barrow, Baxter, Bullock, Cannady, Cheek, Davis of Bladen, Ferguson, Foy, Hill, Jenkins, Meares,

And the following in the negative, viz:


The question recurring upon the motion of Mr. Newby, Mr. Person offered the following amendment, to wit:

"Resolved, That the House of Commons refuses to entertain a set of resolutions from the State of Minnesota, and requests the Governor to return them without comment to their authors."

And it was adopted.

Ordered, that the resolutions of New York be sent to the Senate, and the Clerk return the resolutions of Minnesota to his Excellency the Governor, with a copy of the above resolutions.

The House resumed the consideration of the bill (S. 486,) to authorize a branch from the Wilmington and Weldon Rail Road to Fayetteville.

Mr. Ward offered the following amendment:

"Add to the 7th section, 'and provided also, that the eastern terminus shall not be south of Warsaw.'"

And the question thereon was put and
Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 35
\}
\{ Nays \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 61 \}

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Ferebee paired off with Mr. Slade, or would have voted in the negative.

Mr. Wooten moved to strike out the 3rd, 4th, 5th, and 6th sections, and the question thereon was put and

Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 36
\}
\{ Nays \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 62 \}

On motion of Mr. Wooten,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Barrow, Batchelor, Bullock, Cannady, Cheek, Clark of Craven, Cowles, Crawford, Ewell, Farrow,

And the following in the negative, viz:


Mr. Ward offered the following amendment, Strike out all in 1st section, and insert as follows, viz:

"A Rail Road commencing at the most practicable point on Beaufort Harbor in Carteret county and running the most direct route to Trenton in Jones county, and from thence the most direct route through Duplin, Sampson and Cumberland counties."

And it was not adopted.

Mr. Foy introduced the following amendment:

"Be it further enacted, The provisions of this bill shall be extended east from the point where it intersects the Wilmington and Weldon Rail Road, in Duplin, the most practicable route through Duplin, Onslow and Carteret counties to Morehead City on Beaufort Harbor. The State stock shall be in the same proportion east of the Wilmington and Weldon road, and the counties shall have the same privileges to take stock east of the said road as west of it.

"Be it further enacted, That the grading shall be commenced
at the terminus of the road at Beaufort Harbor, and also at
the point where it crosses the Wilmington and Weldon road,
so as to complete the eastern division first.

"Be it further enacted, That the said Company shall have
power to connect with the Atlantic and North Carolina Rail
Road at any point they may deem best in the vicinity of
Carolina City or Morehead City."

And it was not adopted.

Mr. Ward then offered the following amendment, viz:

"Provided, the said road shall not go further south
on the Wilmington and Weldon road, than the Deep cut
between Warsaw and Magnolia."

And it was adopted.

And the question being shall the bill pass the second read-
ing? was put and

Decided in the affirmative, \{ Yeas ......................... 53
Nays ....................... 52 \}

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Autry, Barringer, Blue, Bowman, Branch, Bur-
gin, Carson, Cline, Crumpler, Davis of Bladen, Davis
of Mecklenburg, Davis of Rutherford, Fagg, Faison, Flem-
ing, Folk, Foust, Foy, Gaither, Hall, Harrington, Hayes,
Hoke, Horton, Lemmonds, Liles, Logan, Love of Hay-
wood, Love of Jackson, McMillan, Martin, Meares, Mend-
enhall, Merrimon, Newby, Padgett, Patterson, Person,
Polk, Potts, Rogers, Shaw, Simonton, Stanford, Ward,
Waters, White, Wilkerson, Williams of Cumberland, Wil-
liamson, Winslow and Wright—53.

And the following in the negative, viz:

Messrs. Albritton, Alfred, Barrow, Batchelor, Booth,
Bridgers, Bullock, Bynum, Cannady, Cheek, Clark of Craven,
Clark of Davidson, Cowles, Crawford, Ewell, Farrow, Fer-
guson, Galloway, Gorrell, Green of Chatham, Green of
Franklin, Green of Stanly, Guthrie, Hanes, Harris, Henry,

And the bill being read the third time and the question being, shall this bill pass the third reading?

Mr. Fagg offered the following amendment:

"Section —, The Wilmington and Weldon Rail Road Company at their election may construct and equip the said branch Rail Road as a part of their road, or may construct and equip the said branch Rail Road with a separate capital stock, separate earnings, profits and dividends."

And it was adopted.

Mr. Farrow moved to strike out all sections containing State appropriations and aid, and the question thereon was put and

Decided in the negative, \{ Yeas. .................................42
\{ Nays. .........................55

On motion of Mr. Wooten,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Barringer, Baxter, Blue, Bowman, Branch, Clark of Davidson, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Fagg, Faison, Fleming, Folk, Foust, Foy, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly, Hall, Harrington, Hayes, Hill, Howard,

Then the question recurring, was put and

Decided in the affirmative, { Yeas ........................................53
{ Nays ...........................................49

On motion of Mr. Wooten,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Ordered to be returned to the Senate.
The House then

On motion of Mr. Rogers,
Considered the bill (H. 507,) to amend the charter of the Chatham Coalfields Rail Road Company, the question being, shall this bill pass the second reading?
Mr. Farrow moved the same be indefinitely postponed, and the question thereon was pending when the hour for the adjournment arrived and the House adjourned.

FRIDAY, 15th February, 1861.
Recommendations of justices of the peace for several counties of the State, were filed as follows, to wit:
By Mr. Withers, for the county of Caswell.
By Mr. Winslow, for the county of Randolph.
By Mr. Green, of Chatham, for the county of Chatham.
By Mr. Yeates, for the county of Hertford.
Read, adopted and ordered to be transmitted to the Senate.
Mr. Batchelor from the Committee on Enrolled Bills, submitted the following report, to wit:
"The Committee on Enrolled Bills for the present week, have carefully examined bills of the titles following, respectively, and having compared them with the originals, find them correctly and truly enrolled, to wit:
1. An act to incorporate the Chatham Rail Road Company.
2. An act supplemental to an act passed at the present session of the General Assembly, laying off and establishing the county of Transylvania.
3. An act to lay off and establish the county of Transylvania.
4. An act to prevent the felling of timber in, or otherwise obstructing the run of certain streams in Forsythe county.
5. Resolutions concerning Library.
Respectfully submitted
JOS. B. BATCHELOR,
For Committee.

And the said acts being severally signed by the Speaker, were transmitted to the Senate, for the signature of the Speaker thereof.
Reports from Standing Committees were submitted, and filed as follows:

H. 180, by Mr. Martin, bill to prevent obstructions in Cany Fork in Jackson, recommending the same do pass.

H. 368, by Mr. Marsh, bill to charter Greensville Navigation Company, recommending the same do pass.

H. 415, by Mr. Baxter, bill for the relief of Leah White, with an amendment as follows:

"That said Leah White shall make her selection of her Master or Mistress in open Court, and with the approbation of the Court of Pleas and Quarter Sessions for Jones county, at the time she may make her selection of her said Master or Mistress."

And recommending that so amended, the same do pass.

H. 418, by Mr. Martin, bill to prevent the sale of spirituous liquors near Lenoir Institute, and for other purposes, with an amendment as follows:

"Strike out 5th, 6th and 7th sections of the bill."

And recommend the same do pass.

H. 424, by Mr. Baxter, bill in favor of James Moore, a free person of color, recommending the same do pass.

H. R. 529, by Mr. Mendenhall, resolution in favor of A. W. Hedgepeth and others, recommending, "That it do not pass as to Jas. R. Gattis, but do pass as to A. W. Hedgepeth."

Bills of the following titles respectively being introduced, and read, passed the first reading and other proceedings were had respecting them as follows, viz:

By Mr. Cannady, a bill (H. 534,) to authorize certain persons in the county of Wake to send children to free schools in the county of Granville. This bill also passed the second and third readings, and was ordered to be engrossed and sent to the Senate, and,

By Mr. Ward, a bill (H. 535,) to construct a Rail Road from Morehead City to the Atlantic Rail Road, referred to the Committee on Internal Improvements.

Mr. Martin, from the Committee on Propositions and Grievances, submitted the following report:
In this report the House concurred.

And the House resumed the consideration of the bill (H. 507,) to amend the charter of the Chatham Coalfields Rail Road Company, the question being upon the motion to indefinitely postpone the same, and this question was put and

Decided in the negative,

Yea\-s..........................42
Nay\-s..........................57

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Alfred, Antry, Barringer, Branch, Burgin, Bynum, Cannady, Carson, Cheek, Clark of Craven, Clark of Davidson, Crumpler, Davis of Mecklenburg, Dickson, Fagg, Faison, Ferebee, Folk, Foy, Gaither, Galloway, Green of Chatham, Green of Stanly, Guthrie, Hall, Harrington, Hoke, Horton, Jenkins, Kelly, Liles, Logan, Love of Haywood, Love of Jackson, McMillan, Martin, Meares, Menden-
the second reading, and the question thereon was put and 

Decided in the negative, \( \{ \text{Yeas} \quad 37 \} \quad \{ \text{Nays} \quad 61 \) 

On motion of Mr. Gaither, 
The yeas and nays being ordered, 
The following voted in the affirmative, viz: 
Messrs. Alfred, Antry, Branch, Burgin, Bynum, Crumpler, 
Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, 
Dickson, Fagg, Faison, Folk, Gaither, Green of 
Chatham, Hall, Harrington, Hayes, Hoke, Jordan, Kelly, 
Liles, Love of Haywood, Love of Jackson, Martin, Mendenhall, 
Merrimon, Mordecai, Polk, Rogers, Russ, Simonton, 
Slade, Stanford, Ward, Williams of Cumberland, Winslow and Wright—37. 

And the following in the negative, viz: 
Messrs. Albritton, Barringer, Barrow, Batchelor, Booth, 
Bridgers, Bollock, Cannady, Carson, Cheek, Clark of Craven, 
Clark of Davidson, Cline, Cowles, Crawford, Ewell, Farrow, 
Ferguson, Ferebee, Fleming, Galloway, Gorrell, Green of 
Franklin, Guthrie, Hanes, Harris, Henry, Hill, Howard, 
Jenkins, Latham, Lemmonds, McCleese, Marsh, Mitchener, 
Padgett, Patterson, Pearson, Peebles, Perkins, Person, Pindexter, 
Pope, Potts, Shaw, Shober, Small, Tapscott, Waters, 
Watson, Waugh, White, Wilkerson, Williams of Nash, 
Williams of Pasquotank, Williamson, Wishart, Withers, 
Woodard, Wooten and Yeates—61. 

The House then considered the resolution of Mr. Waters 
upon the subject of an adjournment \textit{sine die}, and the same 
being again read, Mr. Latham moved to amend as follows: 
"Strike out the "twentieth," and insert the "nineteenth,"" and it was adopted.
Mr. Martin moved to amend the resolution by striking out and inserting the "twenty-second," and it was not adopted, when the question recurring,

On motion of Mr. Simonton,
The resolution was laid upon the table.

Mr. Bowman moved that the House do now proceed with the motion made to reconsider the vote by which the House had rejected the bill, (H. 39,) to amend the charter of the McDowell and Yancey Turnpike Company, and it was adopted, and the question recurring, "Shall this bill, (the substitute of the committee,) pass the second reading?" was put and

Decided in the affirmative, \{ Yeas..............................54
\} Nays..............................43

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
On motion of Mr. Bowman,
The bill being read the third time, Mr. Hoke offered the following amendment:

"Be it further enacted, That the Governor shall appoint three Commissioners on the part of the State, who with two others to be appointed by the said Company, shall be the board of directors of the same."

And it was adopted.

And so amended the bill passed the third reading.

On motion of Mr. Clark, of Craven,
The House considered the bill, (S. 525,) to amend the charter of the Bank of Commerce, and it being read the second time, passed the second reading, and then the said bill was read the third time, and the question being thereon, Mr. Fleming offered the following amendment:

"Strike out so much of the bill as repeals the 6th section of the Act of 1858-'9."

And it was adopted.

Mr. Batchelor offered the following:

"Strike out so much of the bill as repeals the 19th section of the original charter, passed at the session of 1858-'9, and this amendment shall be applicable to all the banks mentioned in this act."

And the question thereon was put and

Decided in the negative, \{ Yeas..........................42
\} Nays..........................50

On motion of Mr. Batchelor,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Yeates offered the following:

"Be it further enacted, That the Bank mentioned in this act shall not issue more than three dollars to one of their capital stock paid in, nor more than four dollars to one of the specie which they may have on hand."

And the question thereon was put, and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : & \ldots & : & \ldots & : & 31 \\
\text{Nays} & : & \ldots & : & \ldots & : & 62
\end{align*}
\]

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Alfred, Barringer, Bridgers, Bullock, Burgin, Carson, Clark of Craven, Cline, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Dickson, Fagg, Faison, Fleming, Folk, Gaither, Green of Franklin, Green of Stanly, Guthrie, Hall, Hanes, Harrington, Harris, Hayes, Howard, Hoke, Kelly, Latham, Lemmonds, Love of Haywood, McMillan, Marsh, Meares, Mendenhall, Merrimon, Mordecai, Newby, Padgett, Patterson, Pearson, Perkins,
Mr. Fleming offered the following amendment, viz:

"Strike out so much of the bill as repeals the 19th section of the act of 1858–9, and insert,

"Be it further enacted, That so much of the 19th section of the act of incorporation of said bank as restricts the circulation to two thirds the amount of specie on hand is hereby repealed."

And it was adopted.

And then the question recurring upon the passage of the bill the third reading, was put and

Decided in the affirmative, \{ Yeas ......................... 57 \}
\{ Nays ......................... 38 \}

On motion of Mr. Batchelor,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Barrow, Batchelor, Baxter, Booth, Branch, Burgin, Bynum, Cannady, Crawford, Ewell, Ferguson, Galloway, Green of Chatham, Green of Franklin, Harrington, Henry, Horton, Jenkins, Kallum, Lemmonds, McCleese, Martin, Merrimon, Padgett, Pearson, Peebles, Poindexter, Potts, Russ, Shaw, Slade, Small, Stanford, Tapscott, Williams of
Ordered to be enrolled.

On motion of Mr. Small,

And pursuant to notice, the House considered to bill (H. 488,) to charter the Albemarle Steam Packet Company. Passed the second and third readings, ordered to be enrolled.

On motion of Mr. Folk,

And pursuant to notice, the House considered the bill (H. 379,) to improve a road in Watauga and Alexander counties, and the same being read the third time, and amended, on motion of Mr. Folk.

The question was put and

Decided in the negative, \{ Yeas...............................37
\{ Nays...............................56

On motion of Mr. Folk,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Booth moved that the House reconsider the vote by
which the bill (H. 507,) to amend the charter of the Chatham Coalfield road had been rejected.

Mr. Pope moved that this motion be laid upon the table, and the question thereon was put and

Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots \ldots 32 \\ Nays \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 61 \\

On motion of Mr. Booth,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the question recurring upon the passage of the bill the second reading, and the yeas and nays thereon ordered,

On motion of Mr. Peebles,
The hour for the recess arrived and the House took a recess until 7 o’clock P. M.

Notices were filed as follows:
By Mr. Ward, that he should move on Monday next to take up bill No. 228, at 11 o’clock.
By Mr. Fleming, that he should move to take up, on to-morrow, the bill to amend the charter of the Bank of Salisbury.

By Mr. Withers, that he should call up Senate bill (No. ____,) to charter the Milton Junction Rail Road, on Monday next at 11 o'clock, A. M.

By Mr. Wooten, that he would move to take up, on to-morrow, (H. 418,) the bill to prevent the sale of spirituous liquors at Lenoir Institute, and put it upon its several readings.

By Mr. Gaither, that he would move on to-morrow, to take up bill (No. 346,) and put it upon its several readings.

Night Session—FRIDAY, 15th February, 1861.

A message was received from the Senate, transmitting the engrossed bills respectively entitled as follows, to wit:

S. 536, a bill to amend an act entitled an act for the government of Elizabeth City.

S. 537, a bill to incorporate the Fayetteville Savings Bank.

S. 538, a bill to lay off a road from Statesville to Wilkesboro'.

S. 539, (a) a bill to amend an act to incorporate Atlantic Mutual Fire Company.

S. 539, (b) a bill to incorporate the Williamston and Tarboro' Rail Road Company.

S. 540, a bill to enlarge the corporate limits of Monroe, Union county.

S. 541, a bill concerning the town of Wilmington. This bill also passed the second and third readings, and was ordered to be enrolled.

S. 542, a bill to incorporate the Lincoln Gold and Copper Mining Company.

S. 544, a bill to incorporate Canugah Mining Company.

S. 545, a bill to amend 84th section, 99th chapter, Revised Code.
S. 546, a bill to amend an act for the relief of the people of Pitt county, passed in 1859, this bill passed the second and third readings and was ordered to be enrolled.

S. 547, a bill to incorporate the State Educational Association of North-Carolina.

S. 548, a bill to create the Artillery Corps of North-Carolina.

S. 549, a bill to authorize and empower Samuel Brooks to collect arrears of taxes in Hyde county.

S. 550, a bill to incorporate the Oak Hill Military Academy of Granville.

S. 551, a bill to alter the law as to protested notes.

S. 552, a bill to incorporate the Wilmington and Smithville Steamboat Company.

Mr. Batchelor, from the Committee on Enrolled bills, submitted the following report, viz:

"The Committee on Enrolled Bills have examined an act entitled an act to secure the completion of the Wilmington, Charlotte and Rutherford Rail Road, and having carefully compared it with the original, find it correctly and truly enrolled.

Respectfully submitted,

JOS. B. BATCHELOR,
Chairman."

And the said act was signed by the Speaker in the presence of the House, and ordered to be transmitted to the Senate.

A message was received from his Excellency the Governor, communicating an ordinance of the people of the State of Louisiana, dissolving their union with this and other States, which being read was,

On motion of Mr. Bowman,

Sent to the Senate.

Mr. Merrimon moved that the bill No. 1, to call a Convention to alter the Constitution, be taken up and made the special order for Monday night, and the same was not adopted. Yeas 40, nays 43.
Mr. Merrimon then moved that No. 2, bill to amend the Constitution, be made the special order for Monday next, and he moved the yeas and nays be ordered thereon. The Speaker declined to put these questions on the ground that there was unfinished business on the table.

Whereupon the House resumed the question pending at the recess, to wit:

H. 507, "Shall this bill to amend the charter of the Chatham Coalfields Railroad pass the second reading?"

And the same was put and

Decided in the affirmative,

<table>
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<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>46</td>
<td>38</td>
</tr>
</tbody>
</table>

On motion of Mr. Peebles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative viz:


Mr. Love, of Jackson, paired off with Mr. Waters.

And the said bill being read the third time, and the question put was
Decided in the affirmative, \[
\text{Yeas} \quad 44 \\
\text{Nays} \quad 40
\]

On motion of Mr. Peebles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Autry, Blue, Bowman, Burgin, Bynum, Cannady, Carson, Cheek, Crumpler, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Dickson, Donnell, Fagg, Faison, Folk, Foust, Gaither, Green of Chatham, Green of Stanly, Hall, Hayes, Hoke, Jenkins, Kelly, Liles, Logan, Love of Haywood, Martin, Meares, Mendenhall, Merrimon, Mordecai, Polk, Potts, Rogers, Russ, Simonton, Slade, Williams of Cumberland, Winslow and Wright—44.
Mr. Love, of Jackson, paired off with Mr. Waters.
And the following in the negative, viz:
Mr. Batchelor moved the House do consider the bill 449, concerning the Deaf and Dumb Assylum, and it was not adopted.
Mr. Williams of Nash, moved the House do now reconsider the bill, (H. 379,) to improve a road in Watauga and Alexander counties, and it was adopted, and the question recurring, “Shall this bill pass the third reading?” was put and
Decided in the affirmative, \[
\text{Yeas} \quad 53 \\
\text{Nays} \quad 40
\]

On motion of Mr. Folk,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Autry, Baxter, Blue, Bowman, Bridgers, Burgin,

And the following in the negative, viz:


The House then considered the calendar, when bills entitled as follows, being read the third time severally passed the third reading, viz:

H. 131, bill to amend the charter of the Buncombe Turnpike Company.

H. 160, bill concerning the License Law in Sampson county.

H. 165, bill to amend Revised Code, Chapter 107, "Slaves and Free Persons of Color."

H. 28, bill to alter the Constitution, being read the second time, did not pass the second reading.

Mr. Batchelor again moved the House do now consider H. 449, the bill concerning the Deaf and Dumb Asylum.

And it being adopted, the bill was read the second time.

Mr. Jenkins moved the bill be amended by striking out the appropriation of one hundred dollars, and inserting three hundred dollars, and it was not adopted, and the bill passed the second reading, and
On motion of Mr. Batchelor,
The same being read the third time, and amended as fol-
lows, viz:

"Be it further enacted, That the sum of nine hundred
dollars be and the same is hereby appropriated out of any
money in the public treasury, not otherwise appropriated,
for the purpose of enabling the Board of Directors of the said
institution to establish in connection with the institution a
department for teaching a portion of the pupils the trade of
book-binding, which sum the President of the Board of
Directors, it hereby authorized to draw from the public trea-
sury, when the Board of Directors shall have established the
said department, and shall direct the sum to be drawn.

Be it further enacted, That it shall be the duty of the Dis-
trict Committees of Common Schools in each county, to re-
port to the Chairman of the Board of Superintendents of
Common Schools for their county the number of deaf-mutes
and blind children between the ages of five and twenty-one.

Be it further enacted, That it shall be the duty, of the
Chairman of the Board of Superintendents of Common
Schools, for each county to report to the Principal of the In-
stitution for the Deaf and Dumb and Blind, on or before the
first day of September in each and every year, the number of
deaf-mutes and blind children in his county between the ages of five and twenty-one years, and that the said Chair-
man shall procure and furnish all indigent deaf-mutes and
blind children, who are entitled to receive the same, the cer-
tificate now required by law to entitle them to admission into
the Institution as State Pupils.

Be it further enacted, That the Principal of the Institution
for the Deaf and Dumb and the Blind be required to furnish
to the Chairman of the Board of Superintendents of each
county such blanks as may be necessary for the above pur-
pose."

And so amended the bill passed the third reading.
The House resumed the Calendar, and (H. 58, b.) the bill
to amend the Constitution of North Carolina, being read the second time,

Mr. Person offered the following substitute therefor,

"Strike out and insert

"Be it enacted, By the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, (three-fifths of the whole number of the members of each House concurring,) that the 2nd section of the State Constitution as amended by section 2, article 4 of the amendments thereto, shall be amended to read as follows:

"No person who shall deny the being of GOD, or who shall hold religious principles incompatible with the freedom or safety of the State shall be capable of holding any office or place of trust or profit in the civil department within the State."

And he moved the yeas and nays be ordered thereon.

Mr. Yeates offered the following amendment.

"Be it further enacted, That slaves shall be taxed as property per valuation and not per capital, and that so much of the Constitution as requires slaves to be taxed per capita, be and the same is hereby repealed."

And the question being thereon,

Mr. Ward moved the same be postponed until Friday next.

And it was not adopted.

And the question was put upon the amendment of Mr. Yeates, and

Decided in the negative, \{ Yeas.........................51 \}
\{ Nays.........................51 \}

On motion of Mr. Yeates,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Blue, Booth, Bowman, Burgin, Bynum, Carson, Clark of Craven, Clark of Davidson, Cowles, Davis of Rutherford, Dickson, Donnell, Farrow, Ferebee, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harris, Hayes, Henry, Howard, Horton, 42
And the following in the negative, viz:


And the question recurring upon the substitute, Mr. Merrimon offered the following amendment.

"Be it further enacted, That slave property shall be taxed as high as, but not higher than land, and according to value."

And the question being thereon, Mr. Person withdrew his substitute.

And the question recurring, Mr. Batchelor moved the same be laid upon the table.

And this question was put and

Decided in the negative, \{ Yeas ......................... 47 \} Nays ......................... 58

On motion of Mr. Merrimon,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Bridgers, Bullock, Bynum, Cannady, Cheek, Crawford, Davis of Bladen, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Foy, Green of Franklin, Hall, Harrington, Hill, Hoke, Kallum, Lemmonds, Logan, Love of Haywood, McMillan, Meares, Mordecai, Padgett, Pearson, Pope, Potts, Slade, Small,

And the following in the negative, viz:


Mr. Merrimon withdrew his amendment.

Mr. Yeates offered the same amendment.

Mr. Person offered the above recited substitute, as an amendment to the amendment, and the question being stated thereon,

Mr. Marsh objected that the amendment of Mr. Person, was not in order, for that it was not consistent with the amendment thereby proposed to be amended.

The Speaker held that the chair had no power under the jurisdiction conferred by the rules of order and the parliamentary law, to consider and decide a question of consistency, and refused to suppress the proposed amendment, and proceeded to state the question thereon, when Mr. Marsh appealed from the decision of the chair, but the question thereon had not been stated, when the hour for the adjournment arrived, and the House adjourned.

Notices were filed with the Clerk as follows, viz:

By Mr. Polk, that on Monday he would move to take up bill (125,) on the calendar.

Mr. Marsh gave notice that he would on to-morrow or some future day move to take up the bill (No. 156,) entitled a bill concerning Limited Partnership.
By Mr. Foy, that he would move on to-morrow to take up Senate Bill (No. 29,) for the relief of the people.

By Mr. Foy, that he would move to take up bill (115,) to charter the New River Canal Company in the County of Onslow.

By Mr. Crumpler, that on to-morrow he would move to take up the bill concerning a road between the Counties of Ashe and Alleghany.

Also, the bill to open New River.

By Mr. Foust, that he would move to-morrow to take up Senate bill (No. 471,) and that it be put through its several readings.

By Mr. Potts, that he would move to take up bill (No. 207,) at eleven o'clock, to-morrow, and that it be put through its several readings.

By Mr. Jordan, that he would move to take up bill (No. 315,) concerning the Hendersonville Bank.

By Mr. Meares, that he would move on to-morrow to take up bill (No. 433,) for the establishment of the Marine School of North Carolina, and that it be put through its several readings, and the said motion will be renewed from day to day until said bill is disposed of.

By Mr. Ewell, that he would move to take up bill (389,), and that it be put through its several readings.

By Mr. Pope, that he would move on to-morrow to take up Senate bill (399,) entitled a bill to incorporate the Town of Enfield.

By Mr. Merrimon, that he would move on to-morrow to take up (H. No. 1,) and that the same be considered.

By Mr. Merrimon, that he would on Monday move to take up (H. No. 3.)

SATURDAY, 16th FEBRUARY, 1861.

On motion of Mr. Slade,
Leave of absence was granted to Messrs. Waters and Galloway.
Mr. Fleming presented the memorial of E. W. Henry and others, opposed to the extension of the corporate limits of the town of Lexington. Left on the table.

Reports were submitted, received and filed from standing committees, as follows, to wit:

Mr. Wright, from the Committee on Private Bills, reported a substitute for (H. 574,) a bill to repeal an act concerning Beaufort county, and recommended the same do pass.

A bill, (H. 378,) to charter French Broad Steamboat Company, and recommended the same do pass.

A bill, (H. 478,) to cede a portion of Rutherford county to Cleaveland county, and recommended the same do pass.

Mr. Fleming, from the Committee on Internal Improvements, a bill (H. 535,) to construct a railroad from Morehead City to the Atlantic Railroad, and recommended the same do pass.

Mr. Williams, of Nash, from the Committee on Claims, (H. 554,) a resolution in favor of G. B. Threadgill, and recommended the same do pass.

Mr. Fleming, from the Committee on Internal Improvements, (H. 434,) a bill to charter F. W. Railroad Company, with the following amendments, to wit:

Strike out the words "executors and adminstrators," in the 3rd section and insert "successors." "Strike out the 12th section," and recommended the same, so amended, do pass.

Mr. Ferebee, from the Committee on Education, reported a bill, (H. 316,) to grant ten acres of land in Cherokee, with a substitute and recommended the same do pass.

A message was received from the Senate concurring in the amendments to the bill, entitled "a bill to construct a branch of the Wilmington and Weldon Railroad, near Fayetteville," also in the amendments to the bill to amend the charter of the Bank of Commerce. Ordered that the same be enrolled.

Mr. Baxter submitted the following resolution:

"Resolved, That the House of Commons send a message
to the Senate, proposing to adjourn next Thursday morning at six o'clock." Laid over one day under the rule:

Mr. Pope introduced the following resolution:

"Resolved, That all private bills hereafter considered, shall be taken up in their regular order, and put upon their several readings." Laid over one day under the rule.

Mr. Latham introduced the following resolution:

"Resolved, That from and after to-day, this House will meet at 9 ½ A. M., and sit until 3 ½ P. M., take a recess until 9 and adjourn at 10." Laid over one day under the rule.

Mr. Batchelor from the committee on enrolled bills, submitted the following report:

The committee on enrolled bills, for the present week, have examined the act, entitled "an Act to enable the Western Railroad Company to extend their road from the Coalfields to the North-Carolina Railroad," and having carefully compared the same with the original, find it correct and correctly enrolled.

Respectfully submitted,

THOS. B. BATCHelor,
Chairman.

The same then received the signature of the Speaker and was sent to the Senate.

Mr. Davis, from the same Committee, submitted the following report:

The committee on enrolled bills have examined the following acts, and compared them with the engrossed bills, and find them correct, to wit:

"An act to amend an act, entitled an Act to incorporate the town of Charlotte in the county of Mecklenburg," also, "an act to complete the improvement and provide for the equipment of the Albemarle and Chesapeake Canal, and the waters connected therewith."

S. W. DAVIS,
for Committee.
Signed by the Speaker, and sent to the Senate.

Mr. Blue, from the same Committee, submitted the following report:

The committee on enrolled bills have examined the following acts, and compared them with the engrossed bills, and find them correct, to wit:

An act to amend an act, entitled an Act to establish the Bank of Commerce.

Also, an act to establish a new county by the name of Mitchell.

And the act to charter the Green Swamp Company.

J. G. BLUE, for the Committee.

And these acts were severally signed by the Speaker, and ordered to be transmitted to the Senate.

Recommendations for justices of the peace, within and for several counties of the State, were submitted as follows:

By Mr. Williamson, for the county of Columbus.

By Mr. Davis, of Bladen, for the county of Bladen.

By Mr. Williams, of Pasquotank, for the county of Pasquotank.

Each of which being read, were adopted and sent to the Senate.

Bills, etc., of the titles following, then being introduced and read, passed the first reading, and other proceedings were had, as follows, viz:

By Mr. Bridgers, a resolution, (H. 553,) in favor of Guy Bryan, passed also the second and third readings.

By Mr. Polk, a resolution (H. R. 554,) in favor of G. W. Tredgell, referred to claims.

By Mr. Woodard, bill (H. 555,) to amend an act concerning tax collectors in Wayne, amended so as to include Beaufort county. Passed the second and third readings.

By Mr. Bynum, bill (H. 556,) to charter the Iron Ore Company.
By Mr. Baxter, a bill (557,) for the relief of David Boser, a free person of color.

From the Senate, a bill (658,) to amend an act concerning Newbern Navigation Company.

From the Senate, a bill (559,) to charter the Independent Grays and other companies.

H. 90, resolution in favor of George Crofton, being read the second time, did not pass the second reading.

Mr. Wright moved the vote be reconsidered, and it was adopted, and the question recurring,

Mr. Wooten moved the same be recommitted, and it was not adopted, there being counted yeas 40, nays 40, and the Speaker voting in the negative, and the question recurring, "Shall this bill pass the second reading?" was put and

Decided in the affirmative, \{ Yeas.................................47

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


On motion of Mr. Hayes,
The session of this day was extended until 3 o'clock. The House then considered the Private Calendar, when the following other bills, respectively entitled as follows, passed the second and third readings, and were ordered to be engrossed and sent to the Senate, or enrolled, or other proceedings had, as is stated of them respectively, to wit:

H. 176, bill to charter the Bladen Guards.
H. 180, to prevent obstructions in Caney Fork.
H. 189, bill in favor of W. H. Haymore, Sheriff of Surry.
H. 207, bill for the relief of Charles Wilkes and St. Catherine's Rail Road.

H. 268, to charter the Cherokee Mining Company.
H. 269, to charter Peachtree Paint and Mineral Company.
H. R. 276, in favor of Benjamin Justice.
H. R. 278, a bill in favor of Francis Russell. Did not pass.

H. 279, a bill to charter Sulphur Springs Hotel.
H. 280, a bill to charter the Sulphur Springs Manufacturing Company.
H. 281, a bill to alter the county line between Rutherford and Polk. Did not pass.
H. 286, a bill to amend the charter of Lumberton.
H. 297, a bill to charter the Melville Hill Mining and Smelting Company.

H. 300, a bill to charter Etna Mining Company.
H. R. 301, resolution in favor of Henry Bagley.
H. 304, a bill to amend an act concerning Lillington county.

H. R. 305, resolution in favor of H. H. Davidson.
H. 306, a bill to charter Rich Fork Mining Company.
H. 309, a bill to charter the North-Carolina Shoe Manufacturing Company.
H. 310, a bill to charter Calvin's Creek Academy.
H. 319, a bill to charter Pamlico Gas Light Company.
H. 320, a bill to regulate the sale of spirituous liquors in Rutherfordton.
H. 323, a bill to charter the Granville Independent Grays.
H. 325, a bill to charter Boon Hill.
H. 326, a bill to charter Sulphur Springs Camp Ground.
H. 330, a bill concerning tonnage in Cape Fear River.
H. 332, a bill to amend charter of Bascomb College.
H. 337, a bill to charter Marble Creek Copper Company.
H. 341, a bill to charter the Hiawassee Manufacturing Company.
H. 346, a bill to enlarge the powers of county trustees in Iredell, and for sale of jail lot.
H. 348, a bill in favor of Blacknall and Camp. Did not pass.
H. 349, a bill to charter the Jackson Mining Company.
H. 350, a bill to amend charter of Washington.
H. 351, a bill to charter Macon Mining Company.
H. 352, resolution in favor of Wm. Peace. Laid on the table.
H. 353, resolution in favor of James C. Luter.
H. R. 354, resolution in favor of Josiah Collins.
H. 356, a bill to amend charter of Morganton.
H. 357, a bill to charter the Robeson Institute.
H. 359, a bill concerning County Court of Lincoln.
A bill (H. 363,) to repeal the charter of Warsaw.
A bill (H. 367,) to charter town of Marshall.
A bill (H. 369,) to charter Franklin Copper Company.
A bill (H. 371,) to charter Palmyra Lodge No. 149, A. Y. M.
A bill (H. 372,) to repeal an act concerning Beaufort county.

By a message from the Senate, the House was informed that the resolution in behalf of Wm. Peace and for other purposes, had passed that body with an amendment, in which the House concurring, it was ordered that the resolution be enrolled.

And the House resumed the Calendar, when bills of the titles following respectively, passed the second and third
readings, and were ordered to be engrossed and enrolled or otherwise disposed of as follows, viz:

A bill (S. 373,) to prevent obstructions in certain streams in Hertford county.

Mr. Yeates moved the House strike out the second section, and it was not adopted.

Ordered to be enrolled.

A bill (S. 376,) to charter City of Morehead, ordered to be enrolled.

A bill (H. 381,) in favor of Daniel Johnson.

A bill (H. 382,) to lay off a road in Madison county.

A resolution (H. R. 385,) in favor of Ephraim Stelwell.

A resolution (H. R. 392,) in favor of sureties of C. Gregs.

A bill (S. 396,) to charter the Adams Hill Manufacturing Company. Ordered to be enrolled.

A resolution (S. R. 398,) in favor of N. C. Norman. Ordered to be enrolled.

A bill (S. 399,) to charter Enfield. Ordered to be enrolled.

A bill (S. 400,) to charter Hillsboro' Military Academy. Ordered to be enrolled.

A bill (S. 401,) to charter Valley River Mining Company. Ordered to be enrolled.

A bill (S. 403,) to charter the Riddicks Creek Mining Company. Ordered to be enrolled.

A bill (S. 405,) to charter the Bellevue Academy. Ordered to be enrolled.

A resolution (S. R. 406,) in favor of Jasper Pritchett. Ordered to be enrolled.

A bill (H. 416,) in favor of C. P. Wilkins and others.

A bill (H. 417,) in favor of Nelson Patterson.

A bill (S. 471,) to amend charter of Ashboro'. Ordered to be enrolled.

A bill (H. 479,) in favor of sureties of E. S. Dunston.

A bill (S. 513,) to amend the charter of Mars Hill College. Ordered to be enrolled.

A resolution (H. R. 553,) in favor of Guy Bryan.
A bill (H. 555,) concerning tax Collectors of Wayne.
And then, it being 3 o'clock, the House adjourned.

MONDAY, 18TH FEBRUARY, 1861.

The Speaker announced the following committee, viz:.

A message was received from his Excellency, the Governor, by Mr. Daves, his Secretary, communicating certain resolutions from the States of Texas and Michigan, which being read,

On motion of Mr. Green of Franklin,
The resolutions of Texas were ordered to be sent to the Senate, and the resolutions of Michigan were unanimously ordered to be returned to the Governor of that State, without remark.

Mr. Williams of Nash, presented a recommendation of justices of the peace for the county of Nash. Read and adopted, and sent to the Senate.

On motion of Mr. Hill,
And pursuant to notice, the House considered the bill (S. 524,) to charter the Milton and Yanceyville Junction Rail Road Company, and the same having passed the second and third readings was ordered to be enrolled.

On motion of Mr. Latham,
The House reconsidered the vote by which the resolution (354,) in favor of Josiah Collins had passed the third reading, and the question recurring,

On motion of Mr. Latham,
The word "twelve" was stricken out, and the words "thirteen dollars and twenty cents" inserted, and so amended the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.
On motion of Mr. Wooten,

And pursuant to notice, the House considered, (H. 418,) bill to prevent sale of spirituous liquors near Lenoir Institute, and the amendments proposed by the Committee being first adopted, this bill passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Wilkerson,

And pursuant to notice, the House considered the bill (S. 531,) to charter the Bank of Roxboro', and the same passed the second reading, and the question being, shall this bill pass the third reading? was put and

Decided in the affirmative, { Yeas..........................69
Nays..............................22

On motion of Mr. Green, of Chatham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Albritton, Barringer, Barrow, Cheek, Davis of Halifax, Ferguson, Ferebee, Green of Chatham, Green of Franklin, Harrington, Harris, Henry, Jenkins, McMillan, Mitchener, Poindexter, Pope, Shaw, Watson, Wishart, Withers and Woodard—22.

Bills of the titles following, being introduced and read, passed the first reading, and other proceedings were had as follows, viz:
From the Senate, (S. 560,) an engrossed bill concerning the Lunatic Asylum, and this bill also passed the second and third readings, and was ordered to be enrolled, subject to the assent of the Senate to a correction made by order of the House, viz: strike out the figures (1,000,) and insert (10,000,) was to make the same read "ten thousand."

On motion of Mr. Waugh,
A message was sent to the Senate, proposing to proceed forthwith to elect four trustees of the University of North-Carolina.

On motion of Mr. White,
And pursuant to notice, the House considered, (H. 185,) bill to charter a railroad from Dallas to the South-Carolina line, and the question being upon the amendment proposed by the Committee, was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 17 \\
\text{Nays} & : 69
\end{align*}
\]

On motion of Mr. Love, of Jackson,
The yeas and nays being ordered,
The following voted in the affirmative, viz :
And the following in the negative, viz :
Nash, Williamson, Winslow, Withers, Woodard, Wooten and Wright—69.

Mr. Love, of Jackson, paired off with Mr. Waters.

And the bill passed the second reading, and the same being read the third time, and the question put, "Shall this bill pass the third reading?" was

Decided in the affirmative,

<table>
<thead>
<tr>
<th>Yea</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>67</td>
<td>21</td>
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On motion of Mr. Liles,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Cowles, Crawford, Ewell, Farrow, Ferguson, Ferebee, Green of Stanly, Hanes, Henry, Jenkins, Liles, McCleese, Meares, Polk, Russ, Shaw, Ward, Williams of Pasquotank, Williamson, Wishart, Woodard and Yeates—21

Mr. Blue, from the committee on enrolled bills, reported as follows, viz:

The Committee on enrolled bills have examined the following acts, and compared them with the original engrossed bills, and report them correct, to wit:

An act to incorporate the Greensboro' Hotel Company.

Resolution in favor of Jonas Jenkins, of Jackson county.
Resolution concerning the appointment of additional engrossing clerks.

An act to authorize the sureties of George W. Glass, late sheriff of McDowell county, to collect arrearages of taxes.

An act to authorize James H. Allen, late sheriff of Brunswick county, to collect arrears of taxes due said sheriff.

Resolution in favor of John Pate.

Resolution in favor of James S. Ives, of the town of Newberne.

Resolution to authorize the Governor to offer $100 reward for an escaped criminal.

An act to incorporate the Buncombe Riflemen.

Resolution in favor of the sureties of G. H. Holland, late sheriff of Haywood county.

An act to incorporate the trustees of Tally Ho! Female Academy, in the county of Granville.

Resolution in favor of sureties of Seth Ray, late sheriff of Yancey county.

An act to amend an act passed by the General Assembly of the State of North-Carolina, at its session of 1848'–49, to incorporate Perquiman's Male and Female Academy.

An act to incorporate the Duplin Riflemen.

An act to incorporate the Wilmington Horse Artillery Troop.

An act for the relief of Evans Ferguson and Benjamin Smith.

An act to revise and amend an act to incorporate the town of Thomasville.

An act to complete the buildings of the North-Carolina Institution for the deaf and dumb and the blind, and other purposes.

An act to incorporate the Valley River Gold Mining and Aqueduct Company, Cherokee county.

An act to amend the charter of the Western North-Carolina Railroad Company.
An act to incorporate the Asheville Water Company, in the county of Buncombe.
An act to incorporate the Wilmington Water Work Company.
An act to incorporate the Jefferson Academy in the county of Ashe.
An act to incorporate the Carrolton Copper Mining Company of Baltimore.
An act to incorporate A. Y. M. in the town of Wadesboro', county of Anson.
An act to authorize the Commissioners of the town of Hertford to sell town lots.

J. G. BLUE, for the Committee.

Each of which being signed by the Speaker, was sent to the Senate.

From the Senate (S. 501,) bill to amend an act concerning Pilotage on the Cape Fear. And this bill being also read the second time, and the question put, passed the second reading, and the bill being read the third time and the question thereon,

Mr. Marsh offered the following amendment.
Insert after the words "six and seven feet," "except such as come from ports in North Carolina."
And it was adopted.
And the bill to amend being read the third time, passed the third reading.

Mr. Love, of Jackson, moved that the vote be reconsidered.
Mr. Henry moved the latter motion be laid upon the table.
And this question was put and

Decided in the negative, { Yeas..........................41
{ Nays..........................43

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

43

And the following in the negative, viz:


And the question recurring upon the motion to reconsider, was put and

Decided in the negative, { Yeas.............................43
Nays.............................47

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Barringer, Booth, Bowman, Burgin, Carson, Clark of Davidson, Cowles, Ewell, Farrow, Ferebee, Foust, Gaither, Gorrell, Green of Chatham, Green

By a message from the Senate, the House was informed of the passage of the following resolution:

"Resolved, That the two Houses of the General Assembly adjourn sine die, at 6 o'clock, on Monday, the 25th inst."

And it was adopted, the House concurring therein.

A message was received from the Senate, transmitting an engrossed resolution (S. R. 500,) to pay the expenses of the Commissioner from Georgia.

And this resolution passed the first reading, and then being read the second and third times, passed the second and third readings, and was ordered to be enrolled.

And the House resumed the consideration of bills on the first reading, when the following bills from the Senate, being introduced, passed the first reading, and other proceedings were had as follows, viz:

S. 562, bill supplemental to an act concerning the county of Mitchell, being also read the second time, passed the second reading, and the same being read the third time, and the question thereon,

Mr. Folk offered the following amendment.

Strike out "the fifth Monday after the fourth Monday in March, June, September and December," and insert "the tenth Monday after the fourth Monday in March, June, September and December," and it was adopted, and so amended the bill passed the third reading.

S. R. 563, resolution from the Senate, in favor of sureties of W. W. Ward being introduced and read, passed the first, second and third readings, and was ordered to be enrolled.

From the Senate, a bill (S. 564,) to lay off and establish Dobbin county.

From the Senate, a bill (S. 565,) to incorporate the town of Rockingham.
On motion of Mr. Ferebee,
A message was sent to the Senate, proposing to raise an additional Committee on Enrolled Bills.

On motion of Mr. Waugh,
The House reconsidered the vote, by which (H. 140,) the bill to improve a road near Fisher's Gap had been rejected, and the question recurring upon the passage of the bill the second reading, was put and decided in the affirmative, and this bill also passed the third reading, and was ordered to be engrossed and sent to the Senate.

And the House resumed the consideration of the resolution of Mr. Latham, concerning the daily sessions, and the question being thereon,
Mr. Latham moved to amend the same by striking out "ten" and insert "eleven."

Mr. Fleming moved to amend the same by striking out and inserting "at the pleasure of the House," and the question recurring, was, on motion of Mr. Gaither, laid upon the table.

Pursuant to notice, Mr. Meares moved that there be an afternoon session of the House from half past three to half past five.

And the question thereon was put and
Decided in the affirmative, { Yeas .........................63 } Nays .........................30

On motion of Mr. Gorrell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:  
Messrs. Alfred, Barringer, Barrow, Blue, Burgin, Bynum, Carson, Clark of Davidson, Cline, Crumpler, Davis of Rutherford, Dickson, Ewell, Fagg, Faison, Farrow, Ferguson, Folk, Foust, Foy, Gaither, Green of Chatham, Green of Franklin, Green of Stanly, Harris, Hayes, Hoke, Kallum, Kelly, Latham, Logan, Love of Jackson, Mc Cleese, McMillan, Marsh, Martin, Meares, Mendenhall, Merrimon, Mitcherner, Pearson, Perkins, Person, Poindexter, Polk, Potts, Shaw, Simonton, Small, Stanford, Ward, Watson, Waugh,
White, Whitehurst, Wilkerson, Williams of Cumberland,  
Williams of Pasquotank, Williamson, Winslow, Wishart,  
Withers and Wright—63.

And the following in the negative, viz:
Messrs. Autry, Baxter, Booth, Bridgers, Bullock, Cheek,  
Cowles, Crawford, Davis of Bladen, Davis of Halifax, Davis  
of Mecklenburg, Ferebee, Fleming, Gorrell, Hall, Harrington,  
Henry, Howard, Horton, Jenkins, Jordan, Lemmonds,  
Liles, Love of Haywood, Newby, Pope, Russ, Shober, Slade  
and Yeates—30.

Immediately after which the hour for the recess arriving,  
the House took a recess until half past three o’clock.

*Half past Three o’clock.*

The House having re-assembled,
Mr. Latham moved there be a call of the House, and it was  
adopted, and the roll being called, the following named  
members did not answer to their names, viz:
Messrs. Albritton, Batchelor, Baxter, Bowman, Bullock,  
Burgin, Clark of Craven, Cowles, Crawford, Davis of Bladen,  
Davis of Halifax, Davis of Rutherford, Donnell, Ferguson,  
Folk, Green of Chatham, Hall, Hill, Kallum, Lemmonds,  
Logan, Love of Jackson, McMillan, Mebane, Mitchener,  
Newby, Padgett, Patterson, Peebles, Perkins, Pope, Potts,  
Ransom, Rogers, Russ, Shober, Siler, Slade, Small, Speight,  
Stanford, Taylor, Waters, White, Whitehurst, Williams of  
Cumberland, Williams of Nash, Woodard, Wooten and  
Yeates.

On motion, Messrs. Baxter, Donnell, Mebane, Siler,  
Speight, Taylor, Waters, Ransom and Patterson were  
excused.

On motion of Mr. Hoke,
The Doorkeeper was sent after the absent members, and  
the door being opened for that purpose, several of the  
absentees entered the Hall, when,
On motion of Mr. Hoke,
All further proceedings were dispensed with.
Mr. Merrimon moved that the bill (H. 1,) to call a State Convention, be made a special order for 8 o'clock to-morrow night, and the question thereon was put, and (two-thirds not voting therefor,)

Decided in the negative, \{ Yeas...............40 \} Nays...............39

On motion of Mr. Merrimon,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:

Mr. Merrimon then moved, that the bill (H. 2,) to amend the Constitution, be made a special order for to-morrow night at 8 o'clock, and the question thereon was put, and (two-thirds not voting therefor,)

Decided in the negative, \{ Yeas...............45 \} Nays...............37

On motion of Mr. Merrimon,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


On motion of Mr. Bynum,

And pursuant to notice, the House proceeded to the consideration of (H. 25,) the bill to amend an act concerning Chatham county, the pending question being upon the substitute offered by Mr. Mendenhall, as amended by the committee.

Mr. Bynum offered the following amendment:

"Section 2. In sales of real estate by a decree of a Court of Equity allowances for all services except for taking testimony and accounts shall be as follows: for sale of five hundred dollars or less, not more than ten dollars; for two thousand dollars and not less than five hundred dollars, not more than two per centum, and when the allowance shall amount to forty dollars, any additional compensation shall not exceed the rate of one per centum: Provided this section shall not extend to any fees for process subpoenas or registration of decrees."

And it was adopted.

Mr. Person offered the following amendment to be added to the first section:

"And no person but the Clerk and Master shall be appointed to make such sale."
And it was adopted.

And thus amended the bill passed the third reading and was ordered to be engrossed and sent to the Senate.

A recommendation for justices of the peace for the county of Sampson being received from the Senate,

On motion of Mr. Faison,

The House concurred therein. Ordered to be sent to the Governor.

On motion of Mr. Ferebee,

And pursuant to previous notice, the House considered the bill, (S. 536,) Senate bill to amend the charter of the town of Elizabeth City, and the same passed the second and third readings, and was ordered to be enrolled.

The House resumed the Calendar, when bills of the titles following being read the second time, passed the second reading, viz:

H. 155, bill to amend Revised Code, chapter 35, concerning Executions and Insolvents.

Mr. Latham offered the following amendment:

After the word "coal" in 41st line of section 1st, add "one barrel of molasses of thirty gallons, one barrel of flour, fifty pounds of sugar, fifty pounds of coffee, one hundred pounds of lard."

Strike out the words in 16th line of section 2, "But is not exempt from distress."

And it was adopted.

And the question recurring, shall this bill pass the second reading? Mr. Fleming moved the same be indefinitely postponed, and the question thereon was put and

Decided in the affirmative, \{ Yeas.................................50 \} Nays.................................43

On motion of Mr. Fleming,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Barringer, Barrow, Baxter, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Clark of David-
son, Cline, Cowles, Davis of Halifax, Ewell, Farrow, Ferguson, Ferebee, Fleming, Folk, Foust, Gorrell, Green of Chatham, Green of Franklin, Guthrie, Hall, Hanes, Harrington, Harris, Hill, Horton, Jenkins, Kallum, Kelly, Marsh, Martin, Mendenhall, Pearson, Perkins, Poindexter, Potts, Shaw, Shober, Small, Tapscott, Wilkerson, Williams of Cumberland, Williams of Nash, Winslow and Withers—50.

And the following in the negative, viz:


Mr. Gorrell moved that the vote by which the House had adopted the Senate resolution for adjournment sine die, be reconsidered.

Mr. Ward moved that the same be laid upon the table, and the question thereon was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 69 \\
\text{Nays} & : 23
\end{align*}
\]

On motion of Mr. Ward,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:

H. 156, bill to provide for limited partnerships, passed the second reading.

Mr. Faison moved that the House do reconsider the vote by which the House had adopted the resolution for afternoon sessions; and Mr. Latham moved the same be laid upon the table, and the question thereon was put and

Decided in the affirmative, 
\begin{align*}
\text{Yeas} & : \quad 69 \\
\text{Nays} & : \quad 23
\end{align*}

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Alfred, Booth, Bullock, Burgin, Cheek, Cowles, Crumpler, Davis of Mecklenburg, Fagg, Gorrell, Green of Stanly, Hanes, Hayes, Henry, Howard, Horton, Jenkins,

And thereupon the House took a recess until seven o'clock, P. M.

**Night Session—Saturday, 16th February, 1861.**

The House having re-assembled, resumed the calendar of bills upon the second reading, when the bills respectively entitled as follows, passed the second reading or were otherwise disposed of, as follows, viz:

H. 158, bill to charter the Industrial Savings Bank of Charlotte, did not pass the second reading but was rejected.

H. 169, bill concerning jurors being read the second time, Mr. Gaither moved the same be laid upon the table, and the question thereon was put and decided in the negative, 

\[
\begin{align*}
\text{Yeas} & = 19 \\
\text{Nays} & = 74
\end{align*}
\]

On motion of Mr. Gaither, The yeas and nays being ordered, The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barringer, Barrow, Blue, Booth, Bowman, Branch, Burgin, Bynum, Clark of Craven, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Rutherford, Dickson, Ewell, Fagg, Faison, Farrow, Ferguson, Ferebee, Folk, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hall, Hanes, Hayes, Henry, Hill, Howard, Horton, Jenkins, Jordan, Kelly, Latham, Lemmonds, Love of Jackson, McCleese, Martin, Mendenhall, Merrimon, Newby, Padgett, Perkins, Person, Poindexter, Polk, Potts,

And the question recurring upon the passage of the bill the second reading, was put and

Decided in the affirmative: Yeas .........................65
Nays .........................32

On motion of Mr. Barringer,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


H. 170, bill to abolish jury trials in the county courts, did not pass the second reading, but was indefinitely postponed.

H. 171, bill to amend Revised Code, Chapter 140, "Wrecks." Passed the second reading.

H. 172, bill for the relief of the sureties of ————, did not pass the second reading.
S. 173, bill to reduce the salary of the Superintendent of Common Schools. The question being, "Shall this bill pass the second reading?"

Mr. Harris moved the same be indefinitely postponed, and the question thereon was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yea}s & : 50 \\
\text{Nay}s & : 46
\end{align*}
\]

On motion of Mr. Harris,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Barrow, Blue, Booth, Branch, Bridgers, Carson, Clark of Craven, Clark of Davidson, Cline, Crawford, Davis of Bladen, Davis of Mecklenburg, Davis of Rutherford, Fagg, Faison, Farrow, Ferebee, Fleming, Gorrell, Hall, Harris, Henry, Howard, Jenkins, Kelly, Latham, Lemmonds, Love of Haywood, McCleese, Marsh, Mendenhall, Person, Poindexter, Polk, Potts, Shaw, Small, Ward, Watson, White, Williams of Cumberland, Williams of Nash, Williams of Pasquotank, Winslow, Woodard, Wooten, Wright and Yeates—50.

And the following in the negative, viz:


H. 185, bill to charter the Buncombe Saving's Bank, the question being shall this bill pass the second reading?

Mr. Crumpler offered the following amendment, viz:

"Provided, That no officer of any other Bank, or branch of any other bank shall be elected or appointed an officer of the Bank by this act incorporated."

And it was adopted, and then the question recurring, shall the bill pass the second reading? was put and
Decided in the negative, \{ \begin{align*} \text{Yea}s & : 39 \\ \text{Nay}s & : 58 \end{align*} \}

On motion of Mr. Merrimon,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


H. 177, bill in favor of A. McDowell, did not pass the second reading.

Mr. Ferebee, from the Committee on Enrolled Bills, submitted the following report, viz:

"The Committee on Enrolled Bills have carefully examined the rolls of acts of the titles following with the original engrossments of the same, and find them truly and carefully enrolled, and report them for the signatures of the Speakers as follows to wit:

An act to incorporate the Union Agricultural, Mechanical and Commercial Society at Newbern."
An act to amend an act, entitled an “act for the relief of such persons as may suffer from the destruction of the records of Pitt county, occasioned by the burning of the Court-House,” passed at the session of 1858-'59, to extend the time of relief under the act from three years to six years.

An act to incorporate Green Hill Cemetery in the county of Buncombe.

An act to amend an act, passed at the session of 1850-'51, amendatory of an act to incorporate the McDowell and Yancey Turnpike, passed at the session of 1848-'49.

An act to incorporate the Greensboro' Gas-Light Company.

An act to incorporate the Independent Order of Odd Fellows, Swannanoa Lodge, No. 56, at Asheville, in the county of Buncombe.

An act to construct a branch from the Wilmington and Weldon Rail Road to or near the town of Fayetteville.

D. D. FEREBEE,

for the Committee.”

February 18th, 1861.

Each of which having received the signature of the Speaker, were transmitted to the Senate.

Mr. Wright, from the Committee on Private Bills, reported, H. 570, the bill to amend the charter of Buckhorne Iron Company, recommending the same do pass.

And the House resumed the Calendar.

H. 184, bill to amend Revised Code, Chapter 48, Fences, did not pass the second reading.

H. 126, bill concerning betting in public buildings, passed the second reading.

H. 188, bill to provide a mechanic lien being read the second time, and the question,

Mr. Cowles moved the bill be laid upon the table.

And it was not adopted.

Mr. Gaither offered the following amendment:

“Be it further enacted, That overseers and all other hands
employed to till or farm shall have a lien upon the same until their wages are paid.'"

And the question being thereon, Mr. Martin moved the same be indefinitely postponed.

And the question was put and

Decided in the negative,

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>79</td>
</tr>
</tbody>
</table>

On motion of Mr. Clark, of Craven.

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


And the question being on the substitute,

Mr. Fleming offered the following amendment:

"Be it further enacted, That any person digging a ditch, cutting a canal, sinking a well or otherwise improving the land of another by the bestowments of his labor and capital, shall have the like hire upon the land so improved for the amount due for the same."
And the question thereon was put and
Decided in the negative, \( \{ \text{Yea}s \} \quad 30 \)
\( \{ \text{Nay}s \} \quad 67 \)

On motion of Mr. Fleming.
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the question recurring was put and
Decided in the negative, \( \{ \text{Yea}s \} \quad 33 \)
\( \{ \text{Nay}s \} \quad 62 \)

On motion of Mr. Yeates.
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Booth, Burgin, Carson, Crumpler, Davis of Mecklenburg, Davis of Rutherford, Fleming, Folk, Foust, Foy, Gaither, Green of Stanly, Hanes, Harrington, Harris, Henry, Horton, Latham, Liles, Logan, Mc Cleese, Marsh, Martin, Perkins, Polk, Simonton, Small, White-
hurst, Williams of Pasquotank, Woodard and Yeates—33.

And the following in the negative, viz:


Mr. Gorrell offered the following amendment:

"Provided the work shall be executed in a workmanlike manner, and according to contract."

This is to come in at the end of 11th line of section 1st. Nor the proviso in this section. This to come in at the end of (4th,) so that it will then read as follows:

"A change or modification of the contract shall not affect the lien, nor the proviso in this section."

And it was not adopted.

A message was received from the Senate concurring in the proposition to appoint an additional Committee on Enrolled Bills, whereupon the Speaker appointed Messrs. Green of Franklin, Henry, Jordan, Love of Haywood and Clark of Craven, on the part of the House.

The Senate transmitted a recommendation for justices in the county of Bertie, in which the House concurred, and the House resuming the pending question, (H. 188,) shall this bill pass the second reading? was put and

Decided in the affirmative, \( \{ \) Yeas .......................53
Nays .......................37

The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Barrow, Baxter, Bowman,

And the following in the negative, viz:


But the result had not been announced, when the hour for the adjournment arriving, the House adjourned.

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TUESDAY, 19TH FEBRUARY, 1861.

Prayer by the Rev. Dr. Mason.

Mr. Simonton presented a recommendation of Justices for the county of Iredell. Read, adopted and sent to the Senate.

Reports were submitted received and filed from Standing Committees as follows, viz:

Mr. Person, from the Committee on the Judiciary, reported a bill (H. 4,) to amend Revised Code, chapter 8, "County Revenue and charges," and recommended the same do not pass.

Mr. Person, from the committee on Finance, reported a bill (H. 24,) to amend the Revenue Law of 1858-'9, and recommended the same do not pass.

Also, bill (H. 50,) to amend the Revenue Law, and recommended the same do not pass.
Bill (H. 59,) concerning county taxes, and recommended the same do not pass.

Bill (H. 125,) to amend Revised Code, chapter 28, section 1, County Revenue and charges, and recommended the same do not pass.

And bill, (H. 164,) for the relief of the Sheriffs of North-Carolina, and recommended the same do not pass.

Mr. Baxter, from the Committee on Propositions and Grievances, reported resolution (S. 202,) in favor of John M. Morehead and others, and asked that the same be referred to the Committee on the Judiciary, and they be discharged, in which the House concurred.

Mr. Person, from the Committee on Finance, bill (H. 271,) to exempt certain articles from taxation, and recommended the same do not pass.

Mr. Love, of Haywood, from the Committee on Western Turnpikes, reported bill (H. 282,) to amend charter of the Keowee and Tuckasegee Turnpike Company, and asked to be discharged, in which the House concurred.

Mr. Baxter, from the Committee on Propositions and Grievances, bill (H. 458,) to provide for selection of a county site in Clay, with a substitute recommending the same do pass.

Mr. Ferebee, from the committee on enrolled bills, submitted the following report, viz:

The committee on enrolled bills, have carefully compared the rolls of acts of the titles following, with the original engrossments of the same, and find them truly and carefully enrolled, and report them for the signatures of the Speakers, as follows, to wit:

Resolution in favor of Joseph Pritchett.
Resolution in favor of the sureties of W. W. Ward, late sheriff of Martin county.
Resolution in favor of Wm. Peace, &c.
Resolution in favor of M. C. Norman, of Yadkin county.
Resolution in favor of J. L. Ward of Polk.
An act to incorporate Valley River Mining Company.
An act to incorporate the Adams Hill.
An act to extend the time for registering grants, deeds and other conveyances.
An act to incorporate the Greensboro' and Leaksville Railroad Company.
An act, supplemental to an act, passed at the present session of the General Assembly, entitled "an act to lay off and establish a new county by the name of Mitchell."
An act to incorporate the Milton and Yanceyville Junction Railroad Company.
An act to lay off and establish a new county by the name of Clay.
An act concerning the town of Wilmington.
An act to amend an act, entitled "an act to incorporate the Mars Hill College, passed at the session of 1858–'59.
An act to re-enact and amend the act of 1854–'55, entitled "an act to extend the limits of the town of Ashboro,' and repeal all former acts of incorporation."
An act to incorporate the city of Morehead.
An act for the preventing of felling of timber in the streams of Wickacon Creek, Bear Swamp, Stony Creek and Ahaskie Swamp in the county of Hertford.

D. D. FEREBEE,
for the Committee.

Whereupon, the Speaker signed the said bills, in the presence of the House, and ordered them to be transmitted to the Senate.

Bills, etc., of the titles following, then being introduced and read, passed the first reading, and other proceedings were had as follows, viz:

By Mr. Taylor, a resolution, (H. R. 569,) in favor of L. J. Haughton and others.

By Mr. Hill, a bill to amend the charter of the Caswell
Plank Road. This bill also passed the second and third readings, and was ordered to be engrossed.

By Mr. Person, a bill, (H. 569,) to regulate the measure of corn in New Hanover county.

By Mr. McMillan, a bill (H. 570,) to incorporate the Lumber Bridge High School. Referred to Committee on Education.

Mr. Clark, of Craven, submitted the following resolution:

Resolved, That the Speaker of this House cause to be read, on the morning of the 22d inst., immediately after prayer, Washington's Farewell Address, and that he is hereby required to invite the Senate, the Governor, Judges of the Supreme Court and all other State officers, to be present on the occasion.

And the question being thereon, Mr. Fleming offered the following amendment:

Strike out and insert after the words Farewell Address, the Declaration of Independence, the Constitution of the United States, and the resolutions of 1798-99.

Mr. Crumplcr offered the following amendment:

"Strike out the Constitution of the United States," and the question pending,

Mr. Slade moved the resolution be laid upon the table.

Decided in the affirmative, Yeas...........................54

Nays.................................45

On motion of Mr. Liles,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Antry, Barrow, Blue, Booth, Bridgers, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Ewell, Fagg, Faison, Ferguson, Fleming, Folk, Green of Franklin, Hall, Hayes, Hill, Hoke, Jenkins, Kallum, Lemmonds, Logan, Love of Haywood, McMillan, Meares, Mitchener, Mordecai, Padgett, Pearson, Person, Pope, Potts, Shaw, Slade, Stanford, Tapscott, Ward, Watson, Waugh, White, Wilkerson, Williams of Nash,
Williamson, Wishart, Withers, Woodard, Wooten and Wright—54.

And the following in the negative, viz:

Mr. Shober paired off with Mr. Galloway.

And the House resumed the unfinished business of the last sitting. The Clerk reported that on the question, shall the bill (H. 188,) to provide for a mechanics lien pass the second reading, the House had voted, yeas 53, nays 47.

The Speaker declared that the bill had passed the second reading, and the House resumed the consideration of the bill (H. 40, (b.) to amend the Constitution of North-Carolina, the pending question being on the appeal of Mr. Marsh; and Mr. Marsh withdrew the same, and then the question being upon the amendment of Mr. Person,

Mr. Marsh offered the following substitute for the bill:
"Strike out all after the enacting clause, and insert, that the 3rd section of the 4th article of the amended Constitution of the State of North-Carolina, be altered to read as follows:
"Taxation upon slaves and real estate shall be equal and uniform, according to respective value of each, and all free negroes of this State shall be subject to such capitation tax as the General Assembly may impose."

And the question being stated upon the amendment of Mr. Person, was put and

Decided in the affirmative, \{ Yeas..........................49
Nays..........................47

On motion of Mr. Person,
The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


The question recurring upon the amendment of Mr. Marsh, as amended, was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 56 \\
\text{Nays} & : 45
\end{align*}
\]

On motion Mr. Yeates,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Barringer, Blue, Booth, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cline, Crumpler, Dickson, Farrow, Ferebee, Folk, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harris, Hayes, Henry, Howard, Horton, Jordan, Kelly, Latham, Liles, Love of Jackson, McCleese, Marsh, Martin, Mendenhall, Merrimon, Newby, Padgett, Perkins, Person, Poindexter, Polk, Rogers, Russ, Shaw,
Shober, Simonton, Slade, Taylor, White, Whitehurst, Williamson, Winslow and Yeates—56.

And the following in the negative, viz:


Mr. Perkins moved that the vote by which the House had adopted the amendment of Mr. Person be reconsidered.

Mr. Williams, of Nash, moved that this question be laid upon the table, and this question was put and

Decided in the negative, \{ Yeas.............................47
Nays..............................56

On motion of Mr. Polk,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barringer, Blue, Booth, Bowman, Burgin, Cannady, Carson, Clark of Craven, Cline, Cowles, Crumpler, Davis of Mecklenburg, Davis of Rutherford, Fagg, Fleming, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hall, Harris, Hayes, Horton, Jordan,

And the question being upon the motion to reconsider, it was decided in the negative, there being counted, yeas 48, nays 48, and the Speaker voted in the negative. Then the question being upon the amendment of Mr. Yeates, as amended, Mr. Foy moved the bill be indefinitely postponed, and this question was put and

Decided in the negative, { Yeas ......................... 46
{ Nays .................................. 61

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Albritton, Alfred, Barringer, Blue, Booth, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cline, Cowles, Crumpler, Davis of Mecklenburg, Davis of Rutherford, Dickson, Farrow, Ferebee, Fleming, Folk, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hall, Hanes, Harris, Hayes, Henry, Howard, Horton, Jordan, Kelly, Latham, Liles, Love of Jackson, McCleese, Marsh, Martin, Meares, Mendenhall, Merrimon, Mordecai, Perkins, Person, Poindexter, Polk, Russ, Shaw,

Then the question being upon the substitute of Mr. Marsh, and a division demanded, the question was first put upon the motion to strike out, and

Decided in the affirmative, \{\text{Yea}s \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 55\} \{\text{Nay}s \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 52\}

On motion of Mr. Marsh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the House having agreed to strike out, and the question recurring upon the substitute of Mr. Marsh,
Mr. Green, of Franklin, moved to postpone the question thereon until Friday next, at 11 o'clock.
Mr. Marsh moved to amend by striking out and inserting
12 o'clock and 30 minutes this day, and the question being upon this amendment, was

Decided in the affirmative,

\[
\begin{align*}
\text{Yea}s & : 58 \\
\text{Nay}s & : 47
\end{align*}
\]

A message was received from the Senate as follows, viz:

**In Senate, February 19th, 1861.**

*Mr. Speaker:* "The Senate concurs in the amendments of the House of Commons, to the bill supplemental to an act, passed at the present session of the General Assembly, to establish the county of Mitchell, but refuses to concur in the amendments to the bill to amend the 4th section of an act, entitled an act for the better regulation of Pilots and Pilotage on the Cape Fear River.

HENRY T. CLARK,
*Speaker Senate.*

By order,

J. W. ALSPAUGH,
*Clerk Senate.*"

Pending which, the hour at which the House had agreed to resume the consideration of the bill (H. 58,) to amend the Constitution, etc., having arrived, the same was again postponed.

And the question being upon the message from the Senate, Mr. Meares moved the House recede from the amendments. And the question being thereon was put and

Decided in the negative,

\[
\begin{align*}
\text{Yea}s & : 41 \\
\text{Nay}s & : 47
\end{align*}
\]

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Autry, Barrow, Baxter, Branch, Bridgers, Bullock, Bynum, Cannady, Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Fagg, Fleming, Folk, Green of Franklin, Hall, Hill, Horton, Jenkins,

And the following in the negative, viz:


So the House refused to recede, and a committee on conference being ordered, the Speaker appointed Messrs. Meares and Farrow thereto.

Mr. Clark, of Craven, moved that the vote by which the House had refused to pass the bill to charter the Industrial Bank of Charlotte, and the Bank of Asheville, be reconsidered, and the yeas and nays being ordered thereon, the motion was passed over, under the rule, and entered as a notice.

By a message from the Senate, the House was informed of the concurrence of that body, in the bill concerning the county of Clay, with the following amendment, viz:

"In section 1, strike out all after the word "show" and insert "Thence across the Hiawassee River, thence a southward direction, so as to strike the point of the ridge that divides the waters of Little Brasstown Creek, and Big Brasstown Creek, thence southward to the point of the ridge, thence along the highest point of the ridge, between Little Brasstown Pine Log to the Georgia line, thence east with the Georgia line to the beginning."

In which the House concurred.

Ordered, That the same be enrolled.

A message was received from the Senate, returning the
bill (H. 106,) to amend the Revised Code, chapter 70, militia, etc., with certain amendments, in which they asked the concurrence of the House, to wit:

In Senate, February 19th, 1861.

Mr. Speaker: The Senate has passed the accompanying engrossed bill from the House of Commons, entitled "a bill to amend the 20th chapter of the Revised Code, entitled militia," with the accompanying amendments, in which the concurrence of the House is asked, to wit:

1st. In the third line of the 1st section, strike out the words "white persons," and insert the words "free white males and apprentices," also the same in line tenth of the same section.

2nd. Strike out the 2nd section and insert the amendment marked "A."

3rd. Strike out the 3rd section and insert the amendment marked "B."

4th. Strike out in section 4th, lines 2nd and 3rd, the words "or any captain or lieutenant."

5th. In section 5th, line 6th, strike out the word "Governor" and insert the word "Adjutant-General."

6th. In section 7th, line 8th, strike out the words "reviewed" and "received" and insert the words "regiment" and "reviewed."

7th. In section 8th, line 8th, strike out the word "as" and insert the words "who is."

8th. Strike out section 1th and insert amendment marked "C."

9th. In section 12th, line 6th, strike out the words "sixty-four" and insert the words "thirty-two."

10th. In section 15th, line 2nd, strike out the word "two" and insert the word "one."

11th. In section 16th, line 3rd, after the word "lieutenant" and insert the words "one third lieutenant."

12th. In line 2nd of the same section, strike out the word "two" and insert the word "one."
13th. In section 17th, line 15th, strike out the words "the Governor" and insert the words "a majority of the officers of said Companies."

14th. In section 20th, line 2nd, strike out the word "seven" and insert the word "ten;" also in the same section, lines 2nd, 3rd and 4th, strike out the words "during which time the members of said corps shall be exempt from county poll tax and road duty."

15th. In section 22nd, line 12th, strike out the words "sixty-four rank and file" and insert the words "is now prescribed by the 51st section of the 70th chapter of the Revised Code;" also at the end of the same section, add the words "provided that when any company not having sixty-four privates shall be called into actual service, the Governor may draw from the militia a sufficient number to increase said company to sixty-four."

16th. In section 24th, line 3rd, strike out the word "tender" and insert the word "report;" also in the same section, line 4th, strike out the words "sixty-four privates" and insert the words "thirty-two privates;" also in the same section, line 7th, strike out the words "tendered" and "ninety days" and insert the words "reported" and "six months."

17th. In section 26th, lines 2nd and 3rd, strike out the words "tender their services" and insert the words "report themselves."

18th. In section 25th, line 3rd, after the word "Grey," insert the words "manufactured in the State of North Carolina; provided that military officers now uniformed shall not be compelled to change the same until called into active service."

19th. In section 28th, line 2nd, after the word "collect," insert the words "and repair;" also in the same section, line 4th, after the word "collection," insert the words "and repairing."

20th. In section 30th, line 2nd, after the word "General," insert the words "shall be elected by joint ballot of both
Houses of the General Assembly, and;” also in the same section, line 30th, after the word “duties,” insert the words “with two good securities to be approved by the Commander-in-Chief;” also in the same section, lines 46th and 47th, strike out the words “shall keep his office in the City of Raleigh, and;” also in the same section, line 48th, strike out the word “four” and insert the word “two;” also at the end of the same section, add the words “and should the office become vacant by death, resignation, refusal to accept or otherwise, during the recess of the Legislature, then the Governor may fill said office by appointment until the next meeting of the General Assembly.”

21st. Strike out the 21st section.

The numbers of the lines mentioned in this message, have reference to the printed bill, but they will be found generally to agree with the manuscript bill.

HENRY T. CLARK, Speaker Senate.

By order,

J. W. Alspaugh, Clerk Senate.”

[“A.”]

Second section, strike out section 2nd and insert that whenever a vacancy shall occur in the office of Major-General, the same shall be filled by the plurality of the written votes of the field, staff, and commissioned officers of the division, the election to be held at a time and place to be designated by the Adjutant-General, and whenever a vacancy shall occur in the office of Brigadier-General, the same shall be filled by the field, staff, and commissioned officers of the brigade, under the same rules and regulations as are herein prescribed for the election of a Major-General, and the Governor shall commission said officers, when notified of their election.

[B.] 3rd section, Be it further enacted, That whenever there
shall be a vacancy in any company of the commissioned officers to command the said company, and upon an election having been ordered in said company, there shall be a failure to elect a captain and other commissioned officers for the company, from either the failure of any candidate for said office or from the neglect or refusal of the company to elect, and when there are no suitable persons in said company who are willing to accept the appointments of commissioners in the company, after being elected or appointed to the same, it shall be the duty of the Colonel, or other commanding officer in the regiment to which said company is attached; or if there is no commander of said regiment, then it shall be the duty of the Brigadier General in whose Brigade said Regiment belongs, within thirty days after said election shall have been ordered by him; and the neglect or refusal of said company to elect company officers, either from the want of a candidate, or for any other cause, and he is hereby authorized and required to appoint some fit and suitable person to act as captain or other commissioned officer, to supply said vacancies in said company, for the space of two years from the date of said appointment, whose duty it shall be to accept said appointment, and to act as captain or other commissioned officer, in said company for two years from the date thereof; who shall be commissioned, and have all the powers and authority and be liable to all the penalties, as captain and other commissioned company officers now have and are liable for by law. And if any person so appointed shall neglect or refuse to accept said appointment, or shall fail to receive said commission when tendered to him, and qualify as said officer, within the space of thirty days from the time of his appointment and commission tendered, he shall forfeit and pay the sum of fifteen dollars if appointed to the office of captain, and ten dollars if appointed to any other place as commissioned officer in the company, for such neglect or refusal, which penalty shall be recovered by warrant, before any justice of the peace in the name of the State, by the officer making the
appointment, one-fifth to the use of the officer suing, and the other four-fifths to the use of the State. And it shall be the duty of the said commanding officer of the Regiment, or in case there is none, then it shall be the duty of the Brigadier General in whose Regiment said company belongs, within thirty days thereafter, to make new appointments of other persons in said company liable to do military duty to said office, and so on under like penalties until suitable officers can be found who shall accept said offices: Provided, That no person shall be appointed who is not liable to do military duty, and no person who has been once appointed and refused to accept and who has paid the forfeiture, or who has served two years, shall be compelled to serve or be liable to be appointed again within five years from said refusal or appointment: Provided, That no person who is a member of any organized volunteer or fire company in this State shall be compelled to serve whilst he is a member of said Company: Provided, further, That any person appointed as above, shall not be compelled to equip himself, with any of the equipments required by law, for his said office, except sword and belt, cap and plume, epauletts and blue frock coat, and pants of homespun or any other texture, with white metal buttons: And Provided further, That he shall be released from the payment of poll tax, from working on the roads, and from serving on juries during his continuance in said office.

[C.]

"Sec. — Be it further enacted, That whenever any company shall be so disorganized, that there is no commissioned company officers to command the same, and no regular roll of said company, or if the muster roll is not produced within twenty days after the same is required by the commandant of the regiment, the Brigadier General or the Sheriff of the county, after public notice shall have been given in a newspaper circulating in said company, or notice given at the Court House door and three other public places in said
company, then it shall be the duty of the commandant of the regiment, or if there be none such, then it shall be the duty of the Brigadier General of that brigade, and if that too is vacant, it shall be the duty of the Sheriff of the county, between the first day of April and the first day of July, in each and every year, upon the order of the Adjutant General (if to the Sheriff,) to employ some fit and suitable person living in said company or regiment, to enroll all the white males within the bounds of said company, between the ages of eighteen and forty-five years, liable to do military duty, and order the persons so enrolled to appear within thirty days at the place where the said company had last usually held their company musters, for the purpose of holding an election for officers for said company; and persons so employed and detailed shall have power and authority; and it shall be his duty to appoint all proper officers and a clerk for that day, to assist him, who shall each forfeit and pay the sum of two dollars to be recovered before any justice of the peace, by the person detailed, one half to the use of said person, and the other half to the use of the State, for any neglect or refusal; and it shall be the duty of the person employed to call the roll and note the delinquents, and he shall hold an election and report and return the result of the same to the commanding officer of the regiment, or the Brigadier General, or the Sheriff, as the case may be, who shall proceed as hereinbefore in this act ordered, in section 5th of this chapter, in case of no election. The officer or person to whom the return is made, shall return the same to his superior officer, or in case of the Sheriff, to the Adjutant General; and in case any of the parties enrolled and notified to attend, shall neglect or refuse to attend on the day appointed for said election, he shall forfeit and pay the sum of two dollars, to be recovered by the person detailed, by warrant in the name of the State, before any justice of the peace of said county, one half to the use of the person detailed or employed to make such enrollment and election, and the other half to the use of the company for military purposes."
The reading of which message and the accompanying amendments not being yet completed,
Mr. Crumpler moved the question be postponed until 8 o'clock, P. M., and it was not adopted, there being counted yeas 41, nays 46.
Mr. Gorrell moved the question be made the special order for to-morrow at 11 o'clock.
Mr. Martin rose to a point of order, and he stated his point to be, that it was not competent to submit a motion to the House to postpone or make a special order, pending the reading of the proposition upon which the question may arise and before a question is put. The Chair (Mr. Hill,) decided the point well taken, and directed the reading to be proceeded with, and the reading of the amendments being completed,
Mr. Gorrell renewed his motion, and further moved that the Senate amendments be printed, and the question was pending thereon when the hour for the recess arrived.

Half past three o'clock.
The House having re-assembled, resumed the consideration of the motion of Mr. Gorrell to print, and the question thereon was put and

Decided in the negative, \{ Yeas ......................... 13
\{ Nays ......................... 78

On motion of Gorrell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
Messrs. Albritton, Alfred, Barrow, Baxter, Blue, Booth, Branch, Bridgers, Bullock, Bynum, Cannady, Carson, Cline, Crawford, Crumpler, Davis of Bladen, Davis of Mecklenburg.

And the question recur- ing upon the amendments proposed by the Senate,

On motion of Mr. Martin,
The question was put upon each amendment separately.

And amendment A being read, and the question thereon put, it was

Decided in the affirmative, \( \{ \) Yeas ...................... 56
\( \{ \) Nays ...................... ... 42

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Barringer, Bowman, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Farrow, Foust, Gaither, Gorrell, Green of Chatham, Green of Stanly, Hanes, Har-

Amendment B being read, and the question thereon put, was

Decided in the affirmative, \{ Yeas ......................... 55
Nays ......................... 42

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the other amendments being read, each were severally concurred in, without division.

A message was received from the Senate informing the House that the error in the bill for the relief of the Insane Asylum had been corrected in the Senate.
The Chair (Mr. Hill,) directed the Clerk to read the first bill on the calendar for the second reading.

Mr. Marsh objected that the House had ordered the bill (H. 58,) to amend the Constitution, to be considered at 12 o'clock and 30 minutes.

The Chair stated that that hour had elapsed, and the special order having been displaced by privileged matters, to wit Senate messages, the special order was vacated by the lapse of the hour fixed therefor, and directed the bill to be replaced in the files, and the House resumed the calendar, and (H. 58,) to amend the Constitution, being again called under the rule, the House resumed the consideration of the amendment of Mr. Marsh, and

Mr. Williams, of Nash, moved the same be laid upon the table, and the question thereon was put and

Decided in the negative, \{ Yeas .................. 41
\} Nays .................. 53

On motion of Mr. Marsh,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative:


The question recurring upon the amendment of Mr. Marsh, Mr. Hoke offered the following amendment:

"Be it enacted, That in taxing according to ad valorem stock to the value of $800, and household and kitchen furniture to the value of $300 or less, shall be exempt from such taxation."

And the question being thereon, the hour for the recess arrived, and the House took a recess until 7 P. M.

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**Night Session—Tuesday, 19th February, 1861.**

The House having re-assembled, and the question recurring upon the amendment of Mr. Hoke, was put and

Decided in the affirmative, { Yeas.........................73

{ Nays.........................20

On motion of Mr. Merrimon,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:
Messrs. Autry, Bullock, Cannady, Cheek, Crawford, Davis of Mecklenburg, Faison, Ferguson, Harrington, Jenkins, Lemmonds, Meares, Mitchener, Potts, Small, Stanford, Tappcott, Watson, Withers and Woodard—20.

Mr. Love, of Jackson, offered the following amendment: “That sugar, coffee, molasses, salt, iron, farming implements, bibles and school books shall not be subject to ad valorem taxation.”

And the question thereon was put and

Decided in the affirmative, Yeas ..................88
Nays ..................11

On motion of Mr. Love, of Jackson,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Bridgers offered the following amendment: “Whenever the liabilities of the State to pay money, either as principal, surety or endorser, or guarantee, shall amount to
sixteen millions of dollars, no other indebtedness or liability shall be created except it may become necessary in case of war, rebellion or insurrection, unless the same shall be voted for by two-thirds of all the members of each branch of the General Assembly."

And the question thereon was put and

Decided in the affirmative, \{ Yeas ......................... 94 \}
\{ Nays ......................... 25 \}

On motion of Mr. Williams, of Nash,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Fleming moved that the vote be reconsidered,
And the question thereon was put and

Decided in the negative, \{ Yeas ......................... 8 \}
\{ Nays ......................... 90 \}

On motion of Mr. Love, of Jackson,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Davis of Halifax, Fleming, Hall, Kelly, Meares, Potts, Williams of Nash and Wishart—8.

And the following in the negative, viz:

Mr. Donnell moved that the vote by which the House had adopted the amendment of Mr. Bridgers, be reconsidered, And the question thereon was put, and Decided in the negative, { Yeas..............................36 } Nays..............................63

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the House resumed the pending question.

Mr. Williams, of Nash, offered the following amendment:

"Be it further enacted, That all free negroes and free persons of color shall be removed from this State, or disposed of in any way that the Legislature may direct."

And the question thereon was put and

Decided in the affirmative, \{ Yeas.......................... 74
\}
\{ Nays............................ 26

On motion of Mr. Potts,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Folk offered the following amendment:
"Be it enacted, That nothing herein contained shall be construed to extend to any debt already contracted by the State, or to any work of internal improvement, which has been chartered or may be chartered by the present General Assembly."

And the question thereon was put and
Decided in the affirmative, \{ Yeas .......................... 63
\{ Nays .......................... 32

On motion of Mr. Folk,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Mr. Person offered the following amendment:

"And be it further enacted, That the 32nd section of the Constitution, as amended by the 2nd section, article four of the amendments thereto, be so amended as to read, That no person who acknowledges the existence of God, and his moral accountability to Him, shall be prohibited from holding any office or place of trust or profit in the civil departments within this State."

Mr. Peebles moved the bill be recommitted to the Committee on Constitutional Reform.

Mr. Yeates moved to amend the motion to recommit, by adding "instructions."

Mr. Green, of Franklin, moved to add to them "further instructions," and neither being adopted, the question recurred upon the motion to recommit.

Mr. Meares moved that the motion be laid upon the table. And the question thereon was put and

Decided in the affirmative, \{
  Yeas .......................57
  Nays .......................41

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Autry, Branch, Bridgers, Bullock, Bynum, Cannady, Check, Cline, Crawford, Davis of Bladen, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Green of Franklin, Hall,

* And the question recurring upon the amendment of Mr. Person as aforesaid, and the yeas and nays ordered thereon, the hour for the adjournment arrived, and the House adjourned.

WEDNESDAY, 20th February, 1861.

Prayer by the Rev. Mr. Skinner.

A message was received from the Senate returning the resolutions of the House in favor of John Tapscott, and the resolution in favor of Jonas Cline, with amendments, in which they asked the concurrence of the House, and the House having concurred therein, ordered that the Senate be informed by message.

On motion of Mr. White,

The rules being suspended, bills, etc., of the titles following being read the second time, passed the second reading, viz:

A bill (S. 394,) concerning Common Schools, and the same being first amended as follows: strike out in section 8, lines 5 and 6, the word "records" and insert "boards," and so amended this bill passed the third reading. Ordered to be sent to the Senate, and the concurrence of that body asked therein.

Bills, etc., of the titles following, being introduced and read, passed the first reading, and other proceedings were had as follows, viz:

By Mr. Padgett, a resolution (H. R. 571,) concerning pay to members. This resolution also passed the second and third readings, and was ordered to be engrossed.

From the Senate, (S. 572,) a bill to authorize and empower
E. D. Hall, of New Hanover county, to collect arrearages of taxes.

From the Senate, a resolution (S. R. 573,) in favor of the Clerks. This resolution also passed the second and third readings, and was ordered to be enrolled.

From the Senate, a resolution (S. R. 574,) in favor of the Doorkeepers. This resolution also passed the second and third readings, and was ordered to be enrolled.

S. 547, bill to charter the State Educational Association, read, and passed the third reading. Ordered to be enrolled.

Mr. Meares, from the Committee of Conference to whom was referred a bill to amend the 4th section of an act for the regulation of Pilotage, recommended the House to recede from its amendment and to add to the first section the following amendment:

"Provided, That vessels of — burthen, owned by citizens of this State, shall not be required to take a pilot."

In this report the House concurred.

Recommendations of justices of the peace for several counties in this State were read, adopted and sent to the Senate, as follows, viz:

By Mr. Bowman, for the county of Mitchell.

By Mr. Stanford, for the county of Duplin.

By Mr. Martin, for the county of Wilkes.

On motion of Mr. Green, of Franklin,


Mr. Branch introduced the following resolution:

"Resolved, That Thursday next, P. M., be occupied by the consideration of bills on the second and third readings."

A message was received from the Senate transmitting a
recommendation of justices of the peace for the county of Halifax, also the memorial of citizens of Cleveland county, asking for relief.

And the House resumed the consideration of (H. 58, (b.) to amend the State Constitution, the question recurring upon the amendment of Mr. Person, and the question thereon was put and

Decided in the negative, { Yeas .........................32
\{ Nays .........................63

On motion of Mr. Person,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Marsh offered the following amendment, viz:
"Be it enacted, That capitation tax shall only be levied upon white persons; slaves and land shall be taxed alike and according to the respective value of each."

And the question thereon was put and
Decided in the affirmative, \{ \begin{align*}
\text{Yeas} & \quad \ldots & \quad 48 \\
\text{Nays} & \quad \ldots & \quad 46
\end{align*} \}

On motion of Mr. Marsh,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Crumpler offered the following amendment to the amendment of Mr. Hoke:
"Strike out the amount of eight hundred dollars, and insert the amount of three hundred dollars.

Mr. Green, of Franklin, offered an amendment, and the question being thereon,
Mr. White moved the same be laid upon the table, and the question thereon was put and

Decided in the affirmative, \{ \begin{align*}
\text{Yeas} & \quad \ldots & \quad 56 \\
\text{Nays} & \quad \ldots & \quad 39
\end{align*} \}

On motion of Mr. Bullock,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the House resumed the calendar, when bills of the titles following, being read the third time, passed the third reading, and were ordered to be engrossed and sent to the Senate, viz:

H. 186, bill concerning betting in public buildings.

H. 156, bill to provide for limited partnerships, passed the second reading, and then the same being read the third time, and the question thereon was put and

Decided in the affirmative, { Yeas ..................... 66
{ Nays ..................... 30

On motion of Mr. Branch,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Barringer, Batchelor, Blue, Bowman, Cannady, Carson, Clark of Craven, Cowles, Crumpler, Davis of Bladen, Davis of Halifax, Davis of

And the following in the negative, viz:


Mr. Crumpler moved that the Senate bill for the relief of the people, and concerning the rules for pleading, be now considered, and the question thereon was put and

Decided in the negative, \{ Yeas .....................................50
\} Nays......................................52

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Batchelor, Baxter, Bridgers, Bullock, Bynum,

On motion of Mr. Slade,

A message was sent to the Senate, proposing at half past one o'clock, to proceed to the election of Adjutant-General.

On motion of Mr. Mendenhall,

The House considered the resolution (418,) in favor of J. H. Moore, and the same being read the second and third times, passed the second and third readings.

A bill of the title following, being read the third time, passed the third reading, viz:

S. 171, the bill to amend Revised Code, chapter 120, "Wrecks," and was ordered to be enrolled.

H. 169, bill concerning jurors, did not pass the third reading, but was indefinitely postponed.

And the House resumed the calendar bills on the second reading.

H. 103, bill to amend the fourth article of the third section of the amendments to the Constitution, being read the second time, Mr. White offered the following amendment:

A BILL TO ASCERTAIN THE VOICE OF THE PEOPLE TO AMEND THE CONSTITUTION.

WHEREAS, The subject of Constitutional reform has of late become a source of exciting controversy among all classes of the citizens of the State of North-Carolina, in regard to a change of the capitation tax, to a tax according to valuation on slaves, and whereas,

The calamities and disruptions of almost every well
organized government, may be traced to the too frequent complaints and changes of the organic law, and that, too, for trivial and immaterial causes, compared with the difficulties involved and dangers incurred by those frequent complaints, amendments and changes; and whereas, the Constitution of this State is the people's great safeguard against oppression and misrule, protecting minorities against the encroachment of tyrannical majorities, therefore prudence demands that before any Legislative body should presume to disturb the fundamental law of this State, except where extraordinary circumstances demand it, the will of the people should first be ascertained at the ballot box, free, as near as possible, from any party prejudice or political bias.

Section 1. Therefore 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 sheriffs of the several counties in this State shall, on the first Thursday of August, 1861, open and hold an election at the several precincts in their respective counties for the purpose of ascertaining the will of the people in reference to said capitation tax on slaves, to a tax according to value, and all persons desiring such amendment to the Constitution shall write on their ballot "Amendment," and those opposed, shall write on their ballot "No amendment."

Sec. 2. Be it further enacted, That the sheriffs of the several counties as aforesaid, shall conduct said elections under the same rules and regulations, and under like penalties that are now prescribed by law for holding elections for members of the General Assembly, and shall receive the same compensation that they now receive for holding elections for members of the General Assembly, and all persons entitled to vote for members of the House of Commons, shall be entitled to a vote in said election.

Sec. 3. Be it further enacted, That the sheriffs aforesaid shall, within thirty days after said election, forward to the Governor of the State certified copies of the votes cast in their respective counties, for and against such proposed
amendment of the Constitution, signed by the clerks of the several county courts, and under the seal of their office, and the Governor shall report the same to the next General Assembly.

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

Mr. Merrimon offered a substitute therefor, being (H, 1,) the bill to call a State Convention, and for other purposes.

Mr. Cheek moved the same be laid upon the table, and the question thereon was put and

Decided in the negative, {Yeas..............................38
{Nays..............................61

On motion of Mr. Cheek,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the question recurring upon the amendment of Mr.
White, and a division demanded, the question was first put upon the motion to strike out and

Decided in the affirmative, \{\text{Y}e\text{a}s.} \ldots \ldots \ldots \ldots 67 \quad \{\text{N}a\text{y}s.} \ldots \ldots \ldots \ldots 37

On motion of Mr. White,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question then being upon the amendment proposed by Mr. Merrimon, as an additional section, the question thereon was put and

Decided in the negative, \{\text{Y}e\text{a}s.} \ldots \ldots \ldots \ldots 46 \quad \{\text{N}a\text{y}s.} \ldots \ldots \ldots \ldots 58

On motion of Mr. Small,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Barringer, Blue, Bowman, Burgin, Carson, Clark of Craven, Cowles, Crumpler, Davis of

And the following in the negative, viz:


A message was received from the Senate, concurring in the proposition to proceed to the election of an Adjutant-General, and the Speaker having appointed Messrs. Slade and Mendenhall to superintend the said election, and the tellers having taken their places,

A message was received from the Senate, informing the House of the passage of the bill (H. 555,) concerning tax-collectors in Wayne and other counties with amendments, in which they asked the concurrence of the House, and the House concurred.

The hour for the recess arriving, the House took a recess until half-past three o'clock.

Half past three o'clock, P. M.

The House proceeded to vote for Adjutant-General, when the following voted for John F. Hoke, viz:

And the following for A. R. Simonton, viz:


Mr. Simonton voted for Mr. Fagg.

The House resumed the consideration of the bill (H. 103,) to amend the Constitution.

Mr. Yeates offered the following amendment, viz:

"That the 3rd section of the fourth article of the amended Constitution be altered to read as follows:

"That all free white males over the age of twenty-one years, and under the age of forty-five years, shall be subject to an equal capitation tax, and no other white person shall be subject to such tax."

Sec. 2. Be it further enacted, That all free colored inhabitants of this State, shall be subject to such capitation or other tax as the General Assembly may impose.

Sec. 3. Be it further enacted, That property in slaves shall be equally subject to taxation with every other species of property, and shall be taxed as high, but not higher than land, according to value."
And the question thereon was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 52 \\
\text{Nays} & : 44
\end{align*}
\]

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Williams, of Nash, moved that the bill be indefinitely postponed.

And the question thereon was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 42 \\
\text{Nays} & : 55
\end{align*}
\]

On motion of Mr. Williams, of Nash,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Autry, Batchelor, Branch, Bridgers, Bullock, Cannady, Check, Crawford, Davis of Bladen, Davis of Halifax, Davis of Mecklenburg, Ewell, Faison, Ferguson, Foy,

And the following in the negative, viz:


Mr. Mendenhall, from the Committee to superintend the election of Adjutant-General, reported as follows, viz:

"The Committee to superintend the election of Adjutant-General, having compared the votes of both Houses of the General Assembly, beg leave to submit the following report, viz:

Whole number of votes cast, 142; necessary to a choice, 72.
That Mr. Hoke received 68; Mr. Simonton 55; Mr. Haywood 6; Mr. Ransom 5; Mr. Bryan 4; Mr. Kingsberry 2; Mr. Simpson 1.

No one having received a majority, there is no election.

C. P. MENDENHALL,
for Committee."

The House resumed the pending question, when Mr. Bridgers offered the following amendment:

"Whenever the liabilities of the State to pay money shall amount to eighteen millions of dollars, either as principal, surety, endorsee, guarantee, or in any other manner, no increase of liabilities of the State shall be made unless the same,
shall receive the sanction of two-thirds of all the members elected to each branch of the General Assembly. *Provided, This limitation of the liabilities of the State, shall not extend to the expenses in case of war, insurrection or rebellion.*

Pending which, a message was received from the Senate, proposing to proceed to the election of an Adjutant-General, at 8 o'clock, this evening, and the House concurred.

The question upon the amendment of Mr. Bridgers, was then put and

Decided in the affirmative, \{ Yeas...........................76

On motion of Mr. Bridgers,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Folk offered the following amendment, viz:

*Provided, That nothing herein contained, shall extend to*
any work of Internal Improvement already commenced or for which a charter has been obtained, or which may be obtained at the present session of the General Assembly."

And the question thereon was put and

Decided in the negative, { Yeas ......................... 24
Nays ......................... 70

On motion of Mr. Folk,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Whereupon,

On motion of Mr. Williams of Nash,
The bill was recommitted to the Committee on Constitutional Reform.

Mr. Latham moved that the night session be devoted to the consideration of bills upon the private calendar, and the question thereon was put, and the following members voted in the affirmative, viz:

And the following in the negative, viz:


And pending applications for leave to change votes, and the correction of the roll, the House took a recess.

NIGHT SESSION—MONDAY, 20th FEBRUARY, 1861.

The House having reassembled, Mr. Davis, of Rutherford, moved there be a call of the House, and it was not adopted.

Bills, etc., of the titles following being introduced and read, passed the first reading, and other proceedings were had as follows, viz:

From the Senate, a bill (S. 575,) to amend Revised Code, concerning Revenue.

From the Senate, a resolution (S. R. 576,) in favor of Daniel Tucker.

From the Senate, a bill (S. 577,) to lay off and establish a new county, by the name of Richland. Referred to Committee on Propositions and Grievances.
From the Senate, a resolution (S. R. 578,) in favor of J. L. Cantwell.

From the Senate, a bill (S. 579,) to change the time of closing the polls in Washington and Rockingham counties. This bill also passed the second and third readings, and was ordered to be enrolled.

From the Senate, a bill (S. 580,) to amend Revised Code, concerning the town of Washington. This bill also passed the second and third readings, and was ordered to be enrolled.

Mr. Russ presented a recommendation for justices of the peace in the county of Wake, and Mr. Love a similar recommendation for the county of Haywood, each of which being read, were adopted and sent to the Senate.

The Speaker announced the vote upon the proposition of Mr. Latham, concerning private bills, and Messrs. Burgin, Davis of Halifax, Hill, Jenkims, Stanford, Tapscott and Withers having changed their votes from the negative to the affirmative, there were counted yeas 62, nays 30, and the resolution was adopted.

Bills, etc., of the titles following being read the second time, passed the second and third readings respectively, and other proceedings were had as stated of them respectively, as follows, viz:

H. 370, bill to amend charter of Buckhorn Iron Company.
H. 407, bill to amend charter of town of Newbern.
H. 415, bill for the relief of Leah White.
H. 423, resolution in favor of Sam'l E. Byers.
H. 424, bill in favor of James Moore, a free person of color.
H. 425, bill to charter N. E. Academy, in New Hanover county.
H. 437, resolution in favor of Charles Beasly, did not pass the second reading.
H. 428, resolution in favor of E. B. Freeman.
H. 429, resolution in favor of Henry J. Brown and others.

Mr. Ferebee, from the Committee on Enrolled Bills, submitted the following report, viz:
The Committee on Enrolled Bills, have carefully compared rolls of acts of the titles following, with the original engrossments of the same, and finding them truly and correctly enrolled, report them for the signature of the Speaker as follows, to wit:

An act concerning the Insane Asylum of North-Carolina.
An act to incorporate the Bank of Roxboro'.
An act to charter the Statesville and Tennessee Turnpike Company.
An act to incorporate the Albemarle Steam Packet Company.
An act to incorporate Bellevue Academy, in the county of Beaufort.
An act to incorporate Riddick's Creek Mining Company.
An act to amend an act entitled an act for the government of Elizabeth City, in the county of Pasquotank, passed at the session of the General Assembly of North-Carolina, December 25th, 1852.
An act to incorporate the Hillsboro' Military Academy.
An act to incorporate the Fayetteville Gas Light Company.
An act to incorporate Warren Lodge, No. 101, A. Y. M.
An act to incorporate the town of Enfield.
An act to incorporate the Trustees of Ball's Creek Camp Ground, in Catawba county, and to incorporate the Trustees thereof.
An act to resurvey and establish the county line between the counties of Surry and Wilkes.
An act to amend 'an act entitled an act to incorporate the town of Edenton.'
Resolution in favor of Gray Bryan.
An act concerning the management of the poor in the county of Forsyth.

D. D. FEREbee.
for the Committee.''

February 20th, 1861.
It being 8 o'clock, the House proceeded to the election of Adjutant General, with the following result, viz:

47
The following named persons of the House voted for John F. Hoke, viz:


And the following for A. K. Simonton, viz:


The Calendar being resumed,

H. 439, to regulate Wreck districts in the county of Hyde, passed the second and third readings.

S. 454, bill to charter certain Military Companies in Wake, amended,

On motion of Mr. Bridgers,

Passed the second and third readings.

H. 460, bill for the relief of Stephen Donnell and others, passed the second and third readings.

Also, H. R. 461, resolution in favor of ———.

S. 463, resolution in favor of Q. Busbee.

S. 467, resolution in favor of R. R. Heath and R. M. Saunders, amended,

On motion of Mr. Batchelor,
So as to insert fifty dollars for the Attorney General.
S. 469, bill to amend charter of town of Lincolnton.
S. 470, bill to charter Orange Light Infantry.
Mr. Marsh, from the Committee to superintend the election of an Adjutant General, reported as follows, viz:
The Committee appointed to superintend the election of Adjutant General, beg leave to report:
Whole number of votes cast, 144; Necessary for a choice, 73.
John F. Hoke received 77; A. K. Simonton 63; J. V. Jordan 1; E. G. Haywood 4. John F. Hoke is therefore duly elected.

All of which is respectfully submitted,

WM. T. MARSH,
J. H. FOY,
Committee.

In this report the House concurred.
H. 473, bill in favor of Reynoldson Institute in the county of Gates.
H. 477, bill to regulate free negroes, in the county of Washington. Laid upon the table.
H. 276, bill concerning certain public roads in Ashe and Alleghany, read and passed the second and third readings.
H. 497, bill to change the line between Macon and Jackson counties, read and passed the second and third readings.
Mr. Williams, of Nash, from the Committee on Claims, reported, (H. 483,) resolution in favor of Graham Daves, with the recommendation the same do pass, and the question thereon was put and

Decided in the negative, \[
\begin{align*}
\text{Yea}s & : 32 \\
\text{Nay}s & : 52
\end{align*}
\]

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Autry, Barrow, Baxter, Branch, Bridgers, Cheek, Cline, Crawford, Davis of Bladen, Ewell, Ferguson, Foy,
Galloway, Green of Franklin, Hall, Harrington, Hill, Hoke, Pearson, Person, Potts, Ransom, Rogers, Shaw, Simonton, Stanford, White, Williams of Nash, Williamson, Withers, Woodard and Wooten—32.

And the following in the negative, viz:


H. 487, bill to charter Jonesboro' Division, Sons of Temperance, passed the second and third readings.

Also, H. 490, bill to charter Blackner Lodge.

H. 498, resolution in favor of Hiram Gunter.

H. 502, bill to charter High Point Lodge.

H. 503, bill to charter Neuse Cavalry Company.

H. 508, bill to charter New Salem Lodge.

S. 513, bill to charter Riddeville Gold Mining Company, the same being first amended,

On motion of Mr. Batchelor,

So as to strike out one director and insert two, to be residents of this State, and strike out "sixty" years, and insert "thirty" years.

S. 515, bill to incorporate Carolina Gold and Copper Company.

(And passing over bills of the following numbers, which were entitled to be read and had been misfiled, to wit: 516, 518, 519, 520, 527.)

H. 528, a resolution in favor of Jonathan Parker and others, was read, and passed the second and third readings.

H. 530, resolution in favor of John H. Watson. Did not pass the second reading.
H. 532, bill concerning Wadesboro'. Passed the second and third readings.
H. 538, a bill to lay off a road from Statesville to Wilkesboro'.
S. 542, bill to incorporate the Lincoln Gold and Copper Mining Company.
S. 544, bill to charter Canugah Mining Company.
S. 549, bill in favor of Samuel Brookes.
S. 550, bill to incorporate the Oak Hill Military Academy.
When the hour for the adjournment arrived and the House adjourned.

THURSDAY, 21ST FEBRUARY, 1861.
Prayer by the Rev. J. W. Tucker.
Mr. Davis, of Halifax, presented the memorial of R. W. Hamlin and others, concerning slaves and free persons of color. Referred to the Committee on that subject.
Mr. Mendenhall presented the memorial of M. Bishop and others, opposed to a stay law.
Mr. Donnell presented the memorial of citizens of Beaufort, praying for an extension of rail road for. Referred to Internal Improvements.
Mr. Jordan presented the memorial of citizens, concerning the traffic in spirituous liquors.
Mr. Hanes introduced the following resolutions:
Resolved, That we hail with the liveliest satisfaction the recent action of the Legislature of the State of Kentucky, in passing resolutions making application to Congress to call a National Convention, for the purpose of proposing such amendments to the Constitution of the United States as are necessary to restore peace and harmony, and secure the rights of every section of the Union, and that we do hereby respond to the same.
Resolved, That in pursuance of the provisions of the fifth
article of the Constitution of the United States, this General Assembly hereby makes application to the Congress of the United States to call a National Convention, for the purpose of proposing such amendments to the Constitution of the United States as are necessary to allay sectional strife, and secure all the rights of every section of the Union.

Resolved, That his Excellency, the Governor be, and he is hereby required to transmit a copy of these resolutions to the President of the United States, with the request that he lay the same before Congress.

Resolved, That the Committee on Federal Relations be, and they are hereby instructed to report upon said resolutions this evening."

And the question being thereon, Mr. Fleming moved the same be laid upon the table.

And this question was put and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots 53

\{ Nays \ldots \ldots \ldots 44

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Barringer, Blue, Burgin, Carson, Clark of Craven, Clark of Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson, Donnell, Farrow, Ferebee, Foust, Gorrell, Green of Chatham, Green of Stanly, Guthrie,
Hanes, Harris, Henry, Howard, Horton, Jordan, Kelly, Liles, McCleese, Marsh, Martin, Mendenhall, Merrimon, Patterson, Perkins, Poindexter, Polk, Rogers, Russ, Simonson, Taylor, Whitehurst, Winslow and Yeates—44.

Mr. Stanford paired off with Mr. Williams, of Pasquotank.

Reports were submitted, received and filed from Standing Committees as follows, viz:

By Mr. Person, from the Committee on the Judiciary,
A bill (H. 147,) to amend Revised Code, chapter 64, Legacies, &c., with a substitute recommending the same do pass.

Also, (H. 327,) bill to protect purchasers from Stephen Munday, with a substitute recommending the same do pass.

Also, (H. 444,) bill to annex Cleaveland to the 6th Judicial Circuit. The Committee asked to be discharged, in which the House concurred.

H. 431, bill to repeal prohibiting liquor laws, recommending the same do not pass.

Bills, etc., of the titles following, then being introduced and read, passed the first reading, and other proceedings were had as follows, viz:

By Mr. Rogers, resolution (H. R. 531,) in favor of W. H. & R. S. Tucker. This resolution also passed the second and third readings, and was ordered to be engrossed.

By Mr. Russ, a resolution (H. R. 582,) in favor of Henry D. Turner. This resolution also passed the second and third readings, and was ordered to be engrossed.

By Mr. Yeates, a bill (H. 583,) to amend the charter of Murfreesboro'.

By Mr. Peebles, a bill (H. 584,) for the relief of Julia Dickinson and Susan Lewis. This bill also passed the second and third readings, and was ordered to be engrossed.

By Mr. Ferguson, a bill (H. 585,) for the relief of the Creek Nation, Blues. This bill also passed the second and third readings, and was ordered to be engrossed.

By Mr. Fleming, a bill (H. 586,) to amend the charter of
Salisbury. This bill also passed the second and third readings, and was ordered to be engrossed.

From the Senate, a bill (S. 587,) to incorporate Greenville and Goldsboro' Rail Road Company. This bill also passed the second and third readings, and was ordered to be engrossed.

From the Senate, a bill (S. 588,) for the relief of W. Harris.

Mr. Antry presented a recommendation of certain persons as justices of the peace for the county of Sampson.

Mr. McMillan presented a similar recommendation for justices of the peace in the county of Sampson.

A message was received from the Senate, transmitting certain engrossed bills, and informing the House of the passage of certain House bills with amendments, in which they asked the concurrence of the House, and the House concurred.

On motion of Mr. Ward,

The House considered the bill (535,) to charter a rail road from Morehead City to the Atlantic Rail Road, and the question being thereon,

Mr. Bullock moved to strike out all that part of the same which authorized State aid.

And the question thereon was put and

Decided in the affirmative, Yeas.................................61
Nays............................................29

On motion of Mr. Bullock,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Barringer, Barrow, Batchelor, Baxter, Bridgers, Bullock, Burgin, Bynum, Cannady, Clark of Davidson, Cline, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Halifax, Ewell, Farrow, Ferguson, Ferree, Fleming, Gaither, Galloway, Green of Franklin, Guthrie, Hall, Harris, Henry, Hill, Howard, Horton, Jenkins, Jordan, Kallum, Lemmonds, Love of Jackson, McCleese, McMillan, Mordecai, Pearson, Peebles, Perkins, Poindexter,

And the following in the negative, viz:


Mr. Hanes paired off with Mr. Small.

Mr. Kelly paired off with Mr. Latham.

And so amended the bill passed the third reading.

On motion of Mr. Shaw,

The House considered the bill 374, in favor of the Wilmington and Weldon Rail Road, and the same being read the second time, and the question thereon put, was

Decided in the affirmative, \( \text{Yeas} \) \( \text{Nays} \) 51 36

On motion of Mr. Cowles,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barrow, Bynum, Clark of Davidson, Cowles, Crumpler, Farrow, Ferguson, Folk, Foust, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly,

Mr. Wooten paired of with Mr. Latham.

And this bill being also read the third time, and the question put, was

Decided in the affirmative, \{ Yeas .................. 51
\} Nays .................. 35

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


On motion of Mr. Ransom,
The House considered the bill (517,) in favor of the Raleigh and Gaston Railroad Company, and the bill (H. 408,) to repeal chapter 109, Laws of 1858—9, and the same being severally read, passed the second and third readings, and were ordered to be engrossed and sent to the Senate.
On motion of Mr. Hill,
The bill 397 for the relief of Davidson College, being read
the second and third times, passed the second and third
readings, the same being first amended, on motion of Mr.
Hoke, so as to require the benefit of the bill to be taken free
of all expenses or cost to the State.

On motion of Mr. Polk,
The House considered the bill (125,) to amend Revised
Code, chapter 28, County Revenue and charges, and the same
being first amended on motion of Mr. Polk, passed the second
and third readings.

On motion of Mr. Baxter,
The House considered the bill (S. 237,) to charter the
Salem and Thomasville Turnpike Company. Passed the second
and third readings. Ordered to be enrolled.

On motion of Mr. Hayes,
The House considered the bill (458,) to provide for a county
site for the county of Clay.
Mr. Love, of Jackson, moved to strike out the name
"Haysville" and insert "Hiawassa," and it was not adopted.
Passed the second and third readings.

On motion of Mr. Meares,
The House considered (H. 433,) to establish the Mariners' School of North-Carolina, and the question being, "shall
this bill pass the second reading," Mr. Clark, of Craven,
moved the same be indefinitely postponed, and the question
was put and

Decided in the affirmative, \{ Yeas..........................54
\{ Nays..................................39

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered.
The following voted in the affirmative, viz:
Messrs. Albritton, Barringer, Barrow, Batchelor, Bynum,
Cannady, Carson, Clark of Craven, Clark of Davidson,
Cowles, Crumpler, Davis of Rutherford, Ewell, Farrow,
Foust, Foy, Gaither, Galloway, Gorrell, Green of Chatham,

And the following in the negative, viz:

The Senate having proposed, by message, to raise a joint select committee on the Cape Fear and Deep River Navigation Company, and the House concurring therein, the Speaker appointed Messrs. Williams, of Cumberland, Taylor and Bridgers thereto.

Mr. Pearson, from the Committee on Finance, submitted the following report:

"The undersigned, members of the Joint Committee on Finance, whose duty it has been to examine and investigate the books and accounts in the Comptroller's office for the two last fiscal years ending September 30th, 1869, have faithfully discharged their duty and have carefully examined and compared the books and vouchers in that office, and find that they all exactly agree and balance. We have also counted, compared and cancelled all the coupons which have been received and charged in the Comptroller's office for the two last fiscal years, and find that they all correspond in amount with the entries in the Comptroller's books.

We take pleasure in bearing testimony to the order, accu-
racy and fidelity with which the Comptroller has kept the books and accounts in his office.

Respectfully submitted,

J. H. PEARSON, H. C.,
For the Committee.

JONATHAN WORTH,
For the Committee.

On motion of Love, of Haywood,
The House considered the bill (H. 384,) to charter the Bank of Macon, and the same being read the second time the hour for the recess arrived, and the House took a recess until half-past three o'clock.

---

*Half-past Three O'clock.*

The House having reassembled, the reading of the bill (384,) to charter the Bank of Macon being completed, and the question, "shall this bill pass the second reading?" was put and

Decided in the affirmative, { Yeas. ................. 43
\ Nays................. 29

On motion of Mr. Bullock,
The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:

And then the bill being read the third time, and the question put, was

Decided in the affirmative, \{ Yeas,..........................51 \\
| Nays,..........................26 \\

On motion of Mr. Potts,

The yeas and nays being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:


Ordered to be engrossed and sent to the Senate.

On motion of Mr. Foy,

The House considered the bill (H. 558,) to amend the charter of the New River Navigation Company. Passed the second and third readings. Ordered to be enrolled.

Mr. Davis, of Mecklenburg, moved that the House do now reconsider the vote by which (H. 158,) the bill to charter
the Industrial Swamp Bank had been rejected, and the question thereon was put and

Decided in the affirmative, { Yeas ..................................48
{ Nays.............................................41

On motion of Mr. Davis, of Mecklenburg,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the question recurring upon the passage of the bill the second reading, was put and

Decided in the negative, { Yeas..................................40
{ Nays.............................................45

On motion of Mr. Hill,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Autry, Barringer, Blue, Burgin, Carson, Cowles, Crumpler, Davis of Mecklenburg, Davis of Rutherford, Dickson, Donnell, Faison, Farrow, Fleming, Gaither, Guthrie, Hall, Harrington, Harris, Hayes, Horton, Jordan, Lemmonds, Logan, Love of Haywood, McMillan, Marsh, Martin,
Meares, Merrimon, Padgett, Peebles, Potts, Rogers, Shaw, Slade, Waugh, White, Winslow and Woodard—40.

And the following in the negative, viz:


So this bill did not pass the second reading.

H. 434, bill to charter the North-Western Railroad Company, being read the second time, on motion of Mr. Dickson, and the question thereon,

Mr. Cline moved to amend as follows:

"Sec. — Said road shall be located and run to the town of Newton, in the county of Catawba, and shall have a depot within half a mile of said town of Newton."

And it was not adopted.

And the bill passed the second and third readings.

On motion of Mr. Ewell,

The House considered the bill, (S. 539,) to charter the Williamston and Tarboro' Railroad Company, and the same being read the second and third times, passed the second and third readings.

On motion of Mr. Baxter,

The House considered the bill, (S. 526,) to establish the Bank of Thomasville, and the same being read the second time,

Mr. Baxter moved that the bill be amended by striking out the word "the," in the last line of the 12th section, and the yeas and nays being ordered,

On motion of Mr. Henry,

The hour for the recess arrived, and the House took a recess until seven o'clock.
Night Session—Thursday, 21st February, 1861.

The House having reassembled, the question, "Shall the bill pass the second reading?" was put and

Decided in the negative, \( \begin{align*} \text{Yea}s & : 24 \\ \text{Nay}s & : 44 \end{align*} \)

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


By a message from the Senate, the House was informed of the appointment by that body of Messrs. Bledsoe, Hall, and Worth to the Joint Committee on the Cape Fear and Deep River Navigation Company.

By another message, the House was informed of the concurrence of that body in the bill to amend the Revenue Law of 1858–'59, with amendments as follows:

Senate Chamber, February 21st, 1861.

Mr. Speaker: The Senate has passed House bill, engrossed bill (No. 426,) an act to amend an act entitled "Revenue" with the following amendments, to wit:

1. Strike out all of said bill, except the following named
sections and paragraphs. 1st section; 3rd, 4th and 5th paragraphs of 2nd section; 1st, 2nd, 4th and 7th paragraphs of 3rd section; 1st paragraph of 4th section, and 5th section.

2. Also, in 5th paragraph after the 2nd section, strike out the words "whether in money or otherwise."

3. The Senate have also amended by adding the following paragraphs, to wit:

"No tax shall be imposed on merchants, grocers, or traders, for their purchases of sugar, molasses, coffee, salt, and iron, and so much of paragraph (9,) schedule B, as conflicts herewith is hereby repealed."

"Be it further enacted, That for every passenger passing over any of the rail roads or canals of this State, there shall be levied a tax of one fourth of a cent per mile per every mile traveled by said passengers, and the treasurer, president or agent of said companies shall render an account of the same under oath and pay the amount into the public treasury of this State, on or before the 1st day of October of every year. And any rail road or canal company failing to render such account shall forfeit and pay the sum of five thousand dollars to be sued for and recovered in the name of the State, by the Attorney-General in the Superior Court of Wake county, for the use of the State."

And ask the concurrence of the House therein,

HENRY T. CLARK,
Speaker Senate.

J. W. Alspaugh,
Clerk Senate.

And the question being thereon,

On motion of Mr. Person,

The question was taken upon each amendment separately, shall the House concur? and the question put upon amendment (No. 1,) it was adopted.

Mr. Liles moved that the vote, by which the House had concurred in amendment (No. 1,) of the Senate be reconsidered.
And this question was put and
Decided in the affirmative, { Yeas ......................... 61
{ Nays ...................................... 32

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the question recurring on the adoption of the first amendment,
Mr. Ferebee, from the Committee on Enrolled Bills, submitted the following report, to wit:
"The Committee on Enrolled Bills have carefully compared the acts of the following titles with the original engrossments of the same, and finding them truly and correctly enrolled, report them for the signature of the Speaker as follows, to wit:
An act to amend the seventieth chapter of the Revised Code, "militia."
Resolution in favor of Quentin Busbee and others.
Resolution in favor of Principal and Assistant Clerks of the Senate and House of Commons.
Resolution in favor of Josiah Collins.
Resolution in favor of L. N. B. Battle, Esq.
Resolution in favor of Calvin Bishop.
An act to repeal so much of the 10th, 11th, 12th, 13th, 14th and 15th sections of the 107th chapter of the Revised Code, as relates to the county of Washington.
An act to incorporate Oak Hill Military Academy, in the county of Granville.
An act to lay off and locate a road from the town of Statesville to the town of Wilkesboro.
An act to amend an act passed at the present session of the General Assembly, entitled "an act to appoint a tax collector for Wayne and other counties.
An act to amend the 1st section of the 120th chapter of the Revised Code, entitled "Wrecks."
An act to incorporate the Bank of Roxboro.
An act to incorporate the Tokay Wine Company of Fayetteville.
An act to incorporate Concord Copper Mining Company.
An act concerning the management of the poor in Forsyth county.
An act to authorize David P. Johnson and —— ——, to establish a toll bridge on the Catawba River.
An act concerning the wardens of the poor for Wake county.
An act to incorporate Greensboro' Cemetery Company.
An act to incorporate Salem Camp Ground in Lincoln county.
An act to prevent the sale of spirituous liquors within two miles of Reynolston Institute in the county of Gates and Spring Hill Academy in Robeson county.
An act to incorporate Yadkin College in Davidson county.
Resolution in favor of the Door-Keepers.
Resolution in favor of D. W. Courts, Public Treasurer.
Resolution in favor of Jesse McGee, of Haywood county.
Resolution in favor of W. W. Watson.
Resolution to defray the expenses of the Commissioners from Georgia.
Resolution in favor of P. A. Smith, administrator of M. M. Plunket, deceased.

Signed,
D. D. FEREBEE,
for the Committee.

February 21st, 1861.

The question upon the amendments of the Senate to the Revenue Bill (No. 1,) was then put and

Decided in the negative, { Yeas ........................................20
{ Nays .................................................71

On motion of Mr. Hoke,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Autry, Baxter, Cannady, Dickson, Fagg, Faison, Foy, Galloway, Harrington, Kelly, Logan, Love of Haywood, Mendenhall, Person, Potts, Shaw, Slade, Tapscott, Wishart and Withers—0.

And the following in the negative, viz:
And the other amendments being rejected,

On motion of Mr. Hoke,

The Senate was informed thereof and conference asked and Messrs. Person and Mendenhall appointed thereto.

Mr. Hill moved that the vote by which the House had refused to charter the Bank of Thomasville be reconsidered.

Mr. Batchelor moved the question be laid upon the table, and the question was put and

Decided in the affirmative, { Yeas.......................... 55

Nays.................................. 34

On motion of Mr. Batchelor,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


On motion of Mr. Fleming,

Leave of absence for the remainder of the session was granted Messrs. Williamson and Wishart.

On motion of Mr. Mendenhall,

H. 225, resolution in favor of Jacob Siler, was ordered to be read the second time, but the hour for the adjournment having arrived, the House adjourned.
FRIDAY, 22nd February, 1861.

On motion of Mr. Branch,
Leave of absence was granted to Mr. Stanford for the remainder of the session.

On motion of Mr. Waters,
Similar leave was granted to Mr. Logan:
Mr. Hall introduced a resolution (H. R. 590,) in favor of Mr. H——.

And the question being thereon, and on motion of Mr. Jenkins the same being amended so as to include the names of Edward Vale and L. W. Joiner,
Mr. Liles moved the same be laid upon the table, and the question thereon was put and

Decided in the affirmative, \{ Yeas ......................... 69
\{ Nays .......................... 12

On motion of Mr. Liles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Branch, Davis of Mecklenburg, Dickson, Faison, Hall, Hill, Jenkins, Love of Haywood, Martin, Meares, Patterson and Withers—12.

Mr. Hayes introduced a resolution, (H. R. 591,) in regard
to the bridge over Hiawassee River. Passed the third reading.

Other bills, etc., of the titles following, being introduced, passed the first reading, and other proceedings were had, as follows, viz:

H. 592, a bill concerning a public road from Rutherford to South-Carolina line. Referred to Committee on Propositions and Grievances.

S. 593, a bill to amend an act to incorporate the Bank of Wilmington.

S. 594, a bill to incorporate the Gas Light Company of Newberne. This bill also passed the second and third readings, and was ordered to be enrolled.

S. 595, a bill to run and establish the line between the counties of Green and Wayne. This bill also passed the second and third readings, and was ordered to be enrolled.

S. 596, a bill to extend the limits of the town of Lexington. This bill also passed the second and third readings, and was ordered to be enrolled.

S. 597, a bill to change the rules of evidence in indictments for trading with slaves. This bill also passed the second and third readings, and was ordered to be enrolled.

S. 598, a bill to amend an act concerning talis jurors.

S. 599, a bill to amend the Revised Code, concerning oysters and other fish. This bill also passed the second and third readings, and was ordered to be enrolled.

S. 600, a bill to change in part, a bill passed at the present session of the General Assembly, concerning the relief of the people and the banks.

S. 601, a bill to prohibit the sale of spirituous liquors within two miles of Spring Hill, in Robeson county.

S. 602, a bill to amend the charter of the Cheraw and Coal-fields Railroad.

The House resumed the unfinished business, and (H. R. 225,) resolution in favor of Jacob Siler, being read the
second time, Mr. Merrimon offered the following amendment, viz:

"Resolved, That it shall be the duty of the Commissioner appointed under the provisions of the foregoing section, to make settlement with the agent of the State for the collection of Cherokee lands, to give information to the Governor of the State as to the nature and extent of any extra services that may have been rendered by said agent, and the Governor and Treasurer of the State shall have power to fix the amount due for such extra services, and authorize the agent to retain the same out of the Cherokee land funds, and said agent may charge each person for whom he may make any search in his office, the same fees allowed to the clerks of the courts of sessions in this State, for making search in their offices."

And it was not adopted.

Mr. Love, of Jackson, offered the following amendment:

"That this resolution shall apply also to Thos. Henson, agent for Jackson county."

And it was adopted.

And so amended this resolution passed the second and third reading, and was engrossed and sent to the Senate."

On motion of Mr. Davis, of Mecklenburg,

The House considered, (H. 345,) the bill to charter the Charlotte and S. W. Railroad Company, and the same being read the second time and the question put was

Decided in the affirmative, Yeas..........................52
Nays..............................18

On motion Mr. Batchelor,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Barringer, Barrow, Blue, Bullock, Bynum, Cannady, Carson, Cline, Cowles, Davis of Bladen, Davis of Mecklenburg, Dickson, Fagg, Foust, Foy, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Hall, Harrington, Harris, Hayes, Howard, Hoke, Jenkins, Kelly, Lemmonds, Liles, Love of Haywood,
McMillan, Marsh, Martin, Mordecai, Patterson, Peebles, Pope, Potts, Simonton, Slade, Taylor, Ward, Watson, Waugh, White, Williams of Cumberland, Williams of Nash, Winslow, Withers and Yeates—52.

And the following in the negative, viz:


A message was received from the Senate, transmitting recommendations of justices of the peace for the county of Rowan, and the same being amended,

On motion of Mr. Fleming,

Was adopted and sent to the Senate for concurrence.

The Senate informed the House of their concurrence in the proposition to confer upon the subject of the disagreement between the two Houses, with regard to the revenue law.

The Senate having transmitted an engrossed bill, (S. 600,) to amend an act of this session concerning the people and the banks, and the same being read,

Mr. Slade moved the bill be read the second time, and it was not adopted, and the question recurring,

Mr. Hill moved the same be laid upon the table, and the question thereon was put and

Decided in the negative, \{ Yea s ....................... 32
\{ Nays ....................... 54

On motion of Mr. Slade,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Albritton, Batchelor, Bridgers, Bullock, Cannady, Clark of Craven, Clark of Davidson, Crawford, Fagg, Ferguson, Galloway, Hall, Hanes, Hill, Howard, Love of Haywood, Meres, Mendenhall, Mordecai, Padgett, Patterson, Perkins, Poindexter, Ransom, Rogers, Russ, Simonton, Waters, Watson, Williams of Cumberland, Williams of Nash and Withers—32.
And the following in the negative, viz:


And the question recurring upon the reading of the bill the second time, was put and, (two thirds not voting therefor,)

Decided in the negative, { Yeas,...............................48
{ Nays,...............................35

On motion of Mr. Slade,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Person, from the Committee of Conference on the
Revenue bill, submitted a report in writing with a proposition for agreement, in which the House concurred.

Ordered, That the report be taken from the files, and sent to the Senate.

On motion of Mr. Ward,
The House considered the bill (H. 228,) to charter the Trenton and Dover Plank Road Company. Passed the second and third readings.

On motion of Mr. Marsh,
The House considered, (H 192,) bill for the relief of the Greenville and Raleigh Plank Road Company. Passed the second and third readings.

On motion of Mr. Batchelor,
Ordered, That after the completing of private bills tomorrow, the House consider public bills.

On motion of Mr. Carson,
The House considered (H. 317,) bill in favor of the Tennessee, Ohio and Atlantic Rail Road Company. Passed the second and third readings.

On motion of Mr. Galloway,
H. 493, bill in favor of the Rockingham Coalfields Rail Road. Passed the second and third readings.

On motion of Mr. Ransom,
H. 229, bill to prevent felling of timber in Catawba and Burke. Passed the second and third readings.

On motion of Mr. Ransom,
Leave of absence was granted to Mr. Gaither.

Mr. Clark, of Craven, presented a recommendation of justices for the county of Craven. Read, adopted and sent to the Senate.

Mr. Poindexter moved that the vote by which the House had refused to read the second time the bill (S. 602,) to amend charter of the Cheraw and Coalfields Rail Road, be reconsidered, and the same read the second time.

Mr. Branch moved the same be laid upon the table, and the question thereon was put and
Decided in the negative, \{ Yeas: 20 \}
\{ Nays: 59 \}

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question recurring upon the motion to reconsider, was put, and (two-thirds not voting therefor,)

Decided in the negative, \{ Yeas: 45 \}
\{ Nays: 27 \}

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Barringer, Barrow, Batchelor, Bullock, Cannady, Clark of Davidson, Crumpler, Davis of Bladen, Davis of Halifax, Davis of Rutherford, Dickson, Farrow, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Guthrie, Hanes, Harrington, Harris, Hill, Howard, Horton, Jenkins, Kelly, Marsh, Martin, Mordecai, Patterson, Peebles, Perkins, Poindexter, Pope, Potts, Ransom, Rogers, Russ, Taylor, Watson, Waugh, White, Winslow, Withers and Yeates—45.
And the following in the negative, viz:

Mr. Poindexter moved that the rules be suspended and the bill read, and the question then was put, and (two-thirds not voting therefor,)

Decided in the negative, \{ Yeas ......................... 44 \\ Nays ......................... 36 \\

On motion of Mr. Meares,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Barringer, Barrow, Batchelor, Cannady, Clark of Davidson, Cline, Cowles, Crumpler, Davis of Halifax, Davis of Rutherford, Dickson, Farrow, Gaither, Galloway, Green of Chatham, Green of Franklin, Guthrie, Hanes, Harrington, Hill, Horton, Jenkins, Kelly, Marsh, Martin, Mendenhall, Mordecai, Patterson, Peebles, Poindexter, Pope, Potts, Ronson, Rogers, Russ, Simonton, Slade, Tapscott, Taylor, Watson, Waugh, White, Winslow, Withers and Yeates—45.

And the following in the negative, viz:

Mr. Ferebee, from the committee on enrolled bills, submitted the following report, viz:

"The committee on enrolled bills have carefully compared the acts of the titles following, with the original engrossments of the same, and finding them truly and correctly enrolled, report them for the signature of the Speakers as follows, to wit:
An act to incorporate the Buncombe Powder Manufacturing Company, located in Buncombe county.

An act to incorporate the Canagah Mining Company.

An act to incorporate military companies in this State.

An act to change the time of closing the polls of election in Washington county.

An act to allow the Raleigh and Gaston Railroad Company to increase its capital stock.

An act to declare what shall be sufficient to constitute the crimes of rape, carnally knowing and abusing a female child, under the age of ten years, and buggery.

An act to incorporate the Salem and Thomasville Turnpike Company.

An act to authorize and empower Samuel Brooks, late sheriff of Hyde county, to collect arrears of taxes due him, the year 1855.

An act to incorporate Carolina Gold and Copper Mining Company.

An act for the relief of Davidson College.

An act to incorporate the Lincoln Copper and Gold Mining Company.

An act to amend the charter of the town of Salisbury, and to establish the corporate limits of said town.

Signed,

D. D. FEREBEE,

for the Committee.

Feb. 22, 1861.

And the House took a recess until half past three o'clock.

Half past 3 o'clock:

The House having reassembled, a message was received from the Senate, informing the House that the Senate disagreed to the report of the committee on conference, where-
upon the House concurring, the Speaker appointed Messrs. Person and Mendenhall thereto.

Bills, etc., of the titles following, then being introduced and read, passed the first reading, and other proceedings were had, as follows:

S. 603, a bill to provide for an additional Supreme Court in Clevaeld. This bill also passed the second and third readings and was ordered to be enrolled.

S. 604, a bill to incorporate the Person Savings Bank. This bill being read the second time, was laid on the table.

On motion of Mr. Davis, of Bladen,
The House considered, (H. 431,) bill in favor of free persons of color. Passed the second and third reading, ordered to be engrossed and sent to the Senate.

By a message from the Senate the House was informed of the passage in that body of the bill concerning the Wilmington and Weldon Railroad Company," with an amendment, "Strike out the last section," and the House concurred. Ordered to be enrolled.

Mr. Williams, of Nash, moved that the House take up the bill, (H. 564,) bill to establish the county of Dobbin, and the question thereon was put, and (two-thirds not voting therefor,)

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : & 41 \\
\text{Nays} & : & 32
\end{align*}
\]

On motion of Mr. Russ,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

On motion of Mr. Meares,
The House considered the bill (H. 249,) concerning free negroes. Read the second time.
Mr. Hanes offered an amendment,
And it was adopted.
Mr. Love, of Jackson, offered an amendment,
And it was adopted.
And the bill passed the second and third readings. Ordered to be engrossed and sent to the Senate.
A message from the Senate was received, informing the House of the appointment of Messrs. Thomas of Davidson and Faison to the Joint Committee of Conference.

On motion of Mr. Love, of Jackson,
The House considered (H. 282,) bill to amend charter of the Keowee and Tuckasegee Turnpike Company, passed the second reading, read the third time.
Mr. Meares moved that the question thereon be laid upon the table, and the same being put, was

Decided in the affirmative, \{ Yeas.....................55
\{ Nays.....................17

On motion of Mr. Love, of Jackson,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Alfred, Barringer, Barrow, Blue, Branch, Burgin, Bynum, Clerk of Craven, Clerk of Davidson, Cowles, Crawford, Crumpler, Davis of Bladen, Davis of Rutherford, Dickson, Ewell, Farrow, Ferebee, Fleming,

And the following in the negative, viz:

And the House took a recess.

Night Session—FRIDAY, 22nd February, 1861.

Mr. Person, from the Joint Select Committee of Conference, to whom the disagreement of the two Houses upon the subject of the revenue bill was referred, submitted the following report, to wit:

The Committee of Conference, upon the subject of revenue report the accompanying bill, embodying the amendments made by the Senate to the House bill, with the exception of the striking out the provision taxing land at 15 cents on the $100 value, which they propose shall be restored at the rate of 18 cents on the $100 of value, and also the tax upon railroad passengers.

S. J. PERSON,
Chairman.

And the question being shall the House concur therein, the same was put and

Decided in the affirmative,}{Yea}{Nay}

On motion of Mr. Martin,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Ordered, That the Senate be informed of the concurrence of this House.

A message was received from the Senate, transmitting the following engrossed bills, to wit:

S. 605, bill to continue the improvement of the Cape Fear River, and the same being read, passed the first reading.

Mr. Person moved the bill be read the second and third time, and it was not adopted.

S. 606, bill concerning the Mayor and Commissioners of Fayetteville.

S. 607, resolutions for the publication of the Colonial and other Records, passed the first reading, and the same being read the second time,

Mr. Davis of Bladen, moved the same be amended by directing the printing to be executed by the State Printer, and it was not adopted.

Mr. Liles moved to amend by striking out, and inserting a clause for the purchase of Hawks' History of North Carolina, and it was not adopted, and the question recurring upon the
passage of the resolutions the second reading, it was put and

Decided in the affirmative, { Yeas ................. 46
{ Nays ..................... 45

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Speaker, Blue, Branch, Bridgers, Check, Clark of Craven, Cowles, Crawford, Davis of Bladen, Dickson, Ferebee, Fleming, Foust, Galloway, Green of Franklin, Guthrie, Hall, Hanes, Harris, Hayes, Hill, Jenkins, Jordan, Kelly, Love of Haywood, Love of Jackson, Marsh, Meares, Mendenhall, Merrimon, Peebles, Person, Poindexter, Polk, Potts, Ransom, Rogers, Shaw, Simonton, Slade, Ward, Waters, Whitehurst, Winslow, Wooten and Yeates—46.

And the following in the negative, viz:

And the resolutions then passed the third reading. Ordered that they be enrolled.
A message was received from the Senate, returning the bill (74,) concerning Iredell county with an amendment, and the House concurring therein, ordered that the bill be enrolled.
Mr. Potts moved that the House consider the bill (S. 502,) to increase the salary of the Comptroller, and it was not adopted.
Mr. Fagg moved the House reconsider the vote, by which they had refused to take up the bill to amend the charter of the Bank of Salisbury.
And the question thereon was put and
Decided in the affirmative, \begin{align*}
\text{Yea}s & : \ldots \ldots \ldots \ldots \ldots \ldots 69 \\
\text{Nays} & : \ldots \ldots \ldots \ldots \ldots \ldots 20
\end{align*}

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the bill being read the second time, and the question put, was
Decided in the affirmative, \begin{align*}
\text{Yea}s & : \ldots \ldots \ldots \ldots \ldots \ldots 43 \\
\text{Nays} & : \ldots \ldots \ldots \ldots \ldots \ldots 41
\end{align*}

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Batchelor, Baxter, Blue, Branch, Bullock, Cannady, Carson, Clark of Craven, Cline, Crumpler, Davis of Bladen, Davis of Mecklenburg, Dickson, Fagg, Faison, Fleming, Foust, Foy, Green of Franklin, Hall, Harrington, Hayes, Hill, Hoke, Horton, Lemmonds, Love of Haywood, Martin,

And the following in the negative, viz:

Messrs. Albritton, Alfred, Barrow, Bridgers, Burgin, Bynum, Cheek, Clark of Davidson, Crawford, Davis of Rutherford, Ewell, Farrow, Ferguson, Ferebee, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harris, Henry, Howard, Jenkins, Jordan, Kelly, Liles, Love of Jackson, McCleese, Marsh, Merrimon, Patterson, Peebles, Perkins, Poindexter, Polk, Potts, Rogers, Russ, Slade, Tapscott, Taylor and Yeates—41.

Mr. Ferebee, from the Committee on Enrolled Bills, submitted the following report, viz:

The Committee on Enrolled Bills have carefully inspected and compared the acts of the titles following with the original engrossments of the same, and finding them truly and correctly enrolled, report them for the signatures of the Speakers as follows, to wit:

An act to incorporate the Greenville and Goldsboro' Rail Road Company.

An act to amend an act, entitled an act to extend the powers of the New River Navigation Company.

An act to extend the time of perfecting titles to land herebefore entered.

An act to prevent obstacles in Salmon Creek.

An act to incorporate the Orange Light Infantry.


Resolution for the relief of the sureties of C. Gregg.

Resolution in favor of J. H. Moore.

An act to incorporate the Williamston and Tarboro' Rail Road Company.

An act to amend and extend the provisions of the 6th section of the 48th chapter of the Revised Code entitled "Fences."

An act to incorporate the road from John Allen's to the
top of the Blue Ridge, at Fisher's Gap, in the county of Surry.

An act to repeal section 4th chapter 169 of the Laws of North Carolina, passed at the session of 1858-'59.

An act to allow less than a majority of the magistrates to transact the county business of Iredell and Chatham counties.

Signed,

D. D. FEREabee,

for the Committee.

February 22nd, 1861.

And these acts being signed by the Speaker, were sent to the Senate.

The bill (198,) to amend the charter of the Bank of Salisbury, was then read the third time.

And the question thereon put and

Decided in the affirmative, \{ Yeas..........................46 \{ Nays..........................38

On motion of Mr. Slade,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Barrow, Branch, Bridgers, Bynum, Clark of Davidson, Crawford, Davis of Rutherford, Ewell, Farrow, Ferguson, Ferebee, Green of Chatham, Green of Stanly, Guthrie, Hanes, Harris, Henry, Jordan, Kallum, Kelly, Liles, Love of Jackson, McCleese, Marsh, Patterson, Peebles, Perkins, Poindexter, Polk, Potts, Rogers, Russ, Slade, Tapscott, Taylor, Whitehurst and Yeates—38.
S. 539, (a) bill to amend charter of the Atlantic Mutual Fire Company, read and passed the second and third readings. Ordered to be enrolled.

Mr. Polk moved that the vote by which the House had passed (S. 607,) the resolutions, authorizing the publication of Colonial Records be reconsidered.

Mr. Batchelor moved the same be laid upon the table.

And this question was put and

Decided in the affirmative, \{ Yeas.........................46
\{ Nays.........................25

On motion of Mr. Crumpler,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative:


And then the hour for the adjournment having arrived, the House adjourned.

SATURDAY, 23TH FEBRUARY, 1861.
Prayer by the Rev. Frederick Fitzgerald.
Mr. Kelly presented the memorial of C. Dowd and others,
opposed to the proposed Stay Law. Read and left on the table.

Bills, etc., of the titles following, being introduced and read, passed the first reading, and other proceedings were had as follows, viz:

By Mr. Hayes, a resolution (H. R. 608,) concerning Bridge over Pidgeon and Hiawassee Rivers. Read also the second and third times, and passed the second and third readings.

From the Senate, bill (S. 609,) to protect the Cherokee Indians of Jackson. Read the second and third times, and passed the second and third readings.

From the Senate, bill (S. 610,) to amend the charter of the Fayetteville and other Plank Road Companies.

From the Senate, bill (S. 661,) to authorize the taxation, of State Bonds.

From the Senate, bill (S. 612,) concerning Banks.

From the Senate, a bill (S. 613,) concerning a causeway in the county of Cabarrus.

From the Senate, a resolution (614,) in favor of Charles Keuster and others.

From the Senate, a bill (S. 615,) for the relief of securities to Cherokee Bonds.

From the Senate, a bill (S. 616,) to provide for the defence of the State.

From the Senate, a bill (S. 617,) to authorize the County Courts to purchase arms, &c.

From the Senate, a resolution (S. R. 618,) in favor of W. J. Lougee. Read and passed the second and third readings.

On motion of Mr. Harriss,

The House considered the bill (S. 589,) to increase the salary of the Comptroller, and the question being, "Shall this bill pass the second reading?"

Mr. Poindexter moved to amend the same by including the Secretary of State.

Mr. Love, of Jackson, moved the bill be indefinitely postponed, and this question was put and
Decided in the affirmative, {Yeas .......................... 53
Nays .......................... 22

On motion of Mr. Crumpler,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Barrow, Batchelor, Branch, Cheek, Cline, Crawford, Davis of Bladen, Foy, Hall, Harrington, Harris, Hoke, Kallum, Kelly, Lemmonds, McMillan, Person, Potts, Tapscott, Watson, White and Withers—22.

Mr. Marsh moved that the vote be reconsidered, and this motion be laid upon the table, and the latter motion was adopted.

By a message from the Senate, the House was informed of the passage in that body, of the following resolution, viz:

"Resolved, That so much of the Joint Rules of the two Houses as requires the Engrossment of bills, be so far repealed as to allow all bills written in a fair hand, without amendment, to pass to the other House without engrossment, and where there are no amendments or interlinations, written fair and without errors, to be ratified without enrollment, after being examined and signed by the Committee on Enrolled bills.

HENRY T. CLARK, S. S.

J. W. ALSPRAUGH, C. S.
And the question being thereon, the House concurred.

Mr. Person introduced the following resolution, viz:

"Resolved, That the Governor and Board of Internal Improvements be authorized and required to sell as soon as practicable, upon such terms as to them shall seem best, the entire interest of the State in the property and franchise of the Cape Fear and Deep River Navigation Company, and such sale may be made at either at public or private sale, and the Purchaser shall be substituted by deed, to be executed by the Governor under the great seal of the State, to all the rights, privileges and franchises, which the State now has in said work."

Pending the consideration of which a message was received from the Senate transmitting a message from his Excellency the Governor as follows, viz:

"To the Honorable, the General Assembly
of North-Carolina.

Gentlemen: As your session is rapidly approaching its termination, you will pardon me for again presenting to your attention a subject of great public importance, upon which as yet, there has been no action by your honorable body.

Operations on the Cape Fear and Deep River Navigation Works are now suspended for the want of funds, and unless some aid be granted at the present session of the Legislature they cannot be resumed. Should this work remain in this condition until the meeting of the next General Assembly, it will in all probabilities suffer injuries that in a measure will be irreparable.

An appropriation of some fifty or sixty thousand dollars would probably prove sufficient to keep the work in navigable order for the coming two years, and until the coal mines are opened, when a sufficient amount of freight may reasonably be expected to preserve the works in future without further appropriations."
Should, however, your honorable body deem it inexpedient to make such appropriation, then I would respectfully suggest the propriety of ordering the State interest in the work to be sold.

The importance of some action being taken in relation to the work is my apology for again trespassing upon your attention.

Signed)  
JOHN W. ELLIS.  
Executive Department,  
February, 21, 1861.

And the question recurring,  
On motion of Mr. Person,  
The resolution being informally passed over, the House considered the bill (S. 605,) to provide for a continuation of the Cape Fear and Deep River Water Navigation, and the same being also postponed to the private calendar,  
Bills, etc., of the titles following upon the private Calendar being read the second and third times, passed the second and third readings or other proceedings were had as follows, viz:  
H. 307, to increase the pay of witnesses, in the county of Columbus. Laid on the table.  
H. 308, bill for the appointment of Swamp Overseers, in Columbus.  
H. 336, resolution in favor of Judson Female College.  
H. 344, bill concerning half fees in Guilford.  
H. 355, bill to charter Smithfield.  
H. 362, bill to repeal an act of 1858-'59, concerning Catawba River  
H. 375, bill to provide a Committee of Finance for Hyde county.  
H. R. 389, resolution in favor of the sureties of W. W. Ward.  
H. 412, bill to amend an act of 1859, concerning Pitt county. Laid on the table.  
H. 443, bill to amend Revised Code, chapter 66, Literary Fund, etc.
S. 472, bill to provide special magistrates in Craven.
H. 504, bill to incorporate North State Rolling Mills.
H. 506, bill to repeal an act concerning Jury Trials in Robeson.
S. R. 516, resolution in favor of Wm. Thompson.
S. 518, bill to incorporate North-Carolina — Company.
S. 519, bill to incorporate the Cherokee Mining Company.
S. 521, bill concerning the town of Janesville.
S. 523, bill to incorporate the Bank of Thomasville.
S. 524, bill to protect the Fair Grounds in Newbern.
S. 540, bill to enlarge the Corporate limits of Monroe.
H. R. 554, resolution in favor of G. B. Treadgill.
H. 556, bill to incorporate the Chatham Ore Iron Company.
H. 557, bill for the relief of David Boser.
H. 559, bill to incorporate the Independent Greys and other Companies.
S. 565, bill to incorporate Rockingham.
S. R. 567, resolution in favor of L. J. Hampton and others.
Laid on the table.
H. 569, bill to regulate the measure of Corn. Did not pass the second reading.
H. 570, bill to incorporate the Lumber Bridge High School.
S. 572, bill in favor of E. D. Hall.
S. R. 576, resolution in favor of Daniel Tucker.
S. R. 578, resolution in favor of John L. Cantwell.
H. 583, bill to amend the charter of Murfreesboro'.
S. 588, bill for the relief of W. Harris.
S. R. 608, resolution concerning Pidgeon and Hiwassee Bridge.
S. 609, bill to protect the Cherokee Indians.
Mr. Green, of Franklin, from the Committee on Enrolled Bills, submitted the following report.

"The Committee on Enrolled Bills, have examined the following enrolled bills and resolutions, and compared them
with the engrossments, and find them truly and correctly enrolled, to-wit:

Resolution in favor of the Doorkeepers.

An act to amend the fourth section of an act entitled an act for the better regulation of ——, in the Cape Fear River and Bars, "ratified the 7th day of February, 1859."

An act to amend section 2nd, chapter 11, of the Revised Code, entitled Widows.

Resolution providing for the publication of certain Colonial records and Legislative Proceedings.

An act concerning Insane Persons.

An act concerning the Wilmington and Weldon Rail Road Company.

An act to amend an act, passed at the session of 1856-'57, entitled an act to provide for the payment of Talis Jurors.

An act to amend section 5, chapter 81, Revised Code, entitled Oysters and other Fish.

An act for the relief of Charles Wilkes, and to charter the St. Catharines Mills and Charlotte Rail Road Company.

An act to change the rules of evidence in indictments for trading with Slaves.

An act to incorporate the —— Gold Mining Company of Baltimore City.

An act to amend chapter 107, section 66, of the Revised Code, relating to free negroes.

An act to incorporate the town of Lincolnton, passed at Raleigh in the year 1852, chapter 209.

An act to give to the county of Cleveland two additional Superior Courts.

An Act to extend the limits of the town of Lexington.

The above named acts are ready for the Speakers' signatures. Respectfully submitted,

WM. F. GREEN,
for Committee."

And the House resuming the consideration of the bill (S.
Mr. Person offered the following as a substitute, viz:

"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 commissioners of the Cape Fear and Deep River Navigation Works, be and they are hereby authorized and required to sell, so soon as they may deem advisable, the State's interest in said works, upon such terms as they may deem best.

2. That the purchasers of said interest, together with the other Stockholders, shall form a body corporate under the name and style of the Cape Fear and Deep River Navigation Company, and shall possess all the powers and privileges that were formally held by the old Company of that name."

And this substitute being read the second and third times, passed the second and third readings.

Ordered to be sent to the Senate for their concurrence.

Mr. Henry from the Committee on Enrolled Bills, submitted the following report, viz:

"The Committee on Enrolled Bills have examined the following bills and find them correct, viz:

An act to require the registration of Coroner's Bonds.

An act to prevent damages by Camp fire.

An act to amend the 16th and 17th sections, chapter 34, Revised Code.

An act to allow the county Trustees to sell certain property in the Town of Statesville.

Also, the Revenue Bill.

P. T. HENRY,
Chairman."

And the same having been signed by the Speaker were sent to the Senate.

The bill H. 188, to provide for a mechanics lien being read the second time,

Mr. Merrimon offered as a substitute the bill of same title
introduced by him on the 19th December, and it being adopted
Mr. Williams, of Nash, moved the same be laid upon the
table, and the question thereon was put and
Decided in the negative, \{ Yeas...........................31
\} Nays........................................43

On motion of Mr. Person,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Barringer, Batchelor, Baxter, Blue,
Branch, Bullock, Carson, Cline, Crumpler, Davis of Bladen,
Davis of Halifax, Ewell, Fagg, Ferebee, Fleming, Fo\, Galloway, Green of Stanly, Hall, Harrington, Harris, Hill,
Love of Haywood, Love of Jackson, Martin, Perkins, Pope,
Tapscott, Williams of Nash and Withers—31.
And the following in the negative, viz:
Messrs. Alfred, Barrow, Bynum, Cannady, Cheek, Clark
of Craven, Crawford, Davis of Rutherford, Farrow, Foust,
Gorrell, Green of Chatham, Hanes, Hayes, Hoke, Jenkins,
Jordan, Kallum, Kelly, Lemmonds, McCleese, Marsh, Meares,
Mendenhall, Merrimon, Padgett, Patterson, Peebles, Person,
Poindexter, Polk, Potts, Ransom, Rogers, Russ, Shaw, Taylor,
Watson, Waugh, White, Williams of Cumberland and
Winslow—43.
The question recurring upon the passage of the bill, as
amended, was put and
Decided in the negative, \{ Yeas...........................40
\} Nays........................................46

On motion of Mr. Fagg,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Barrow, Bynum, Cannady, Cheek, Clark
of Craven, Crawford, Davis of Bladen, Davis of Rutherford,
Dickson, Donnell, Ferguson, Gorrell, Green of Chatham,
Guthrie, Hall, Hill, Jordan, Kallum, Kelly, Lemmonds,
McCluoose, McMillan, Meares, Mendenhall, Merrimon, Pad-\,
gett, Patterson, Peebles, Person, Poindexter, Potts, Rogers,

And the following in the negative, viz:


Mr. Fleming, from the Committee on Enrolled Bills, submitted the following report, viz:

The Committee on Enrolled Bills have examined the following bills and resolutions and find them correct, and report them to the House ready for the signature of the Speaker, to wit:

A bill to incorporate Cherokee Mining Company.
A bill to incorporate the town of Rockingham.
A resolution in favor of Daniel Tucker.
A resolution in favor of John L. Cantwell.
A bill concerning the town of Janesville, in the county of Martin.
A bill to protect the Fair Grounds of Union Agricultural, Mechanical and Commercial Society of Newbern.
A bill to enlarge the corporate limits of the town of Monroe and for other purposes.
A bill to incorporate Independent Grays, Topsail Riflemen, Franklin Rifles, Albemarle Guards and the Sharon Riflemen.
A bill to authorize and empower Edward D. Hall, late Sheriff of New Hanover, to collect arrears of taxes.

N. N. FLEMING, for Committee.

Mr. Fagg moved the House do now consider the bill to
extend the time for pleading and for a stay of execution, &c., and the question thereon was put and

Decided in the negative, \{ Yeas ......................... 38
Nays ......................... 42

On motion of Mr. Fagg,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Russ moved that the House do now take up and consider the bill (526,) to charter the Bank of Thomasville, and the question thereon was put and

Decided in the affirmative, \{ Yeas ......................... 57
Nays ......................... 16

On motion of Mr. Batchelor,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Alfred, Barringer, Barrow, Baxter, Blue, Booth, Bridgers, Bullock, Bynum, Cannady, Carson, Clark of Craven, Cowles, Crumpler, Davis of Mecklenburg, Davis of Rutherford, Donnell, Faison, Farrow, Fleming, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly,
Guthrie, Hall, Harrington, Hanes, Harris, Hayes, Hill, Howard, Hoke, Jenkins, Kallum, Kelly, McCleese, McMillan, Martin, Meares, Mendenhall, Merrimon, Padgett, Person, Potts, Ransom, Rogers, Russ, Simonton, Taylor, Waugh, White, Whitehurst, Williams of Nash, Winslow and Withers—57.

And the following in the negative, viz:

And the bill being read the third time, and the question thereon being put was

Decided in the affirmative,

\[
\begin{aligned}
\text{Yea} & \quad \ldots \quad 47 \\
\text{Nay} & \quad \ldots \quad 24
\end{aligned}
\]

On motion of Mr. Batchelor,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Henry, from the Committee on Enrolled Bills, submitted the following report:

"Enrolled Bills examined and to be signed by the Speaker,"
An act to allow the county trustees to sell certain property in the town of Statesville.
An act to require the registration of coroners' bonds.
An act to prevent damages by camp fires.
An act to amend the 16th and 17th sections, chapter 34, Revised Code, ratified 16th day of February, 1859.

P. T. HENRY.
Chairman of the Committee."

Mr. Love, from the same Committee, reported as follows, viz:
"The Committee on Enrolled Bills, have carefully compared the acts of the titles following with the original engrossments of the same, and finding them truly and carefully enrolled, report them for the signature of the Speaker as follows, to wit:

An act to provide for limited partnerships.
An act to amend an act entitled an act to incorporate Bascom College, in Buncombe county.
An act entitled an act to amend an amended act to incorporate the Jonathan's Creek and Tennessee Mountain Turnpike Company, passed at the session of 1858-'59.
An act to authorize the sale of the old jail in the county of Wilkes.
A resolution in favor of E. P. ———, of Jackson county.

SAMUEL L. LOVE,
for the Committee."

Mr. Green, of Franklin, from the same Committee, reported as follows viz:
"The Committee on Enrolled Bills, have examined an enrolled bill entitled an act supplemental to an act passed at the present session of the General Assembly, entitled an act to incorporate the Chatham Railroad Company, and
find it correctly enrolled and ready for the signature of the Speaker.

W. F. GREEN.

for Committee.''

And the Hour for the recess having arrived, the House took a recess until half-past three, P. M.

---

Half-past three o'clock.

The House having re-assembled, the bill (S. 526,) to charter the Bank of Thomasville, was read the third time.

Mr. Meares moved to strike out all in said bill relative to branches, and it was not adopted.

And the question was put and

Decided in the affirmative, { Yeas. ......................... 41
{ Nays.......................... 21

On motion of Mr. McCleese,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Clark moved the House do now consider the bill (617,) to authorize the county courts to levy certain taxes for the purchase of arms, etc.
And Mr. Davis, of Rutherford, moved the same be laid upon the table, and this question was put and

Decided in the affirmative; \{ Yeas .................................. 34
Nays .................................. 30

On motion of Mr. Davis, of Rutherford,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Batchelor, Baxter, Blue, Booth, Branch, Bullock, Cannady, Cheek, Cline, Davis of Halifax, Ewell, Fagg, Faison, Ferguson, Green of Franklin, Hall, Jenkins, Kallum, Love of Jackson, McMillan, Meares, Padgett, Peebles, Person, Potts, Rogers, Shaw, Waters, Watson and Withers—30.

Mr. Henry, from the Committee on Enrolled Bills, submitted the following report, viz:

Committee on Enrolled Bills beg leave to report that they have examined the following bills and find them correct:

An act to incorporate the Buncombe Powder Manufacturing Company in Buncombe county.

An act in favor of J. Tapscott, late Sheriff of the county of Alamance.

P. T. HENRY,
Chairman.

A message was received from the Senate, concurring in the amendment of the House to the bill concerning the Cape Fear and Deep River. Ordered that the same be enrolled.

On motion of Mr. Martin,

Resolved, That on Monday morning the House meet at five
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o'clock, and that no bills of a public or private character shall be acted upon except to receive them from the Committee on Enrolled Bills, and the ratification of the same.

H. 205, bill to amend Revised Code, chapter 31, Courts, etc., in the county of Wake, being read the second and third times, on motion of Mr. Rogers, passed the second and third readings.

Mr. Batchelor, from the Committee on Propositions and Grievances, reported (S. 533,) bill to establish the county of Richland, and recommended the same do pass; and the bill having been read the second time,

And the question thereon, was put and

Decided in the affirmative, \{ Yeas .................. 44
\{ Nays .................. 20

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Messrs. Alfred, Branch, Bullock, Cannady, Cheek, Cline, Davis of Halifax, Ewell, Ferguson, Foy, Hall, Jenkins, McCleese, Padgett, Peebles, Person, Watson, Whitehurst, Williams of Cumberland, Williams of Nash and Withers—20.

A message was received from the Senate, informing the House that that body had concurred in the amendment of the House to the Senate bill concerning the Cape Fear and Deep River Navigation Company.

Mr. Ferebee, from the Committee on Enrolled Bills, submitted the following report, viz:
"The Committee on Enrolled Bills have carefully compared the acts of the titles following with the engrossments, and finding them correct, report them for the signatures of the Speakers as follows, to wit:

An act to provide for a continuation of the Improvement of Cape Fear and Deep River Slack Water Navigation.
An act to incorporate the University Railroad Company.
An act to incorporate the town of Boon Hill, in Johnston county.
An act to incorporate Sulphur Springs Camp Ground in the county of Cleaveland.
An act to incorporate the North Carolina Shoe Manufacturing Company, in the town of Charlotte.

Signed,

D. D. FEREbee,
for the Committee.''

And the rule concerning the sessions of the House on Saturday having been unanimously suspended, the House took a recess until 7 o'clock.

Night Session—Saturday, 23rd February, 1861.

The House having re-assembled, a message was received from the Senate, transmitting what purported to be a copy of a House bill to amend an act to incorporate the Tennessee, Ohio and Atlantic Railroad, ratified 15th February, and informing the House that the same was not duly certified, and requested that it might be compared with the original and proper endorsements made.

The Clerk reported to the House that on the 14th February, a bill of that title had passed the third reading in this House, and that on the next day a duly certified copy thereof had been sent to the Senate, and that he had refused to certify the present copy for the reason that the original had been removed from the files by a member of the Senate.
Ordered that the Senate be informed thereof. The Senate in reply transmitted the following message, viz:

**Senate Chamber, February 23rd, 1861.**

*Mr. Speaker:* The House engrossed bill (properly endorsed under the hand of the Clerk of the House of Commons, entitled a bill to amend an act entitled an act to incorporate the Atlantic, Tennessee and Ohio Company, has been passed. The Senate also informs the House that the difficulty about said bill was not owing to the officers of either branch of the General Assembly.

HENRY T. CLARK,
Speaker Senate.

J. W. Alspaugh,
Clerk Senate.

Mr. Green, from the Committee on Enrolled Bills, submitted the following report, viz:

“The Committee on Enrolled Bills have examined a bill to incorporate the Bank of Thomasville, and a bill to amend an act entitled an act to incorporate the Atlantic Mutual Fire and Marine Insurance Company, and find them truly and carefully enrolled and ready for the Speakers' signatures.

WM. F. GREEN,
for the Committee.''

Mr. Henry, from the Committee on Enrolled Bills, reported as follows, viz:

“Committee on Enrolled Bills beg leave to report that they have the following bills and find them to be correct.

An act to run and establish the dividing line between the counties of Wayne and Greene.

An act to prevent free negroes from hiring or having the control of slaves.

An act to incorporate the Citizens' Gas Light Company of Newbern.
An act to incorporate the North Carolina Fibre Company.

P. T. HENRY,
Chairman.''

Mr. Gorrell introduced the following resolution:

"Be it resolved, By the House of Commons of this General Assembly, That the thanks of the members thereof be extended to the Speaker of this House for the able and impartial manner, in which he has presided over this body during the present session."

And the Speaker having left the Chair, the same was unanimously adopted.

Mr. Henry, from the Committee on Enrolled Bills, reported as follows, viz:

"The Committee on Enrolled Bills report the following bill to the Speaker of the House of Commons:

An act to incorporate the Caswell Rail Road Company.

P. T. HENRY.''

The Speaker returned his thanks for the compliment paid him by the House in a brief and feeling address.

By a message from the Senate, the House was informed of the concurrence of that body in the House bill to amend the charter of the Atlantic, Tennessee and Ohio Railroad with the following amendment:

"Provided, That the said road shall not be either the North Carolina or South Carolina gauge, but an independent gauge," and asked the concurrence of the House therein.

And the House concurred, when the bill was handed to the Committee on Enrolled Bills.

Mr. Hayes introduced the following resolution:

"Resolved, That the thanks of the House of Commons be tendered to the Clerks of the House for the able and efficient manner in which they have discharged the duties pertaining to their offices."

And it was unanimously adopted.
Mr. McCleese introduced the following resolution:

"Resolved, That the thanks of this House are due, and are hereby presented to the Door-Keeper and Assistant Door-Keeper for the efficient and accommodating manner in which they have discharged their duties, and that we give them this assurance of our appreciation of their efforts to please."

And it was unanimously adopted.

On motion of Mr. Meares,

The House considered the bill (S. 548.) to create the Artillery Corps of North Carolina, and the same passed the second reading, and the bill having been read the third time,

Mr. Farrow moved the same be indefinitely postponed, and this question was put and

Decided in the negative, \( \{ \text{Yeas.} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 24 \}
\{ \text{Nays.} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 32 \}

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the bill passed the third reading, and was ordered to be enrolled.

A message was received from the Senate, transmitting a bill (S. 619,) for a turnpike road from Wilmington. Passed the first, second and third readings, and ordered to be enrolled.
Mr. Hoke presented a resolution (H. R. 620,) in favor of W. L. Pomeroy. Passed the second and third readings.

Mr. Green, of Franklin, from the Committee on Enrolled Bills, presented the following report, viz:

"The Committee on Enrolled Bills have examined the following bills, to wit:

A bill to release and remit any penalties or forfeitures incurred by the corporation created by an act entitled an act to incorporate the Lagrange Mining, Manufacturing and Transporting Company.

Also, a resolution in favor of Henry Bagby.

Also, a resolution in favor of James C. Luter.

Also, a resolution in favor of George Crofton.

We find the above truly and correctly enrolled.

WM. F. GREEN,
for the Committee."

Mr. Love, of Haywood, the following report, viz:

"The Committee on Enrolled Bills, have carefully compared the acts of the titles following with the original engrossments of the same, and finding them truly and correctly enrolled, report them for the signature of the Speakers as follows, to wit:

An act to incorporate Richland Institute, in Haywood county.

And an act for the relief of the Greenville and Raleigh Plank Road Company, and to empower the same to sell or transfer its corporate property.

SAMUEL L. LOVE,
for the Committee."

February 23, 1861.

Mr. Green, the following, viz:

"The Committee on Enrolled Bills have examined a bill to amend an act entitled an act to incorporate the Atlantic and Tennessee Ohio Rail Road Company, ratified the 15th of February, 1855."
Also a bill to authorize and empower Washington Harris, late Sheriff of Franklin county, to collect arrears of taxes, and find the same truly and correctly enrolled.

Also, a bill to construct a railroad from Dallas, North-Carolina, to the South-Carolina line, and find the same correctly enrolled.

WM. F. GREEN,
for Committee."

Mr. Henry from the same Committee reported as follows, viz:

"The Committee on bills report the following bills to the Speaker of the House, viz:

An act to repeal an act, entitled an act to incorporate the town of Franklin, in Macon county.
An act to diminish costs on Equity sales for Partitions.
An act to abolish Jury trials in the County Courts of Polk county.
An act to restore Jury trials to the County Court of Cherokee county.
An act to authorize certain persons in Wake county, to send their children to a Common School in the county of Granville.
An act to amend 11th section, 52nd chapter, Revised Code.
An act to amend the 9th section of the 93rd chapter of Revised Code.
An act to amend Revised Code, chapter 2, entitled Agriculture and Geology.
A resolution concerning the distribution of the Revised Code.
An act concerning county courts in Columbus county.
An act to incorporate the State Educational Association.
An act to authorize the organization of a volunteer force by the town of Washington.
An act to amend section 1, chapter 57, Revised Code, entitled Idiots and Lunatics.
An act concerning Common Schools.
An act to abolish Jury trials in the County Courts of Watauga county.
An act to amend the charter of the town of Newbern.
An act to repeal an act, entitled an act to incorporate the town of Morganton.
Resolution in favor of Clark Bird.
An act to compel the reading of the minutes of the preceding day every morning during the sittings of the Superior and inferior Courts.
An act to amend an act, to create a Sinking Fund.

P. T. HENRY,
Chairman."

And the House adjourned to meet at 5 o'clock, A. M., on Monday.

MONDAY, 25TH FEBRUARY, 1861.
The House met pursuant to adjournment.
Mr. Ferebee, from the Committee on Enrolled Bills, reported as follows, viz:
"The Committee on Enrolled Bills have examined the act supplemental to an act to incorporate the Chatham Railroad Company, and finding it correct, report it for the signature of the Speaker.

D. D. FEREabee.

Mr. Love from the same Committee, reported as follows, viz:
"The Committee on Enrolled Bills, have carefully examined an act with the following title, to wit:
An act to incorporate the Albemarle Steam Packet Company, and find it correctly enrolled.

SAMUEL L. LOVE."

February 25, 1861.
Other reports were submitted as follows, viz:

By Mr. Green, of Franklin; "that the Committee on Enrolled Bills have examined the following bills, and find them truly and correctly enrolled, to wit:

A bill to amend the charter of the Farmers' Bank of North Carolina.

Also, a bill to create the Artillery Corps of North Carolina.

Also, a bill to incorporate the Wilmington and Wrightsville Turnpike Company.

Also, a bill to incorporate the Granville Independent Grays.

And that they are read "for the signatures of the Speaker."

By Mr. Love, of Haywood; "that the Committee on Enrolled Bills have carefully compared the acts of the titles following with the original engrossments of the same, and finding them truly and correctly enrolled, report them for the signature of the Speaker as follows, to wit:

An act to incorporate the Bank of Western North Carolina.

An act to incorporate the Black Mountain Turnpike Company, and

A resolution in favor of W. L. Pomeroy. Also,

An act to incorporate the town of Warsaw. Also,

Resolution in favor of Wm. Thompson, and

An act to incorporate the Dover and Trenton Turnpike and Plank Road Company.

Also, the following, viz:

"The Committee on Enrolled Bills have examined the accompanying act, entitled an act to amend the Revise Code, and find the same correctly enrolled.

P. T. HENRY."

"The Committee on Enrolled Bills have examined the act entitled an act concerning a public road leading from Taylorsville to Boon by way of Russel's Gap and Holdsmen Ford,
and finding it correct, report it for the signature of the Speaker.

D. D. FERESEE."

February 25th, 1861.

"The Committee on Enrolled Bills have carefully examined an act supplemental to an act creating the county of Clay, and find it correctly enrolled.

S. L. LOVE."

February 25th, 1861.

And then the hour for the adjournment sine die having arrived, a message was sent to the Senate informing that body that the House would adjourn upon the return of the messenger, and the messenger having returned, the House adjourned without day.
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1861.

GENERAL ASSEMBLY OF NORTH CAROLINA,

Begun and held at the Capitol, in the city of Raleigh, on Wednesday, the first day of May, one thousand eight hundred and sixty-one, and the eighty-fifth year of the Independence of North-Carolina, which day being that fixed for the meeting of the General Assembly in extra session, under and by virtue of a Proclamation of his Excellency the Governor, at 11 o'clock the House was called to order by the Hon. Wm. T. Dortch Speaker of the House, who, after prayer by the Rev. Mr. Skinner, ordered the said proclamation to be first read and the same was read as follows, viz:

State of North Carolina.

A PROCLAMATION, BY JOHN W. ELLIS, GOVERNOR OF NORTH CAROLINA.

WHEREAS, By Proclamation of Abraham Lincoln, President of the United States, followed by a requisition of Simon Cameron, Secretary of War, I am informed that the said
Abraham Lincoln has made a call for 75,000 men to be employed for the invasion of the peaceful homes of the South, and for the violent subversion of the liberties of a free people, constituting a large part of the whole population of the late United States: And, whereas, this high-handed act of tyrannical outrage is not only in violation of all constitutional law, in utter disregard of every sentiment of humanity and Christian civilization, and conceived in a spirit of aggression unparalleled by any act of recorded history, but is a direct step towards the subjugation of the whole South, and the conversion of a free Republic, inherited from our fathers, into a military despotism, to be established by worse than foreign enemies on the ruins of our once glorious Constitution of Equal Rights,

Now, therefore, I, John W. Ellis, Governor of the State of North-Carolina, for these extraordinary causes, do hereby issue this, my Proclamation, notifying and requesting the Senators and Members of the House of Commons of the General Assembly of North-Carolina, to meet in Special Session at the Capitol, in the City of Raleigh, on Wednesday the first day of May next. And I furthermore exhort all good citizens throughout the State to be mindful that their first allegiance is due to the sovereignty which protects their homes and dearest interests, as their first service is due for the sacred defence of their hearths, and of the soil which holds the graves of our glorious dead.

United action in defence of the sovereignty of North-Carolina, and of the rights of the South, becomes now the duty of all.

Given under my hand, and attested by the Great Seal of the State. Done at the City of Raleigh, the 17th day of April, A. D., 1861, and in the eighty-fifth year of our Independence.

JOHN W. ELLIS.

By the Governor,
Graham Daves, Private Secretary.
Whereupon, the roll being called, the following members of the House were present and answered to their names, viz: Messrs. Speaker, Albritton, Alfred, Autry, Barringer, Barrow, Batchelor, Blue, Booth, Bowman, Branch, Bridgers, Bullock, Burgin, Bynum, Cannady, Carson, Cheek, Clark of Craven, Clark of Davidson, Cline, Cowles, Crawford, Crampler, Davis of Bladen, Davis of Halifax, Davis of Rutherford, Dickson, Donnell, Ewell, Fagg, Faison, Farrow, Ferguson, Ferebee, Fleming, Folk, Foust, Foy, Gaither, Galloway, Gorrell, Green of Chatham, Green of Franklin, Green of Stanly, Hall, Hanes, Harrington, Harris, Henry, Hill, Howard, Hoke, Horton, Jordan, Kallum, Kelly, Latham, Lemmonds, Liles, Logan, Love of Haywood, Love of Jackson, McCleese, McMillan, Marsh, Martin, Meares, Mebane, Mendenhall, Merrimon, Mitchener, Mordecai, Padgett, Pearson, Perkins, Person, Poindexter, Polk, Pope, Potts, Ransom, Rogers, Russ, Shaw, Shoher, Simonton, Small, Speight, Taylor, Ward, Waters, Watson, Waugh, White, Whitehurst, Wilkerson, Williams of Cumberland, Williams of Nash, Williams of Pasquotank, Williamson, Winslow, Wishart, Withers, Woodard, Wooten, Wright and Yeates—108.

Which being a quorum,

On motion of Mr. Davis, of Rutherford,

A message was sent to the Senate informing that body that the House of Commons had assembled in their Hall and a quorum being present were ready to proceed with the public business.

A message was received from the Senate, informing the House that a quorum of that body were in attendance in the Senate Chamber, and ready to proceed with the public business.

On motion of Mr. Ransom,

A message was sent to the Senate proposing to raise a Joint Committee of two on the part of each House to wait upon his Excellency the Governor, and inform him that a quorum of both branches of the General Assembly were assembled in
their respective Chambers, in obedience to his proclamation, and were ready to receive any communication he had to make.

A message was received from the Senate proposing to raise a similar Committee of two on the part of the Senate and three on the part of the House, and stating that Messrs. Avery and Arendell had been appointed on the part of the Senate.

And the House having concurred therein, the Speaker appointed Messrs. Ransom, Folk and Ferebee on the part of the House.

Mr. Ransom from the committee to wait upon his Excellency, reported that they had performed that duty and that his Excellency stated that he would immediately send the Assembly a message in writing. Soon after a message from the Governor was announced, and the same being received as follows, viz:

**Governor's Message.**

*To the Honorable, the General Assembly of North-Carolina:*

The safety and welfare of the State, in my judgment, demanded that you should be convened at this unusual period.

At the time of your adjournment, six of the States had, in the most solemn manner known to our institutions, withdrawn themselves from the Federal Union, and established a Confederate Government, able and determined to maintain its independence.

Whatever differences of opinion may have existed as to the wisdom of the successive steps taken by those States, it was generally conceded in North-Carolina that they could not rightfully be constrained by force to remain in the Union.

You were greatly divided in opinion as to the right of a State to secede from the Union, and also as to the expediency of exercising the right at that time, admitting it to exist;
but all admitted that if conciliatory measures should fail to restore the seceding States to the Union, they should be permitted to withdraw in peace. Probably not one of your number ever believed that the Federal Government would ever be guilty of the wickedness of drawing the sword without having first tendered the olive branch.

The right now asserted by the constituted authorities of that government, to use military force for the purpose of coercing a State to remain in the Union against its will, finds no warrant in the Constitution, and still less in the principles in which all our republican institutions are based.

Ours is a government of the popular will, not of force. In its construction the consent of the governed was substituted for the rule of the sword, the former being regarded as the "vital principle of republics," and the latter as "the immediate parent of despotism." As our fathers loved liberty and hated tyranny, they selected that power of government which conserves the one, and rejected that, which, sooner or later, never fails to produce the other.

Upon this principle our State governments were formed—each a complete and sovereign republic within itself; and in associating themselves in a Federal Union they did not surrender it, for such would have been a surrender of their right of self-government. This theory of our government precludes the idea of an authority vested in the federal head to coerce, by force of arms, a State acting in its sovereign capacity.

More explicit evidence of the intent of the framers of the Constitution is furnished by the journals and proceedings of the Convention. This evidence cannot be kept too prominently in view, as it illustrates the character of our confederacy, and furnishes a safe guide for the performance of public duty.

Two distinct propositions were made in the Convention to confer upon the Federal Government power to coerce a State. The first was a proposition to confer upon the National
Legislature the power "to call forth the force of the Union against any member of the Union failing to perform its duty under the articles thereof."

The second was in these words: "If any State, or any body of men in any State, shall oppose or prevent the carrying into execution such act or treaties, the federal executive shall be authorized to call forth the power of the confederate States, or so much thereof as may be necessary to enforce and compel an obedience to such acts, or an observance of such treaties."

All the members who spoke upon these propositions spoke against them, and all, including their movers, voted against them.

The sentiments then expressed by the two leading minds of the Convention, representing the two opposing classes of political opinions which divided it, leave nothing to doubt as to the true interpretation of its action.

Mr. Madison observed, "that the more he reflected on the use of force, the more he doubted the practicability, the justice and the efficacy of it, when applied to people collectively and not individually. An Union of the States, containing such an ingredient, seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound."

General Hamilton, speaking on the same subject, said: "But how can this force be exerted upon the States collectively? It is impossible. It amounts to a war between the parties. Foreign powers also will not be idle spectators. They will interpose. The confusion will increase and a dissolution of the Union will ensue." Again, illustrating, by an historical example, the consequences of an exercise of such a power by a Confederate Government, he said: "Its decrees were signals of war."

The Declaration of Independence had distinctly declared:
"That whenever any form of government becomes destructive of these ends, (the security of their rights,) it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." And to have given to the Federal Government power to compel the organized communities of the States to remain under the Government against their will, would have been to give to it a power which the Declaration of Independence had declared could not be possessed by any Government whatever. Hence we are not surprised to find that the proposal to confer such a power had no advocate in the Convention.

After a Government had been organized, one of the earliest, as it was undoubtedly one of the most important and delicate duties devolving on Congress, was to furnish the President with the powers necessary to enable him to "take care that the laws be faithfully executed," and to pass such laws as might be necessary to "provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion."

Accordingly we find that as early as 1793 a law was passed for the purpose. It having been found defective it was suspended by the act of 28th February, 1795, which, without addition or amendment, has remained the law on the subject down to the present time; enacted by a Congress, which, to a large extent, was composed of the individuals who had assisted in framing the Constitution, it is the best interpreter of the general language used in that instrument; and from the day of its passage down to the 4th of March, of the present year, no President has ever construed it as giving him power to use military force except as a posse comitatus, or otherwise in aid of civil process. Ours being a government of law, and not a military despotism, no other construction could be placed upon that act. When, in 1833, the State of South Carolina forbade the execution of the tariff law within her
limits, the act of 1795 was in force precisely as it is to-day; but President Jackson knowing that the act only authorized the use of the military force in aid of civil process, and that there would be no courts in South Carolina to issue process, called upon Congress for additional powers, and that body enacted what has been familiarly known as the "Force Bill." That act was, in my opinion, violative of the Constitution; but no attempt was ever made to exercise the powers conferred by it, and it expired by its own limitation, in 1835. The political friends of the present administration, well knowing that there was no law on the statute book under which the President could use military force in the States, from which the Federal Judges, Marshals and other civil officers had been expelled, urged Congress, at its last session, to enact laws conferring on him such authority. The journals of that body will show that bills for the purpose were pressed with the utmost pertinacity, and also that they were not enacted into laws.

He usurped the coveted powers which Congress had refused to confer on him, and whilst Commissioners from the Confederate States were at the seat of Government, urging a peaceful settlement of all questions in dispute, and striving to avert from the country the calamities of civil war—whilst the people were being deluded by daily protestations from the President of his firm purpose to preserve the peace, and we were in momentary expectation of hearing that Fort Sumter, in Charleston harbor, had been evacuated, a secret expedition was fitted out and stealthily dispatched to commence the war, by an attempt to throw reinforcements into that fortification. To high criminality in involving the country in civil war was added base perfidy in exciting hopes and expectations to be dashed at the moment of fruition.

Having thus commenced the war, the President, on pre- tence that the act of 1795 confers on him power to do so, issued a proclamation calling on the States to furnish seventy-five thousand men for carrying it on, and the Secretary of
War officially informed me that North Carolina was expected to furnish two regiments to aid the North in subjugating her sister States—we might with propriety say, of some of them, her daughters—of the South. I promptly replied to that functionary, that "I regard a levy of troops for the purpose of subjugating the States of the South as in violation of the Constitution, and an usurpation of power. I can be no party to this wicked violation of the laws of the country, and to this war upon the liberties of a free people. You can get no troops from North Carolina."

The outburst of indignation with which the proclamation of the President has been received by all the citizens of the State, convinces me that I did not mistake the people whose Chief Magistrate I am. The alacrity with which they have sprung to arms—outstripping the slow forms of law, and enabling me to assemble an army from the plough and the workshops, in less time than it has required to convene the General Assembly—is proof that long years of peace and order have only made more dear to them their rights and liberties, and have not in the least impaired their readiness and their ability to defend them.

Under the advice of the Council of State, I have established at the seat of Government a camp of instruction, to which I have ordered such troops as are ready for service and are not needed for the protection of the seaboard.

A usurper who had already seized the sword without authority of law and was using it against his own countrymen, could not with safety to the State be allowed to establish himself in the strongholds and fortified places within our limits. I, therefore, in discharge of a plain obligation, devolving on me as Governor of the State, and in virtue of the powers vested in me as Governor and Captain-General and Commander-in-Chief of the Militia, lost no time in taking possession, in the name of the State, of the forts, arsenals and other property of the Federal Government within the State, and they are now held, under my orders, by adequate garrisons.
I will, in due time, lay before you a statement of the property thus taken into possession so soon as reports can be prepared by the proper departments.

Experience having brought to light radical defects in the laws for the organization of the military forces of the State, I invite your early attention to the subject. It is believed that the legislation of your late session has not materially improved our military system; and I have no hesitation in expressing the opinion that the existing laws are wholly inadequate to the emergency that is upon us. I forbear making suggestions in detail upon this subject, and will content myself merely with remarking that the military regulations of other countries, especially those renowned for achievements in arms, should not be lost sight of in the trying necessity by which we are surrounded. The efficiency of this branch of the public service requires, in my opinion, a thorough revision and modification of existing legislation on the subject.

I would respectfully recommend the raising and organization of ten regiments to serve during the war, and that appropriate bounties be offered to all persons thus enlisting.

Of the sum of three hundred thousand dollars appropriated at your late session for arming the State, I have expended thirty-five thousand three hundred and twenty dollars and fifty-five cents, which amount will be increased by outstanding contracts to the further sum of twenty-five thousand dollars or thereabouts.

The State being at present provided with arms, I would recommend that the remainder of this appropriation be directed to the preparation of munitions of war and the manufacture of arms that may be hereafter needed. The Arsenal at Fayetteville is in all respects a suitable location for the prosecution of such works.

Our seaboard defences are of the utmost importance and have engaged a large share of the attention of this department. Specific plans for the construction of new works and making good our defence in that quarter, will, with more
propriety, be laid before the proper committees of your body.

An expenditure has been made for various purposes connected with the defence of the State, the details and amount of which will be communicated to you by the proper officers. A portion of it has been advanced by private individuals and a portion remains unpaid. Adequate means should be provided to meet this expenditure, and also to enable the State to carry on the war in defence of its rights and liberties.

It gives me pleasure to acknowledge the timely and important aid rendered me by the Governors of Virginia and South Carolina, towards placing our fortifications on the sea coast in a defensible condition. I cheerfully reciprocated this favor to the extent of my ability by sending to the Governor of Virginia a portion of the arms in our possession, and which could conveniently be spared.

The Northern Government is now concentrating a large force in the District of Columbia, ostensibly to protect the seat of government; but such a force cannot be allowed to remain within the limits of Maryland and on the borders of Virginia without seriously endangering the liberties of the people of those States. If they be conquered and overrun, North Carolina will become the next prey to the invaders. Policy, then, as well as sympathy and feelings of brotherhood engendered by a common interest, requires us to exert our energies in the defence of Maryland and Virginia. Every battle fought there will be a battle fought in behalf of North Carolina, and there our troops should be speedily sent.

There can be no doubt that the people of our State are now fully united as to the policy to be pursued with reference to the Northern Government. It is a settled conviction of the public mind that the time has arrived when we must separate from the people of that section of the country. They have drawn the sword against us and are now seeking our blood. They have promised to partition our property and the earnings of our people among their mercenary soldiers after our subjugation shall have been effected. Even those among
them who professed to be our friends are now most zealous in this wicked crusade against us. All fraternity of feeling is lost between us and them. We can no longer live with them. There must be a separation at once and forever.

With the view therefore, of the secession of North Carolina from the Northern Government, and her Union with the Confederate States at as early a period as practicable, I would respectfully recommend that a Convention of the people be called with full and final powers. The powers of the Convention should be full, because the sovereignty of the people must be frequently resorted to during the war, and it therefore becomes necessary that it should be temporarily reposed in the Convention; the action of the Convention should be final, because of the importance of a speedy separation from the Northern Government, and the well known fact, that upon this point our people are as a unit.

I cannot close this communication without congratulating you upon the harmony of feeling and the union of purpose now existing among the people of every part of North Carolina. No sooner was it seen that our liberties were menaced by the usurper, than all party feuds were forgotten, and the patriotic fires that burned in the bosoms of our ancestors were rekindled in the breasts of their descendants. The hearts of the people everywhere are prepared for the contest before us. Let us fervently implore Almighty God, that united counsels and harmony of purpose may prevail among us, that we may be enabled to preserve the blessings of liberty that we have inherited from our fathers.

JOHN W. ELLIS.

Executive Department,
Raleigh, May 1st, 1861.

Which being read.

On motion of Mr. Ransom,

A message was sent to the Senate, transmitting the same, and proposing to print twenty copies each for the use of members of the General Assembly.
Bills, etc., of the titles following then being introduced and read the first time, passed the first reading, and other proceedings were had as follows, viz:

By Mr. Ferebee: resolution (H. R. 1,) tendering military aid to the State of Virginia, and this resolution being read the second time, passed the second reading. The resolution being again read and the question being, shall the same pass the third reading?

On motion of Mr. Crumpler,

The same was amended so as to insert in the fourth line after the word "Virginia," the words "or the Government of the Confederate States," and so amended passed the third reading.

Ordered that the rules be suspended, and the same transmitted to the Senate.

By Mr. Person: a bill (H. 2,) to authorize and require the Governor to call a Convention of the people, and the same being read the first time, passed the first reading by the requisite constitutional majority.

On motion of Mr. Person,

The bill was again read, and the question being thereon, Mr. Clark, of Craven, offered the following amendment, viz:

"Provided, That any ordinance of said Convention connecting North Carolina with any other Government shall be submitted to the people for their ratification or rejection."

And the question thereon was put and

Decided in the negative, \{ Yeas \ldots \ldots \ldots \ldots \ldots \ldots 45 \} \{ Nays \ldots \ldots \ldots \ldots \ldots \ldots 62 \}

On motion of Mr. Henry,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Alfred, Barringer, Burgin, Carson, Clark of Craven, Clark of Davidson, Crumpler, Davis of Rutherford, Dickson, Donnell, Farrow, Ferebee, Foust, Gaither, Galloway, Gorrell, Green of Chatham, Green of Stanly, Hanes,

And the following in the negative, viz:


And the question recurring,

Mr. Merrimon offered the following amendment, viz:

"Be it further enacted, That the Governor be authorized to send a special messenger with copies of this act to such counties as he may think proper, and the expenses of such messengers may be paid out of any money not otherwise appropriated."

And it was adopted.

Mr. Davis, of Rutherford, offered the following amendment, viz:

"Be it further enacted, That at the time and places for holding said election a poll shall be opened, at which the voters shall vote "reference" or "no reference," and if it shall be decided by a majority of the voters in favor of "reference," then it shall be the duty of the Convention to refer to the qualified voters any ordinance which may be adopted by the said Convention, for their approval or rejection before it shall be final."

And it was not adopted; and the question recurring, the bill passed the second reading unanimously. The same bill
was then read the third time, and the question thereon,
Mr. Davis, of Rutherford, renewed the motion to the
amendment, just recited,
And the question thereon was put and
Decided in the negative, { Yeas ......................... 45
Nays.......................... 62

On motion of Mr. Davis, of Rutherford,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Burgin, Bynum, Carson, Clark of Craven, Clark of
Davidson, Cowles, Crumpler, Davis of Rutherford, Dickson,
Donnell, Farrow, Forebee, Foust, Gaither, Gorrell, Green of
Chatham, Green of Stanly, Hanes, Harrington, Henry, Howard,
Horton, Jordan, Kelly, Latham, Liles, McCleese, Marsh,
Martin, Mebane, Mendenhall, Merrimon, Perkins, Poindexter,
Polk, Rogers, Russ, Shofer, Simonton, Taylor, Waugh,
Whitehurst, Williams of Pasquotank, Winslow and Yeates—45.

And the following in the negative, viz:
Messrs. Albritton, Autry, Barringer, Barrow, Batchelor,
Blue, Booth, Bowman, Branch, Bridgers, Ballock, Cannady,
Cheek, Cline, Crawford, Davis of Bladen, Davis of Halifax,
Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Galloway,
Green of Franklin, Hall, Harris, Hill, Hoke, Kallum,
Lemmonds, Logan, Love of Haywood, Love of Jackson,
McMillan, Meares, Mitchener, Mordecai, Palgett, Person,
Pope, Potts, Ransom, Shaw, Small, Speight, Stanford, Ward,
Waters, Watson, White, Wilkerson, Williams of Cumberland,
Williams of Nash, Williamson, Wishart, Withers, Woodard,
Wooten and Wright—62.

Mr. Hanes offered the following amendment:
Be it further enacted, That on the day on which delegates
are elected three boxes shall be opened, at one of which the
vote shall be taken on the question of "Separation" or "no
Separation," at another the question of "Southern Confeder-
acy" or "Separate Independence," at the other the vote for
delegrates.
And it was not adopted; and the question recurring, Mr. Crumpler moved to strike out the amendment adopted on motion of Mr. Merrimon.

And it was adopted,

Mr. Crumpler moved to strike out the "thirteenth," and insert the "twentieth of May," and it was not adopted; and the question recurring, "shall this bill pass the third reading? and was put and decided unanimously in the affirmative, yeas 108, nays 00.

On motion of Mr. Fleming,

The yeas and nays being ordered,


Mr. Crumpler introduced a resolution (H. R. 3,) providing for the equipment and provisioning of the volunteers of the State, and the same being read the first, second and third times, passed the first, second and third readings respectively, and the rules being suspended, was ordered to be transmitted to the Senate.
On motion of Mr. Ransom,
Ordered that a message sent to the Senate, proposing to raise a Joint Select Committee of five on the part of each House, to whom shall be referred so much of the Governor's Message as refers to a modification of the militia laws of the State and the organization of our military defences.

On motion of Mr. Ransom,
And at one o'clock and 40 minutes, the House then took a recess until four o'clock, P. M.

Afternoon Session—Four o'clock, P. M.
The House having re-assembled, the following additional members appeared in their seats, viz: Guthrie, Baxter, Jenkins, Tapscott and Peebles, and by unanimous consent, they being permitted to vote upon the bill to call a State Convention, directed their votes to be entered in the affirmative upon the passage of the said bill the third reading.

The Speaker announced the following committee, viz:
On Enrolled Bills, Messrs. Merrimon, Ward, Latham, Rogers and Green, of Franklin.

On motion of Mr. Merrimon,
A message was sent to the Senate, proposing to raise a Joint Select Committee of five on the part of each House, to be entitled the Committee of Ways and Means.

On motion of Mr. Crumpler,
Ordered that the Speaker appoint five members of the House a Committee on Internal Police Regulations, and the Speaker accordingly appointed Messrs. Crumpler, Fleming, Poindexter, Merrimon and Bridgers.

Mr. Green, of Franklin, from the Committee on Enrolled Bills, reported that they had carefully examined the roll of (H. 2;) an act to authorize and direct the call of a State Convention, the same being the original bill, and found the same ready for the signature of the Speakers.
The Speaker of the House then in open House affixed his signature to the same roll, and it was ordered to be sent to the Senate.

On motion of Mr. Ransom,

"Resolved, That the Governor of the State be authorized to send a special messenger with copies of the act calling a Convention of the State to such county as he may think proper and that the expenses of such messengers be paid out of any money in the public treasury not otherwise appropriated."

Ordered the same be sent to the Senate, and their concurrence therein asked.

Mr. Rogers, from the Committee on Enrolled Bills, reported that they had examined the roll of House resolution (3,) providing for the equipment and provisioning of volunteers, and found the same ready for the signature of the Speaker.

The Speaker of the House then in open House signed the same. Ordered to be sent to the Senate.

On motion of Mr. Yeates,

And at five o'clock, the House then adjourned until to-morrow, at 10 o'clock, A. M.

THURSDAY, MAY 2ND, 1861.

Prayer by the Rev. Mr. Jenkins.

Mr. Davis, of Mecklenburg, appeared in his seat, and by unanimous consent was allowed to record his vote in the affirmative upon the passage of a bill to call a State Convention.

Mr. Fleming, from the Committee on Internal Police, reported that they have had under consideration the bill (No. 4,) to authorize the county courts to provide munitions of war, and have agreed upon a substitute therefor, which being read, passed the first reading, and then,

On motion of Mr. Fleming,

The same was read the second time, and passed the second
The bill being read the third time, and the question thereon,
Mr. Fleming moved to amend by inserting after the word "bond" the words "payable to the State,"
And it was adopted.
Mr. Cheek offered the following amendment:
"Be it further enacted, That the Sheriff or Tax-collector, and his sureties, shall be liable upon their official bond for faithfully collecting and paying over the taxes authorized by this act."
And it was adopted.
Mr. Waters offered the following amendment:
Insert after the word "county," "and the Mayor and Commissioners of all incorporated cities and towns."
And it was adopted.
Mr. Merrimon offered the following amendment, to-wit:
"And all certificates issued by the authority of towns and cities shall be signed by the presiding officer of the Board of Commissioners, and countersigned by the Secretary of such Board." Adopted.
With these amendments, the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.
On motion of Mr. Davis, of Rutherford,
The House reconsidered the vote, by which the appointment of a select committee of this body had been authorized, styled the "Committee on Internal Police Regulations," and a message was sent to the Senate, proposing a Joint Select Committee for the same purpose.
Mr. Merrimon introduced a resolution (H. R. 6,) for the printing of the act to call a State Convention, which being read, passed the first reading, and then,
On motion of Mr. Merrimon,
The same being read the second time, he had leave to withdraw the bill.
Mr. Ferebee introduced a resolution (H. R. 7,) providing for the employment and pay of officers of the army and navy,
citizens of this State, who had resigned their commissions under the government of the late United States, and the same being read the first and second times, passed the first and second readings, and being read the third time, and the question put, was

On motion of Mr. Fagg,
Postponed until to-morrow, at 12 o'clock, M.

Mr. Wright introduced the following:

"Resolved, by the General Assembly of North Carolina, That we heartily approve of the prompt action of our Governor, John W. Ellis, in taking possession of the Forts and Arsenal, which belonged to the Federal Government, and of the patriotic motives which led to their capture. That in calling out the troops and his noble efforts to put the State in a posture of defence, he has rendered services, for which our thanks are due and are hereby tendered."

Read the first, second and third times, and passed the first, second and third readings, ordered to be engrossed and sent to the Senate.

Mr. Ransom introduced a resolution (H. R. 9,) authorizing His Excellency the Governor, to use the whole civil and military power of the State, consistent with the Constitution, for the protection of the same, which being read, passed the first and second readings, and the same being read the third time, was,

On motion of Mr. Yeates,
Ordered to be printed and laid upon the table.

Mr. Crumpler introduced a resolution (H. R. 10,) declaring the State of North Carolina a free, sovereign and independent republic, and the same being read, passed the first reading, and then,

On motion of Mr. Crumpler,
And two-thirds voting therefor, the rules being suspended, the same was read the second time, and the question being thereon,

A message was received from the Governor, transmitting
the credentials of the Hon. Franklin J. Moses, Commissioner from the State of South Carolina, which being read, was

On motion of Mr. Hill,

Sent to the Senate with a proposition to raise a Joint Select Committee of three on the part of each House to wait upon the said Commissioner, and ascertain from him, when it would suit his convenience to meet the Assembly, and to make arrangements for his reception.

The House resumed the consideration of the resolution (No. 10,) of Mr. Crumpler.

Mr. Merrimon offered the following amendment, viz:

"After the words "North Carolina" insert the words "ought to revoke," after the word "independence," insert "ought to be asserted by the people of the State at the earliest possible day."

And the question being thereon,

Mr. Blue offered the following amendment as a substitute, viz:

"Whereas, Abraham Lincoln, President of the United States has, by a gross violation of the Constitution, levied war upon the Confederate States of America, and blockaded the ports of this State, therefore, be it

"Resolved, by this General Assembly, That the people of North Carolina are absolved from all allegiance to the Federal Government, and are justified in armed resistance to the same."

And the question being thereon,

On motion of Mr. Person,

The resolution and amendment were ordered to be printed and informally passed over.

A message was received from the Senate, concurring in the proposition to raise a Joint Select Committee to wait upon the Hon. Franklin J. Moses, and appointing Messrs. Walkup, Grist and Taylor, of Brunswick, thereto, whereupon, the Speaker appointed Messrs. Hill, Meares and Clark, of Craven, on the part of the House.

A message was received from the Senate, proposing a Joint
Select Committee to devise and prepare a suitable State flag, and the House concurring therein, the Speaker appointed Messrs. Ransom, Mendenhall and Wright on the part of the House.

Mr. Person introduced a joint resolution (H. R. 11,) for the appointment of Commissioners to the Confederate States, and the same being read, passed the first reading.

On motion of Mr. Person,

The resolution was read the second time, when Mr. Polk moved to strike out the word "three," and insert "two,"

And it was not adopted.

Mr. Marsh moved to strike out "three," and insert "four,", and a division being demanded, and the question recurring upon the motion to strike out, it was adopted, yeas 56, nays 31.

On motion of Mr. Potts,

The blank was filled with the word "one," and thus amended the resolution passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

A message was received from the Senate, concurring in the proposition to raise a Joint Select Committee upon Internal Police Regulations, and that Messrs. Dockery, Lane, Morehead, Taylor, of Granville, and Pitchford were appointed on the part of the Senate, whereupon, the Speaker appointed thereto, Messrs. Crumpler, Fleming, Poindexter, Merrimon and Bridgers on the part of the House.

Mr. Wilkerson introduced the following resolution, viz:

"Resolved, That the Judiciary Committee be requested to enquire into the constitutionality and expediency of compelling free negroes and Indians to perform service in the army and report by bill or otherwise."

Mr. Donnell introduced the following resolution, viz:

"Resolved, That it be referred to the Joint Select Committee on Military Affairs, to enquire into the expediency of establishing a telegraphic communication between the harbor at Beaufort and Goldsboro', and between Fort Caswell and Wilmington, and report by bill or otherwise."
Mr. White presented a recommendation of justices of the peace for the county of Gaston. Read, adopted and sent to the Senate.

Bills, etc., of the following titles being introduced and read, passed the first reading, and were referred as follows, viz:

By Mr. Ward; a bill (H. 12,) for the relief of the people. Referred to the Committee on the Judiciary, and ordered to be printed.

By Mr. Taylor; a bill (H. 13,) to amend the Revenue Law. To Committee on Police Regulations.

By Mr. Crumpler; a bill (H. 14,) upon the same subject, and to same Committee.

By Mr. Williamson; a bill (H. 15,) to alter the jurisdiction of the courts and for the relief of the people. To the Judiciary.

At twelve o'clock and twenty-eight minutes, Mr. Liles moved the House do now adjourn until 10 o'clock to-morrow. And its was not adopted.

On motion of Mr. Ward, The House took a recess until three o'clock.

Afternoon Session—Three o'clock, P. M.

The House having re-assembled,

On motion of Mr. Green, of Franklin,

Ordered that a message be sent to the Senate, proposing that at four-and-a-half o'clock, P. M., the two Houses of the General Assembly visit the encampment of volunteers at the Fair Grounds near this city.

Bills, etc., of the titles following, being introduced, passed the first reading, and other proceedings had as follows, viz:

By Mr. Wright; a bill (H. 16,) to create the Carolina Legion. To Police Regulations.
By Mr. Hill; a bill (H. 17,) to authorize the creation of ten regiments regular troops.

On motion of Mr. Rogers,
Ordered to be printed, and referred to Military Defences, etc.

From the Senate a bill (S. 18,) to repeal Revised Code, chapter 76, section 7, and abolish the oath to support the United States Constitution.

This bill being read also passed the second and third readings, and was ordered to be enrolled.

By Mr. Peebles; a bill (H. 19,) to amend the charter of the Northampton Home Guards. Read and passed the second and third readings.

Ordered to be engrossed and sent to the Senate.

Mr. Meares, from the Committee to wait upon the Hon. the Commissioner of South Carolina, reported that they had performed that duty and that the Commissioner was at the bar of the House. The House concurring, the Hon. Franklin J. Moses was then introduced to the Speaker and by him presented to the House.

Mr. Moses addressed the House from the bar, and was then invited to a seat upon the floor, and by order of the House, the privileges of the Hall extended him, during his stay at the Capitol.

Mr. Crumpler introduced the following resolution:

Resolved, That no bill shall be introduced or read in this House during this session, except such as concerns or touches the present crisis of the country.

On motion of Mr. Wilkerson,
The same was laid upon the table.

On motion of Mr. Gaither,
Ordered that when the House adjourns, it adjourn until to-morrow, at 10 o'clock.

The hour for the visit to the encampment soon after arrived, and the House adjourned to meet to-morrow, at 10 o'clock.
FRIDAY, 3rd May, 1861.

Prayer by the Rev. Mr. Hufham.

Mr. Donnell introduced the following resolution, viz:

"That a message be sent to the Senate, proposing to appoint a Joint Select Committee of five on the part of the House, and three on the part of the Senate, to be denominated the Committee on Post-offices and Post-roads.

And it was adopted.

Mr. Donnell also introduced the following resolution, viz:

"Resolved, That the Joint Select Committee on Military Affairs be instructed to inquire into the expediency of establishing a Military Bureau, to be denominated "the Department of War," with a chief officer to perform and execute such duties as may, from time to time, be enjoined on or entrusted to him by the Governor or the Legislature, relative to military commissions or to the land or naval forces, or such other matters respecting military or naval affairs as the Governor or Legislature shall assign to said department, and report by bill or otherwise." And it was adopted.

Bills and resolutions of the following titles being introduced and read, passed the first reading, and other proceedings were had as follows, viz:

By Mr. Green, of Franklin; a resolution (H. R. 20,) for a council of war.

By Mr. Wright; a resolution (H. R. 21,) for publication of tactics. This resolution also passed the second and third readings, and was ordered to be engrossed.

By Mr. Person; a bill (H. 22,) to provide for the manufacture of arms. Referred to Committee on Military Affairs.

By Mr. Person, a bill (H. 23,) for arming the State, and for raising ten regiments. Referred to Committee on Military Affairs.

By Mr. Ciark, of Craven; a bill (H. 24,) to repeal an act passed at the last session of the Legislature, entitled "Militia." Referred to Committee on Military Affairs.

By Mr. Mendenhall; a bill (H. 25,) to authorize the Banks
to issue small notes. This bill passed its second and third readings, and was ordered to be engrossed.

By Mr. Latham; a bill (H. 26,) concerning fish in Alemarle Sound and other waters. Passed its several readings and ordered to be engrossed.

By Mr. Polk; a bill (H. 27,) to repeal an act for warming the Capitol. This bill also passed the second and third readings, and was ordered to be engrossed.

By Mr. Crumpler; a bill (H. 28,) to enlarge the powers of justices of the peace. Referred to Committee on Police Regulations.

By Mr. Fleming; a bill (H. 29,) to exempt sewing machines from execution. This bill also passed the second and third readings, and was ordered to be engrossed.

By Mr. Wright; a bill (H. 30,) to exempt certain persons from arrest under civil process. Referred to Committee on the Judiciary.

By Mr. Crumpler; a resolution (H. R. 31,) concerning the telegraph office.

By Mr. Fagg; a resolution (H. R. 32,) conferring franking privileges.

By Mr. Peebles; a bill (H. 33,) concerning patrol. This bill also passed the second and third readings, and was ordered to be engrossed.

Mr. Cheek introduced the following resolution, to-wit:

"Resolved, That the House, when in session, upon motion made and adopted, shall sit with the doors of the principal floor and galleries closed, and no person shall be admitted therein unless he be a member of the General Assembly or an officer thereof.

"Resolved further, That any person admitted herein shall consider himself in honor bound to keep secret the proceedings of this body until the same shall be ordered to be made public.

"Resolved further, That this order shall be in force from and after its passage." Laid over one day under the rules.
Mr. Harris introduced a resolution, instructing the Committee on Police Regulations to enquire into the propriety of authorizing any three justices of the peace to accept and require the service of free negro males between the ages of 18 and 45, upon the public defences.

And it was adopted.

Mr. Merrimon, from the Committee on Enrolled Bills, submitted the following report, viz:

The Committee on Enrolled Bills have examined the following bills, and find them correct and ready for the signature of the Speaker, viz:

A joint resolution concerning the equipment and provisioning of volunteers.

An act to repeal the fifth section of the 76th chapter of the Revised Code, entitled Oaths.

A joint resolution for specialmessengers of the Executive Department.

An act to authorize and require the Governor of North Carolina to call a Convention of the people of this State.

A message was received from the Senate, concurring in the proposition to raise a Joint Select Committee on Military Affairs, and stating that Messrs. Walker, Morehead, Avery, Stubbs and Barringer had been appointed on their part; whereupon the Speaker appointed Messrs. Ransom, Person, Hill and Meares on the part of the House.

A message was received from his Excellency, the Governor, informing the General Assembly that certain unpatriotic and disloyal persons had issued process against volunteers now under arms for the defence of the State, and recommending that some legislation be had upon the subject, which being read,

On motion of Mr. Donnell,

Ordered that a message be sent to the Senate, proposing that the Senate concur in the recommendation of the Governor, and that the message be printed, and it be referred to the Committee on the Judiciary, to report a bill upon the subject.
A message was received from the Senate, to raise a Joint Select Committee to enquire into the expediency of so amending the rules as to provide for secret sessions, when necessary, and that such committee report forthwith, and the House concurring, the Speaker appointed Messrs. Cheek, Ferebee and Mendenhall.

On motion of Mr. Ransom,

The Committee on Military Affairs were allowed to sit during the open sessions of the House, and had leave of absence for that purpose.

Recommendations of justices of the peace of several counties in the State, were read and adopted as follows: one for the county of Alamance presented by Mr. Tapscott; one for the county of McDowell presented by Mr. Burgin, and another presented by Mr. Wilkerson from the county of Person.

Mr. Newby having appeared in his seat, was excused for non-attendance the first day, and by unanimous consent, allowed to record his vote in the affirmative upon the passage of the bill to call a Convention of the people.

On motion of Mr. Ransom,

The House resumed the consideration of the resolution (H. R. 7,) authorizing the Governor to use the civil and military power of the State, and the question being thereon, the resolution passed the third reading, and was ordered to be engrossed and sent to the Senate.

At twelve o'clock the House by special order considered the resolution of Mr. Ferebee (No. 7,) in favor of Army and Navy officers, and the question being shall the resolution pass the third reading.

Mr. Batchelor moved the same be referred to the Committee on Military Affairs.

And it was not adopted.

The question was then put and the resolution adopted and ordered to be engrossed.

At twelve o'clock and ten minutes, the House, on motion of Mr. Clark, of Craven, adjourned to meet at 10 o'clock tomorrow.
A message was received from the Senate, informing the House that Messrs. Stowe, Outlaw and Speight had been appointed to the Committee upon the proposed amendment to the joint rules.

Also, concurring in the proposition for a Committee of Ways and Means, and appointing Messrs. Pitchford, Worth, Bledsoe, Arendell and Rogers thereto, on the part of the Senate; whereupon, the Speaker appointed Messrs. Merrimon, Ferebee, Bridgers, Person and Mendenhall on the part of the House.

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

Mr. Merrimon, from the Committee on Police Regulations, reported that they had under consideration (H. 13,) bill to amend the Revenue Law, and had agreed upon a substitute for the same, which they recommended do pass. Also,

H. 16, bill to create the Carolina Legion, with the recommendation that the same do pass.

Mr. Ransom, from the same Committee, reported (H. 22,) bill to provide for the manufacture of arms and with an amendment, recommending the same do pass.

On motion of Mr. Ransom,

The amendment being adopted, the bill passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

Messrs. Hayes and Patterson having appeared in their seats, were excused from non-attendance hitherto, and

On motion of Mr. Merrimon,

Their votes were allowed to be recorded in the affirmative upon the passage of the bill to authorize the call of a Convention of the people.

Bills, etc., of the titles following being introduced and read, passed the first reading, and other proceedings were had as follows, viz:

By Mr. Peebles; a bill (No. 34,) to provide for Executive
Assistant. Ordered to be printed and referred to Committee on Military Affairs.

By Mr. Crumpler; a bill (H. 35,) for the relief of the people. To Judiciary.

By Mr. Wooten, a resolution (H. R. 36,) concerning State bonds.

By Mr. Galloway; a bill (H. 37,) to abolish the office of State Geologist. To Judiciary.

By Mr. Hill; a resolution (H. R. 38,) in favor of Edward Yarborough. Passed the second and third readings and ordered to be engrossed.

By Mr. Donnell; a bill (H. 39,) for the repeal of a resolution for publishing Colonial Records. Passed the second and third readings and ordered to be engrossed.

From the Senate a resolution (S. R. 40,) for the purchase of certain arms of the Hillsboro’ Military Institute, which being read the second time, did not pass the second reading.

A message was received from the Senate, informing the House that the Senate adopted an amendment to the joint rules, recommended by the committee on the subject, providing for secret sessions, and requiring an oath from the clerks of both Houses and other officers in the service of the Assembly. In this report the House also concurred.

Mr. Bridgers offered a resolution, instructing the Committee on the Judiciary, to enquire into the propriety of establishing Courts of Admiralty, and authorize them to report by bill or otherwise.

And it was adopted.

The House then proceeded to consider the resolution of Mr. Cheek, concerning secret sessions, when

On motion of Mr. Cheek,

The same were laid upon the table.

Mr. Merrimon, from the Committee on Enrolled Bills, reported that they had carefully examined and compared the roll of resolution for the equipment and provising of volunteers, and found the same correctly and truly enrolled, where-
upon the Speaker signed the same in the presence of the House.

At eleven o'clock and ten minutes the House, on motion of Mr. Ransom, went into secret session, and after some time spent therein, the doors were opened, and it being twelve o'clock and thirty minutes,

On motion of Mr. Merrimon,
The House adjourned until 10 o'clock, on Monday.

SUNDAY, 4TH MAY—SECRET SESSION.

On motion of Mr. Ransom,
And pursuant to the Joint Rules upon that subject, the House having resolved to hold a secret session, the doors of the Hall being closed, and all persons not members or officers of the General Assembly required to withdraw, the Speaker administered the oaths prescribed by the rule to the principal and the assistant Clerks of the House, and the engrossing Clerks.

Mr. Cheek moved that James H. Moore, a reporter of the Standard and Register, be appointed Messenger of the House and sworn to secrecy.

And it was not adopted.

Mr. Williams, of Nash, moved that R. H. Whitaker, reporter of the State Journal, be appointed Assistant Clerk, and sworn to secrecy.

And it was not adopted.

Mr. Peebles introduced a bill (H. 1,) to arm the Firemen of North-Carolina. Read and passed the first reading. Left on the table.

On motion of Mr. Batchelor,
A message was sent to the Senate, informing that body that the House was in secret session, and had sworn in their officers.

On motion of Mr. Merrimon,
Ordered, That the Governor be requested to inform the House of the number of troops now in the service of the State, and where stationed, the number of arms now belonging to the State, large and small, also the character of the same, and where deposited and distributed, and also what amount of army stores and supplies are now on hand, and report the same in secret session.

Mr. Crumpler moved that a Commissioner be appointed to visit the City of Richmond and request of the Governor of Virginia the use of such pieces of heavy artillery captured at Gosport Navy Yard, as North-Carolina may need.

And it was not adopted.

On motion of Mr. Merrimon,
The doors were then opened.

MONDAY, 6TH MAY, 1861.
Mr. Taylor presented the memorial of W. Neill and others, from the county of Chatham, praying for the alteration of the laws with regard to the slave population. Read and referred to the Committee on Police Regulations.

Mr. Batchelor presented the memorial of C. J. Jones and others, of the county of Warren, for the relief of honest debtors. Read and left on the table.

Mr. Latham presented the proceedings of the County Court of Washington, containing suggestions of legislation proper for the present condition of the State. Read and referred to Committee on Police Regulations.

Mr. Person from the Committee on Military Affairs, reported that they had considered the bill (H. 23,) for arming the State and for other purposes, and recommended a substitute therefor as follows, viz:

AN ACT TO PROVIDE FOR ARMING THE STATE.

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 Governor shall, immediately after the passage of this act, proceed to raise by voluntary enlistment, a division or corps of ten thousand men, to serve during the present war, unless sooner discharged. The troops of this corps shall be known as the State Troops of North-Carolina.

Sec. 2. This division shall consist of a corps of Artillery and Engineers, one regiment of Cavalry, and eight regiments of Infantry, Light Infantry and Riflemen, to be recruited under the general direction of the Governor, and in conformity with such regulations as he may prescribe.

Sec. 3. The corps of artillery and engineers shall consist of not exceeding eight companies or batteries of light and heavy artillery, with one colonel, chief of artillery and engineers; one lieutenant colonel; two majors; (one quarter master, and one commissary with the rank of first lieutenant, and one adjutant, all to be appointed by the colonel, the last from the first lieutenants of the corps;) one sergeant-major; one quartermaster-sergeant; ten captains; sixteen first lieutenants, and sixteen second lieutenants. Each company shall consist of one first sergeant; one quartermaster sergeant; three sergeants; four corporals; two burglers; two artificers: and in addition, for each light company, one farrier and one blacksmith, and ninety privates. Each company to have one captain and four lieutenants, to be assigned by the colonel or other commanding officer. The chief of the corps shall detail such commissioned officers as may be necessary to perform the duties of the engineer and ordnance departments. Officers so detailed are subject at any time to be relieved from such duties by the chief. All officers of this corps shall be subject to the same rules and regulations, as to command, which govern the officers of infantry and cavalry: Provided, That officers specially detailed on engineer and ordnance duty shall not assume or be ordered on any other duty, while so detailed, except by order of the commander-in-chief.
Sec. 4. The regiment of cavalry shall consist of one colonel; one lieutenant-colonel; two majors; (one commissary, and one quartermaster with the rank of first lieutenant, and one adjutant with the rank and command of first lieutenant, all of whom shall be appointed by the colonel;) one sergeant-major; one quartermaster-sergeant; one commissary-sergeant; and ten troops. Each troop shall consist of one captain; one first lieutenant; two second lieutenants; one first sergeant; one quartermaster-sergeant; four sergeants; four corporals; two buglers; one farrier; one saddler; and from sixty four to ninety privates. Each regiment of infantry, light infantry or riflemen shall consist of one colonel; one lieutenant-colonel; one major; (one commissary and one quartermaster with the rank of first lieutenant, and one adjutant with the rank and command of first lieutenant, all to be appointed by the colonel;) one sergeant-major; one quartermaster-sergeant; one commissary-sergeant; and ten companies. Each company to consist of one captain; one first lieutenant; and two second lieutenants; one first sergeant three sergeants; four corporals; two musicians, and from sixty four to ninety privates.

Sec. 5. This corps or division shall have the following officers in addition to those already provided for, viz: one major-general; three brigadier-generals; one quartermaster and paymaster-general; one adjutant and inspector-general, and one commissary-general, all with the rank of colonel; and one surgeon-general, with the assimilated rank of colonel; six assistant adjutants and inspectors-general, to rank as follows: one lieutenant-colonel, one major, and four captains; eight assistant quartermasters-general, to rank as follows: one lieutenant-colonel, five majors, and four captains; six assistant commissaries-general of subsistence, to rank as follows: one lieutenant-colonel, one major, and four captains; ten surgeons, with the assimilated rank of major; and not exceeding ten assistant surgeons, with the assimilated rank of captain, and ten with the assimilated rank of first lieu-
tenant; and to each regiment one chaplain, with the pay of major, and one assistant chaplain, with the pay of captain.

Sec. 6. The Governor shall, by and with the advice and consent of ———, appoint the commissioned officers provided for in this act, (except the aids-de-camp.) The company officers shall be appointed and ordered to recruit their respective companies; and as soon as they can complete the same to sixty-four privates, with the required non-commissioned officers, and report the fact to the adjutant and inspector-general, their commissions shall be issued, and bear date from the time of their appointment. Should any captain fail to raise his company in a reasonable time, the Governor may revoke his appointment.

Sec. 7. The major-general may appoint two aids-de-camp, with the rank as follows: one captain and one first lieutenant. Brigadiers-General may appoint one aid-de-camp, with the rank of first lieutenant, to be taken from the officers of the regiment.

Sec. 8. All the officers and men of this division or corps shall, at and before their entrance into the service, take an oath to be prescribed by the Governor, and shall also be subject to the rules, regulations and penalties of the articles of war and army regulations of the army of the Confederate States of America.

Sec. 9. The pay, clothing, subsistence and allowances shall be the same for officers and men as is now provided by law for the troops of the army of the Confederate States of America.

Sec. 10. The uniform for this corps shall be prescribed by the Governor, on the recommendation of a board of competent military officers to be assembled for that purpose.

Sec. 11. The quartermaster and paymaster-general, the adjutant and inspector-general, the commissary-general, and the surgeon-general, together with their assistants herein provided for, shall also perform the duties belonging to their respective departments for the volunteer and militia corps of the State, when required.
SEC. 12. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

And the same being read was ordered to be printed.

Mr. Love, of Haywood, presented the resignation of James R. Love, Esq., a member of the House from the county of Jackson, as follows, viz:

HOUSE OF COMMONS.
Raleigh, N. C., May 6th, 1861.

Hon. W. T. Dortch,
Speaker of the House of Commons:

Dear Sir: Believing that the present session of the Legislature will only last a few days longer, and having attached myself to a company of volunteers before I left home, which has been accepted and will be called into the service of the State immediately, I herewith tender my resignation to the House of Commons as a member from the county of Jackson, for the purpose of taking my place along with my countrymen, to defend the honor, liberties and rights of the South.

I am, with great respect,
Yours very truly,
J. R. LOVE, Jr.

And the same being read,
On motion of Mr. Love, of Haywood,
Resolved, That the Speaker issue a writ to the Sheriff of Jackson county, directing him to hold an election at the usual places for the same in the county of Jackson, on Thursday the 30th of May, to fill the vacancy in this House caused by the resignation of Jas. R. Love, member from said county.

Bills, etc., of the titles following, being introduced and read, passed the first reading, and other proceedings were had as follows:
By Mr. Taylor; a bill (H. 41,) to repeal in part an act concerning tax collectors. The same being first,
On motion of Mr. Person,
Amended so as to include the counties of Davidson, Iredell, Orange, Union, Robeson and Surry.
On motion of Mr. Fagg,
The bill with the amendments was referred to the Committee on the Judiciary.
By Mr. Meares; A bill (H. 42,) to provide for a Marine force. Referred to the Committee on Military Affairs.
By Mr. Batchelor; a bill (H. 43,) to repeal an act concerning tax collectors in Wayne.
Bills, etc., of the titles following, being read the second time, passed the second reading and other proceedings were had as follows, viz:
H. 13, Bill to amend the Revenue Law, the question being upon the substitute proposed by the Committee on Police Regulations, and the same being adopted, the bill passed the second and third readings and ordered to be engrossed.
H. R. 32, Mr. Fagg's resolution conferring franking privileges, being read the second time,
Mr. Fagg moved to amend the same by extending the provisions of the bill to all persons now or hereafter to be enrolled in the regular or volunteer service of the State during the present war, and the question being thereon, the bill and amendments were laid upon the table.
The Speaker announced the following committee, viz:
On Enrolled Bills, Messrs. Shober, Peebles, Newby, Woodard and Taylor.
On motion of Mr. Person,
And at 10 o'clock and 58 minutes, the House proceeded to consider the bill (H. 23,) for arming the State and providing for ten Regiments, etc., in secret session, when after some time spent therein, it being 2 o'clock and 28 minutes, the doors being opened,
Mr. Fagg introduced the following resolution:
Resolved, That the Adjutant General be and he is hereby authorized to have a bakery established for the purpose of furnishing bread for the troops that are in the city or may hereafter be stationed here, and draw upon the treasury for the payment of the same."

Which resolution being read, passed the first reading, and the same being read the second time, and the question thereon,

On motion of Mr. Fleming,
And at 2 o'clock and 28 minutes, the House took a recess until 4 o'clock, P. M.

Afternoon Session—Four o'clock, P. M.

The House resumed the consideration of the resolution of Mr. Fagg, (H. R. 44,) and the same being first amended,

On motion of Mr. Mendenhall,
So as to extend the provisions of the same to every encampment or rendezvous within the State, the same passed the second and third readings and was ordered to be engrossed.

The Senate communicated by message certain Joint Resolutions, (S. R. 45,) concerning the first Regiment of North Carolina Volunteers, and the same were read and passed the first reading, and being read the second time,

Mr. Mendenhall offered the following amendment, viz:

"Resolved further, That the officers of the first Regiment rank equally with those appointed by the Governor to appoint the State troops."

Adopted.

Mr. Batchelor moved to amend as follows:

"Be it further enacted, That this resolution shall go into effect from and after its passage."

And it was adopted.

And so amended, the bill passed the second and third readings, and the Senate informed thereof.

A message was received from the Senate, informing the
House of the passage in that body of (H. R. 21,) resolution for publication of Tactics, with certain amendments in which they asked concurrence as follows:

SENATE CHAMBER,
6th May, 1861.

Mr. Speaker: The Senate have passed the "House resolution 21," a resolution to provide for the printing of the "Volunteer's Hand Book," having previously amended it by the adoption of the following substitute, to wit:

"Resolution to print twenty thousand copies of 'a synopsis of Army Regulations,' and one thousand copies of Army Regulations of the Confederate States.

"Resolved by the General Assembly of North-Carolina, That the Governor have printed for the use of the State twenty thousand copies of a synopsis of Army Regulations and one thousand copies of the Army Regulations of the Confederate States of America, and respectfully ask the concurrence of the House therein.

HENRY T. CLARK,
Speaker Senate.

J. W. ALSRAUGH,
Clerk Senate.

And the question being thereon,
Mr. Hoke moved to amend by striking out "twenty" and inserting "five."
And it was adopted.
And the question recurring,
Mr. Crumpler moved to lay the same upon the table and it was not adopted.
Mr. Marsh moved to amend as follows:
"Be it further resolved, That said printing be offered by advertisement to the lowest bidder, he giving bond for the faithful performance of the same."
And it was adopted.
Bills, etc., of the titles following then being introduced and read, passed the first reading and other proceedings were had as follows, viz:

From the Senate, a bill (S. 46,) to define and punish treason. Ordered to be printed and referred to the Committee on the Judiciary.

From the Senate, a bill (S. 47,) to amend the charter of the city of Raleigh and for other purposes.

At 5 o'clock 10 minutes, Mr. Bowman moved the House do now adjourn until to-morrow half past nine, and it was not adopted, there being counted yeas 35, nays 39.

On motion of Mr. Yeates,
The House then adjourned to meet at the usual hour.

MONDAY, 6TH MAY—SECRET SESSION.

On motion of Mr. Person,
The doors being closed, the bill (H. 23,) to arm the State, and provide ten regiments of regulars was considered section by section, and section 1, the substitute offered by the committee in open session, being read the second time,

Mr. Fleming offered the following amendment, viz:

"Provided, That the Governor shall have power, to accept the services of a smaller number of troops than herein prescribed, and organize them under the same rules and regulations as prescribed in this act until the required number is raised."

And it was adopted.

Section 2 read and adopted.
Section 3 read and adopted.
Section 4 read, and

Mr. Hoke moved to strike out the word "three," in the twenty-first line, before sergeants, and insert "four."

And it was adopted.

Section 5 read, and
Mr. Rogers moved to strike out "two" before "Majors," and insert "one;" strike out "five" before Captains, and insert "six;" and the amendment did not prevail, there being counted, yeas 28, nays 36.

Mr. Batchelor moved to amend by inserting the word "one," between the word "and" and the word "paymaster," in the 4th line.

And it was not adopted.

Mr. Batchelor moved to amend by inserting the words "and paymasters," after the word "quartermasters," in the 10th line.

And it was adopted.

Section 6 read.

Mr. Ferebee moved the blank be filled with the words, "the Military Board."

And it was adopted.

Mr. Henry moved to strike out the words "reasonable term," in the 10 and 11th lines, and insert "six months."

And it was not adopted.

Mr. Rogers moved to amend the section by inserting after the word "Governor," the words "by and with the consent of the Military Board."

And it was not adopted.

Mr. Fleming moved to amend by striking out the word "Captain," in the 10th line, and insert "Company Officers."

And it was not adopted.

Mr. Clark, of Craven, moved to strike out the two last lines of the section.

And it was not adopted.

Section 7 read, and

Mr. Fagg moved to amend by striking out the words "officers of the."

And it was adopted.

Mr. Fagg moved to amend by striking out all in said section after the word "lieutenant," in the 4th line.

And it was not adopted.
Sections 8, 9 and 10, read and adopted.

Section 11 read, and

On motion of Mr. Ransom,

The same was amended by adding to the same the words "by the Governor."

Mr. Person moved to amend by adding the following as section 12, "The Quartermaster and Paymaster General, the Commissary General and their Assistants, and all other officers, shall before entering upon their duties, give bond with approved security, payable to the State, for the faithful performance of their duties, in such sum as the Governor may require."

And it was adopted.

The bill then passed the second reading, and being read the third time, and the question thereon,

Mr. Ransom moved to amend by striking out the word "Regiment," in the fifth line of section 7, and insert the word "Brigades."

And it was adopted.

Mr. Clark, of Craven, moved to amend by inserting after the word "Governor," the words "by and with the advice and consent of the Military Board."

On motion of Mr. Person,

The title of the bill was changed to read as follows, viz: "A bill to raise ten thousand State troops."

Mr. Ransom moved to amend the bill by adding a bounty of twelve dollars.

Mr. Fagg moved to insert fifteen dollars to each enlisted man, and it was accepted.

Mr. Fleming moved to amend by substituting, "one months pay in advance."

And it was not adopted.

Mr. Slade moved to amend by striking out fifteen and inserting ($20) twenty.

And it was not adopted.

The amendment of Mr. Ransom was then adopted, and so amended, this amendment passed.
Mr. Marsh moved to amend the eighth section by adding as follows, viz:

"Provided, however, That no field officer shall be commissioned until his regiment or brigade is formed."

And it was not adopted, there being counted, yeas 40, nays 45.

Mr. Liles offered the following amendment, viz:

"Provided, That no field officer shall be entitled to his pay until his regiment shall be called into service, unless he be a resigned officer of the late United States Army or Navy, or a man of Military education."

And the question thereon was put and

Decided in the negative, \{ Yeas...........................42 \}

\{ Nays..............................58 \}

On motion of Mr. Liles,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Then the question recurring, shall this bill pass the third reading, was put and

Decided in the affirmative, \{
{Yea}s........................................99
{Nay}s........................................ 3

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
And the following in the negative, viz:
Messrs. Henry, Marsh and Winslow—3.
The doors were then opened.

TUESDAY, 7th MAY, 1861.
Mr. Watson presented a recommendation in favor of certain persons for Justices of the Peace in and for the county of Johnston, which, being read, was adopted.
Mr. Shober, from the Committee on Enrolled Bills, reported that they had carefully examined the roll of House
bill to repeal restrictions upon fishing, and found it correct and ready for the signature of the Speaker, and the same being signed by the Speaker, was sent to the Senate, together with the following other enrolled bills, viz:

"An act concerning Patrol."

"An act to repeal an act appropriating two thousand four hundred dollars for lighting and heating the Capitol."

"An act to alter the name of the Northampton Guards."

"A resolution authorising the Treasurer to pay Edward Yarborough ten dollars."

"A resolution authorising the Governor to appoint a Commission."

"A resolution of thanks to his Excellency, the Governor of the State."

CHAS. C. SHOBER,
Chairman.

Mr. Withers introduced the following resolution, viz:

"Resolved, That a message be sent to the Senate, proposing that both Houses of the General Assembly adjourn sine die on Saturday, the 11th instant, at 6 o'clock, A. M., which being read,

Mr. Fleming moved the same be laid upon the table, and it was not adopted, and the question recurring, was put, and

Decided in the affirmative, viz:

Yees........................................61
Nays........................................35

On motion of Mr. Fleming,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Alfred, Autry, Barringer, Paxter, Blue, Bowman, Branch, Bullock, Burgin, Bynum, Carson, Clark of Craven, Clark of Davidson, Cline, Crawford, Crumpler, Davis of Mecklenburg, Ewell, Faison, Ferebee, Foust, Foy, Gaither, Galloway, Green of Chatham, Haynes, Harrington, Hayes, Howard, Jordan, Kelly, Latham, Liles, McMillan, Marsh, Martin, Mebane, Mendenhall, Merrimon,

And the following in the negative, viz:

The message was sent to the Senate accordingly.

Bills, etc., of the titles following, being introduced and read, passed the first reading, and other proceedings were had, as follows, viz:

By Mr. Merrimon, joint resolution (H. R. 48,) concerning State bonds and interest. To Ways and Means.

By Mr. Cheek, joint resolution (H. R. 49,) of instructions to Public Treasurer.

By Mr. Meares, bill (H. 50,) to establish Marine School. To Military Affairs.

By Mr. Clark, of Craven, bill (H. 51,) to provide against the sacrifice of property. Ordered to be printed and referred to the Committee on the Judiciary.

From the Senate, a resolution (H. R. 52,) concerning United States debts and certain expenditures. Passed second and third readings. Ordered to be enrolled.

From the Senate, a resolution (H. R. 53,) to pay commissioners on Federal Affairs. Passed the second and third readings. Ordered to be enrolled.

By Mr. Davis, of Mecklenburg, a resolution (H. R. 54,) of instruction to the Quartermaster General. Read, and on motion of Mr. Fleming, laid on the table.

By Mr. Ransom, a resolution (H. R, 55,) in favor of troops en route to Virginia. Passed the second and third readings and ordered to be engrossed.
By Mr. Slade, a bill (H. 56,) to regulate the pay of volunteers.

By Mr. Jordan, a bill (H. 57,) to provide for Public Defence.

Mr. Slade, having been absent until yesterday, was excused for non-attendance, and allowed to record his vote in the affirmative upon the bill to authorize the call of a State Convention.

The House considered the calendar, when bills, etc., of the titles following, being read the second time, the following proceedings were had, to wit:

H. 16, the bill to create the "Carolina Legion," the question being "Shall this bill pass the second reading?" was put and

Decided in the negative, \( \frac{13}{14} \) Yeas................................. 14
\( \frac{87}{87} \) Nays................................. 87

On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

On motion of Mr. Padgett,

A message was sent to the Senate, respectfully enquiring what action had been had in that body upon the proposition to appoint a committee on post offices, etc., in reply to which the House were informed of the concurrence of the Senate, and that Messrs. Hall, Thomas of Davidson, Stowe, Faison, and Thomas of Jackson, on their part, and that Messrs. Morehead, Lane, Dockery, Pitchford and Taylor of Granville, on the Committee on Police Regulations, whereupon the Speaker appointed Messrs. Donnell, Poindexter, Yeates, Fleming and Batchelor to the first named committee.

The Senate also informed the House that they were then in secret session. The Senate also informed the House of the passage in that body of the House bill (22,) to provide for the manufacture of arms, &c., with an amendment, strike out "Colonel" wherever it occurs and insert "Captain," and asking the concurrence of the House therein, and the question being thereon the House did not concur.

Ordered that the Senate be informed thereof.

The House considered the resolution (H. R. 49,) of instructions to the Public Treasurer, and the question, "Shall the same pass the second reading?"

Mr. Merrimon offered the following amendment:

"Provided, This resolution shall not be so construed as to repeal the acts by which the exchange or sale of such bonds was authorized."

Mr. Yeates offered the following substitute:

"Resolved further, That the State Treasurer be and he is hereby instructed not to exchange or offer for sale any coupon bonds of the State for purposes of Internal Improvement until further ordered by the General Assembly," when

Mr. Mendenhall moved the same be indefinitely postponed. And it was not adopted.

And the question being upon the amendment of Mr. Merrimon, was put and
Decided in the affirmative, \( \begin{cases} \text{Yea}s & \ldots \ldots \ldots \ldots \ldots 54 \\ \text{Nay}s & \ldots \ldots \ldots \ldots \ldots 49 \end{cases} \)

On motion of Mr. Merrimon,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Davis, of Mecklenburg, moved that the bill and amendments be referred to the Committee on the Judiciary, and there being counted, yeas 37, nays 60, it was not adopted.

Mr. Ransom moved the resolution be referred to the Committee on Internal Improvements.

And the question thereon was put and
Decided in the affirmative, \( \begin{cases} \text{Yea}s & \ldots \ldots \ldots \ldots \ldots 58 \\ \text{Nay}s & \ldots \ldots \ldots \ldots \ldots 49 \end{cases} \)

On motion of Mr. Small,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


Mr. Jordan having introduced the bill (H. 57,) to provide for the public defence, and the same being ordered to be read section by section, at one o'clock and ten minutes,

Mr. Donnell moved the House do now adjourn until ten o'clock to-morrow.

And the question thereon was put and

Decided in the negative, \{ Yeas,..........................31 \\
Nays,.............................74

On motion of Mr. Latham,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


Mr. Gaither moved the House do now adjourn; but objection being made, the Speaker ruled the motion not in order, no business having transpired since the House refused to ad-

The Speaker then read the 1st section of the bill (57,) to provide for the further de-

Mr. Rogers moved to amend by adding after the word "Governor," wherever the same occurs, the words "by and with the advice and consent of the Military Board."

And it was adopted.

Section 2nd read and amended in like manner. Section 3rd read and adopted. Section 4th read and adopted. Section 5th read and amended in like manner, also.

On motion of Mr. Rogers,

Amended so as to strike out the word "regiments" in the 8th and 10th lines, and inserting after the word "appointed," in the 11th line, the words "and elected in the manner pre-

Mr. Peebles moved the amend by inserting after the word "organized" in line 7th, the words "the rank and file and company officers shall elect the commanding and staff officers," etc., and the question being thereon, at one o'clock and fifty-

three minutes
On motion of Mr. Liles,
The House adjourned until to-morrow, at 10 o'clock.

WEDNESDAY, 8th May, 1861.
Prayer by the Rev. Thos. E. Skinner.
Recommendations of justices of the peace for several counties in the State were presented as follows, viz:
By Mr. Blue, for the county of Richmond.
By Mr. Foust, for the county of Randolph.
By Mr. Woodard, for the county of Wilson.
By Mr. Faison, for the county of Sampson.
By Mr. Crumpler, for the county of Ashe.
Read and adopted, and sent to the Senate.
Mr. Person, from the Committee on the Judiciary, submitted the following report:

REPORT OF COMMITTEE.

The Committee on the Judiciary have had under consideration "a bill (H. 51,) to provide against the sacrifice of property," &c., and have instructed me to report it back, and recommend its passage with the following amendments.

SAMUEL J. PERSON,
Chairman.

Section 1. After the word exponas in the fourth line, insert "founded upon a judgment in any suit or action for debts and demands due on bonds, promissory notes, bills of exchange, covenants for the payment of money, judgments, accounts and all other contracts for money demands or contracts for specific articles other than those upon official bonds, or in favor of the State, or against non-residents," and strike out all after the word exponas to the word shall in the 5th line.
Section 4, strike out the first line, and all after the word "justice" in the 4th line, and amend so that the section may read as follows:

"There shall be no trials of any cases requiring the intervention of a jury, nor upon warrants before a justice of the peace in any suit or action for debts or demands due on bonds, promissory notes, bills of exchange, covenants for the payment of money, judgments, accounts and all other contracts for money demands, or contracts for specific articles."

Section 5, in third line after word "individuals," insert "nor to State, county or corporation taxes." Strike out all after the word "interest" in the 5th line, to the word "provided" in the 6th line, and insert "hereinafter authorized."

Add the following as:

Section 6. The interest which has accrued since the first day of January, A. D., 1860, or which may hereafter accrue upon any bond or promissory note, which was payable before the passage of this act, may be collected by action of debt or assumpsit before any justice of the peace, if the amount of interest sued for be within his jurisdiction, and if not, then in the County or Superior Court; provided however, that no warrant or suit shall be brought except for the interest of one year or more, (always making an even number,) by computing the time from the day when the interest upon such bond or promissory note began to accrue.

Mr. Person from the same committee, reported (H. 30,) a bill to exempt persons engaged in the Military service of the State from arrest under civil process, and recommended the same do pass with the following amendments:

Section 1st, in the 5th line, strike out the words "volunteers or otherwise," and insert "as officers, non-commissioned officers, musicians and privates."

In the 8th line, strike out the words "in said" and insert the word "active."

On motion of Mr. Person,

The House proceeded to the consideration of the said bill, and the said amendments being first adopted; and the ques-
tion being, shall the bill pass the second reading?

Mr. Peebles moved to strike out all after the enacting clause and insert a resolution as follows, viz:

A Bill Friendly to Volunteers.

"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 service or execution of civil process of any and all kinds whatever upon the person or estate of any one who has enlisted and been accepted, or who may hereafter enlist and be accepted in the military service of the State, be, and the same is hereby prohibited. The service or execution of any process contrary to the spirit or intent of this bill shall be void.

This bill shall be in force from and after its ratification, and shall remain in force from and after its ratification for the space of two years.''

W. W. PEEBLES,
of Northampton.

And the question thereon was put and it was not adopted. The bill passed the second reading, and the same being read the third time,

Mr. Rogers offered the following amendment:

"Provided, That whenever the statute of limitations comes into question, the time embraced in this bill shall not be counted.''

And it was adopted.

And so amended the bill passed the third reading and was ordered to be engrossed.

Mr. Shober, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have carefully examined and compared the following enrolled bills, and find them correct and report them for the signature of the Speaker:
A bill to provide for the manufacture of arms and other munitions of war.

A bill to raise ten thousand State Troops.

Resolution to pay Commissioners to the Peace Conference at Washington and Montgomery, Alabama.

Resolution on Federal Affairs.

A bill to amend the charter of the City of Raleigh and other cities and towns.

CHAS. E. SHOBER,
Chairman.

Mr. Yeates, introduced a resolution requesting the committee on Military Affairs to report a bill vacating the offices of Major-General, Brigadier-General, Colonels, Lieutenant Colonels and Major in all cases where no proper organization has been kept up or regular reports made, and it was adopted.

Mr. Baxter introduced a resolution proposing a Joint Select Committee to select and settle upon some day for adjourning and report as soon as practicable, and it was adopted, and the Senate informed thereof.

Bills, etc., of the titles following being introduced and read, passed the first reading and other proceedings were had as follows, viz:

By Mr. Faison, a resolution (H. R. 58,) concerning census takers.

By Mr. Guthrie, a bill (H. 59,) to amend the charter of the Hillsboro' Savings Institution. Referred to the Committee on the Judiciary.

By Mr. Crumpler, a bill (H. 60,) to regulate the rank of North-Carolina Volunteers.

By Mr. Hill, a bill (H. 61,) to amend the charter of the Miners and Planter's Bank. Withdrawn.

By Mr. Person, a bill (H. 62,) to cede exclusive jurisdiction to the Confederate States of five miles square in this State.
for a seat of their Government, and the question being, shall this bill pass the second reading, was put and

Decided in the affirmative, { Yeas.............................85
Nays.............................. 5

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Mr. Hayes moved to amend by striking out "five miles square," and inserting "ten miles square," and it was not adopted.

The bill then passed the third reading.
By Mr. Peebles, a bill (H. 63,) establishing a Military Board. To Military Affairs.

By Mr. Harris, resolution (H. R. 63\textfrac{1}{2},) concerning Convention of the 20th May.

The House resumed the consideration of the unfinished business, viz:
H. 57, bill to provide for the Public Defence, the question being, shall this bill pass the second reading?
On motion of Mr. Person,
The same was laid upon the table,

On motion of Mr. Clark, of Craven,
The House considered the bill (H. 51,) to provide against the sacrifice of property, &c., the question being upon the amendment proposed by the committee.

On motion of Mr. Crumpler,
The same was postponed until 4 o'clock 30 minutes, this afternoon.

On motion of Mr. Slade,
The House considered (H. 56,) the bill to regulate the pay of Volunteers. The question being, shall the bill pass the second reading? was put and

Decided in the affirmative, \{ Yea\s ..........................85
\{ Nays.............................. 9

On motion of Mr. Slade,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

On motion of Mr. Blue,

The injunction of secrecy was removed from all the proceedings of the House heretofore had, whereupon the clerk having read the journals of the Secret Sessions the same were corrected and approved.

And the House resumed the consideration of (H. 57,) the bill to provide for the public defence, the question being upon the amendment offered by Mr. Peebles, to section 5.

On motion of Mr. Ransom,

And at 12 o'clock and 35 minutes, the House took a recess until 3 o'clock.

Afternoon Session—Three o'clock, P. M.

A message was received from the Senate, communicating several engrossed bills, viz:

S. 64, bill supplemental to an act concerning a Convention of the people, and the same being read the first time, passed the first reading. The bill being read the second time and the question, shall the bill pass the second reading?

Mr. Henry moved the bill be referred to the Committee on the Judiciary.

And this question was put and

Decided in the negative, \{ Yeas ..................... 44
\} Nays ..................... 46

On motion of Mr. Bullock,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

And the following in the negative, viz:


Mr. Liles offered the following amendment, viz:

"Be it further enacted, That members of the General Assembly be also allowed to vote for delegates to the Convention for their respective counties, and that the Speakers and Clerks of the two Houses open boxes for that purpose."

And it was not adopted.

The question recurring upon the passage of the bill the third reading,

Mr. Batchelor moved to amend as follows:

"Strike out "their" in the third line of second section, and insert "the." Insert in the fourth line, "from which the volunteers may come."

And it was adopted. The question was then put and Decided in the affirmative, \{ Yeas.................................58
\}
\{ Nays.................................37

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Barrow, Batchelor, Baxter, Blue, Bowman, Branch, Bridgers, Bullock, Cannady, Clark of Craven, Cline, Cowles, Crawford, Davis of Bladen, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Green of Chatham, Hall, Harrington, Harris, Hayes, Howard, Jenkins, Kelly, Lemmonds, Merrimon, Mitchener, Newby, Padgett, Pearson, Peebles, Perkins, Pope, Rogers, Russ, Slade, Small, Speight, Stanford, Tapscott, Ward, Waters, Watson,
White, Wilkerson, Williams of Nash, Williamson, Wishart, Withers, Woodard, Wooten and Wright—58.

And the following in the negative, viz:


A message having been received from the Senate, transmitting an engrossed bill (S. 66,) to provide for the public defense, the same was read the first time and passed the first reading, and the bill being read the second time and ordered to be considered section by section, and section 1 being read, Mr. Rogers moved to amend as follows, viz:

Insert after the word "Governor," wherever the same occurs, the words "by and with the advice and consent of the Military Board," and it was adopted, there being counted yeas 52, nays 28.

Sections 2 and 3 read and adopted. Section 4 read, and

On motion of Mr. Rogers,
The same amendment as in section 1 adopted.

Section 5 read, and Mr. Foy moved to amend as follows:

In the 7th line, 5th section, strikeout the word "Governor," and in the 7th line, strike out the word "appointed," and insert "the rank and file" and "elect," so as to read the rank and file shall elect the commanding officers for such regiment brigades and divisions.

And the question thereon was put and

Decided in the negative, \{ Yeas.................................38
Nays...........................................65

On motion of Mr. Foy,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Albritton, Autry, Barrow, Bowman, Branch, Bur-

And the following in the negative, viz:


Mr. Slade moved to strike out the words "the consent" in the sections amended, on motion of Mr. Rogers,

And it was adopted.

Mr. Rogers then moved to amend section 5 by inserting the same amendment in the first line, and it was adopted.

Mr. Clark, of Craven, moved to amend by inserting the same amendment after the words "Governor shall appoint," in the 5th line of the engrossed bill.

Mr. Hoke moved to amend the amendment by striking out the words "the consent," and it was adopted.

Mr. Rogers moved to amend by striking out the word "regiments" in the 7th and 8th lines engrossed bill, and the question was pending thereon, when

Mr. Clark, of Craven, introduced bill (H. 67,) in favor of the Committee of Safety of Newbern, and the same being read, was referred to the Committee on Military Affairs.

Mr. Hayes filed the resignation of D. W. Siler, Esq., member of the House from the county of Macon. Ordered that
the Speaker have power to issue a writ to fill the vacancy.

At five o'clock and thirty-seven minutes Mr. Cheek moved the House do now adjourn,

And the question thereon was put and

Decided in the negative, \{ Yeas 26
\{ Nays 60

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And the question recurring upon the motion of Mr. Rogers,

Mr. Wright having been absent upon the business of the House, when the question was put upon the passage of the bill (H. 62,) "to cede to the Confederate States exclusive jurisdiction over a certain tract of land, &c., was allowed to vote, and he voted in the affirmative; whereupon it being 5 o'clock and 55 minutes, the House, on motion of Mr. Yeates, adjourned until to-morrow, at 10 o'clock.
THURSDAY, 9TH May, 1861.

Mr. Donnell, filed with the Clerk the following,

Protest:

By virtue of the right guarantied under the Constitution of the State of North-Carolina to members of the General Assembly, the undersigned dissents from and protests against the bill which passed the House of Commons on the eighth day of May, A. D., 1861, wherein it is provided:

"That the Government of the Confederate States of America shall have and exercise exclusive jurisdiction in and over any five miles square of the territory of North-Carolina, whenever the same shall be chosen and fixed upon, under the direction of the Congress of the Confederate States, for the seat of Government of the said Confederate States."

For the reason that there is no authority in the Constitution of the State whereby the General Assembly can cede to any other sovereignty the territory of North-Carolina, but being an usurpation of power on the part of the General Assembly and an infringement upon the rights of the people; and because it belongs to the people in their Convention to be held on the 20th day of this month, to determine their political relations with other sovereignties; the General Assembly ought in "decent respect" to the will of the people, await the action of the Convention.

R. S. DONNELL.

May 9th, 1861.

Ordered, That the same be spread upon the journal.

Recommendations for Justices of the Peace in several counties of the State, filed as follows, viz:

By Mr. Martin, for the county of Wilkes.

By Mr. Bowman, for the county of Mitchell.

By Mr. McCleese, for the county of Tyrrell.

Mr. Meares, from the Committee on Military Affairs asked to be discharged from the further consideration of resolutions of Mr. Donnell of the 2nd and 3d of May, resolutions con-
cerning a Council of War, the Telegraph Office, and for Executive Assistance.

Mr. Person, from the Committee on the Judiciary, reported (H. 37,) the bill to abolish the office of State Geologist, with the recommendation the same do not pass.

S. 46, bill to define and punish the crime of Treason, with the like unfavourable recommendation.

The House resumed the consideration of the Senate bill (S. 66,) to provide for the public defence, the pending question being upon the amendment of Mr. Rogers, to strike out the word "regiments," and it was not adopted.

Mr. Foy introduced the following amendment:

Amendment to section 5th. "In the 7th line, strike out the word 'Governor' and insert 'the commissioned officers of the company,' and in the 8th line, strike out the word 'appoint' and insert 'shall elect.'"

So as to read,

"The commissioned officers of the company shall elect the commanding officers for such regiments, and that the Governor shall appoint the commanding officers for such brigades and divisions."

And it was not adopted.

Section 6 read and adopted.

Section 7 read.

Mr. Wilkerson moved to strike out "forty," and insert "twenty-five."

And it was not adopted.

Mr. Clark, of Craven, moved to amend the section as follows, viz:

Strike out all after the word "and" in the 3rd line and insert, "the commissioned officers of the companies of each regiment shall elect a Colonel, Lieutenant-Colonel and Major for such regiment."

Mr. Fagg moved to amend by striking out "the commissioned officers" and insert "the rank and file."

And it was not adopted.
And the question recurring upon the amendment of Mr. Clark was put and

Decided in the affirmative, \begin{align*}
& \text{Yea}s\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots93 \\
& \text{Nay}s\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots\ldots9
\end{align*}

On motion of Mr. Clark, of Craven, The yeas and nays being ordered, The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Martin paired off with Mr. Person.

Sections 8, 9, 10 and 11, read and adopted.

Section 12 read, and

Mr. Ransom moved to amend by adding after the words, "third lieutenant" the words "of the rank of second lieutenant."

And it was adopted.

Sections 13, 14 and 15, read and adopted.

Section 16 read, and

Mr. Slade moved to amend by striking out all of said
section which includes the repeal of the act of 1860-'61, concerning "Militia."

And the question thereon was put and

Decided in the negative, { Yeas .......................... 41
\{ Nays .......................... 61

On motion of Mr. Slade,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Slade, moved to strike out "ten" and make the bounty "fifteen dollars."

And it was not adopted.

The bill then passed the second reading, and being read the third time, and the question thereon,

Mr. Guthrie moved to amend as follows, viz:

"Be it further enacted, That the Governor, by and with the advice and consent of the Military Board, shall appoint a
Chaplain for each Regiment, who shall rank as Colonel, with the pay of Captain.’’

And it was adopted.

Mr. Fleming moved to amend by striking out the 16th section, allowing a bounty, and the question thereon was put and

Decided in the negative, \{ Yeas ................................ 1
\} Nays .................................. 95

On motion of Mr. Ward,
The yeas and nays being ordered,
Mr. Fleming voted in the affirmative.
And the following in the negative, viz:

Mr. Slade moved that the vote be reconsidered, and the question thereon was put and

Decided in the negative, \{ Yeas ................................ 13
\} Nays .................................. 82

On motion of Mr. Slade,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


Mr. Fleming moved that the word "regiments" be stricken out of the 8th and 10th lines of the fifth section, and it was adopted.

Mr. Bowman moved to insert in the amendments adopted, on motion of Mr. Rogers, the words "and consent," and it was not adopted.

Mr. Slade moved to strike out all of section 17, which includes the repeal of the act of 1860-'61, first session, and the question being thereon was put and

Decided in the affirmative, \{ Yeas ......................... 53 \\
Nays .......................... 46 \}

On motion of Mr. Clark, of Craven,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

Messrs. Autry, Barrow, Batchelor, Baxter, Booth, Branch, Bullock, Cannady, Check, Cline, Davis of Bladen, Davis of Mecklenburg, Ewell, Fagg, Faison, Ferguson, Fleming, Foy, Galloway, Green of Franklin, Hall, Hayes, Hill, Jenkins,

And the following in the negative, viz:


Mr. Fleming introduced the following amendment:

Add to 17th section—"who shall hold their offices only while such regiments are in service, and such officers so appointed shall have power to appoint staff officers of like number and like rank as officers of the same rank in the regular army of the Confederate States of America are empowered to appoint."

And it was adopted.

Mr. McMillan moved to strike out the words 'by and with the advice of the Military Board,' wherever the same occur, and it was not adopted.

The bill then passed the third reading, and was ordered to be sent to the Senate for concurrence in the amendments.

A message was received from the Senate, informing the House of the passage in the Senate of the following engrossed bills, viz:

A bill (S. 69,) to create a Military Board.
S. 70, bill to establish telegraphic lines.
S. R. 71, resolution in favor of Col. B. Leecraft.
S. R. 72, resolution to refund certain expenses.
S. 73, bill for a stay of execution.
The House proceeded to consider the bill (S. 69,) to create a Military Board, and the same being ordered to be read section by section, section 1 being read,

Mr. Merrimon moved to amend the same so as to provide that the Board shall be elected by the General Assembly.

Mr. Galloway moved to amend by adding "upon the nomination of the Governor," and it being accepted the question was put and

Decided in the negative, \{ Yeas.........................32
{ Nays.........................63

On motion of Mr. Merrimon,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Peebles moved to strike out $1,000 in section 2, and insert $500.

And the question thereon was put and

Decided in the affirmative, \{ Yeas.........................55
{ Nays.........................44
On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Autry, Barrow, Bowman, Branch, Bur
gin, Bynum, Cannady, Carson, Clark of Davidson, Cowles,
Crawford, Crumpler, Davis of Bladen, Ewell, Faison, Farrow,
Ferguson, Foy, Gaither, Green of Stanly, Harrington,
Hanes, Henry, Howard, Horton, Jenkins, Jordan, Kelly,
Liles, Logan, Love of Haywood, McMillan, Marsh, Martin,
Merrimon, Mitchener, Patterson, Peebles, Perkins, Potts,
Russ, Shober, Small, Tapscott, Ward, Waugh, White,
Whitehurst, Wilkerson, Williamson, Wishart, Withers,
Woodard and Yeates—55.

And the following in the negative, viz:
Messrs. Alfred, Batchelor, Baxter, Blue, Booth, Bridgers,
Bullock, Cheek, Clark of Craven, Cline, Davis of Mecklen-
burg, Dickson, Donnell, Fagg, Fleming, Galloway, Gorrell,
Green of Franklin, Guthrie, Hall, Harris, Hayes, Latham,
Lemmonds, Meares, Mebane, Mendenhall, Newby, Padgett,
Pearson, Person, Ransom, Rogers, Slade, Speight, Stanford,
Taylor, Waters, Watson, Williams of Cumberland, Williams
of Nash, Williams of Pasquotank, Winslow and Wright—44.

Mr. Shober, from the Committee on Enrolled Bills, sub-
mitted the following

REPORT.

"The Committee on Enrolled Bills have carefully examined
and compared the enrolled bill, entitled a bill authorizing
volunteers to vote for delegates to the Convention, and supple-
mental to a bill passed at the present session of the General
Assembly, entitled "a bill to authorize and require the
Governor of North Carolina to call a Convention of the people
of this State," and find the same correct, and report it for
the signatures of the Speakers.

CHARLES E. SHOBER,
Chairman."
The House resuming,

Mr. Martin moved to reconsider the vote by which the amendment striking out the salary of $1,000, and inserting $500, had been adopted. This motion, Mr. Crumpler moved be laid upon the table, and it was not adopted.

Mr. Batchelor moved to amend by inserting $950, and Mr. Ward demanding a division, the question was put upon the motion to strike out, and it was not adopted, there being counted yeas 36, and nays 47.

Mr. Clark, of Craven, moved to strike out "one," and insert "two."

Mr. Marsh moved to amend by requiring that all three of the Board shall be of the military profession.

And it was not adopted.

The amendment of Mr. Clark was not adopted, there being counted yeas 40, nays 45. The bill then passed the second reading, and the same being read the third time, passed the third reading, and, with the amendment, was returned to the Senate.

At two o'clock, on motion of Mr. Guthrie, the House took a recess until half-past three o'clock.

**Afternoon Session—Half-past Three O’clock, P. M.**

The House having re-assembled, a message was received from the Senate, concurring in the amendments to the bill (S. 66,) to provide for the public defence.

S. 70, bill to establish telegraphic lines, passed the second and third readings. Ordered to be enrolled.

S. R. 71, resolution in favor of Col. B. Leecraft, passed the second and third readings. Ordered to be enrolled.

S. R. 72, to pay the expenses of citizens incurred for troops, etc., being read the second time, and the question put,

Mr. Crumpler moved the same be laid upon the table.

And it was adopted.
Mr. Mendenhall moved that this vote be reconsidered.
Mr. Harris moved that the motion be laid upon the table, and this question was put and

Decided in the affirmative, { Yeas ......................... 53
Nays ......................... 39

On motion of Mr. Clark, of Craven,
The following voted in the affirmative, viz:

And the following in the negative, viz:

S. 73, Senate bill for a stay of execution and other purposes, passed the first reading, and then being read the second time,

Mr. Fleming offered a substitute, being the House bill (51,) upon that subject, introduced on the 7th of May, by Mr. Clark, of Craven, and the question being thereon, and the amendments proposed by the Committee on the Judiciary, on the 8th of May, read.

Mr. Crumpler offered the following amendment to the second section, viz:
Strike out all after the word "not," and insert the words "the officer having such executions shall return the same to the magistrate or courts whence they issued, without further execution thereof, and executions upon the same judgments shall not issue again until the operation of this act ceases."

And the question thereon was put and

Decided in the affirmative, Yeas..........................62
Nays..........................22

On motion of Mr. Crumpler,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Ward offered the following amendment, viz:

"Be it further enacted, That no sheriff, constable or other officer shall levy and sell any property under or by virtue of any execution directed to them from any Court of Record or Justice of the Peace for the said term of two years, for debts heretofore contracted, unless the debtor is about to remove from the county in which he resides.

"Be it further enacted, That no person in this State shall make a conveyance of his or her property to any other person,
by mortgage or deed of trust, without notifying all of his or her just creditors, and making an equal distribution among the same."

And it was adopted.

Mr. Ransom offered the following amendment:

"Be it further enacted, That any person who is about to remove his property out of the State without the consent of his creditors, shall not be entitled to the benefit of this act.

"Be it further enacted, That all mortgages and deeds of trust hereafter executed whether registered or not, and all judgments confessed during the continuance of this act, shall be utterly void and of no effect."

This amendment Mr. Bullock proposed to amend by striking out the word "State," and inserting the word "county."

And it was not adopted.

The amendment of Mr. Ransom was adopted.

Mr. Crumpler moved to strike out the third section, and it was adopted.

The question was then put upon the substitute of Mr. Fleming as thus amended, and it was adopted.

And the bill so amended passed the second reading.

The same being again read and the question, Shall this bill pass the third reading?

Mr. Clark, of Craven, offered the following amendment, viz:

"Provided, That this act shall not be construed to discharge the lien which has already been acquired by taking out such execution."

And it was adopted, there being counted, with the Speaker, yeas 34, nays 33.

Mr. Fleming offered the following:

After the words "deeds of trust" in the amendment, (No. 2,) of Mr. Ransom, add "for the benefit of creditors."

And it was adopted.

Mr. Person offered the following:

Section 5, line 4, add after the word "State" "nor to debts due from non-residents."
And it was adopted.
Mr. Fleming moved to strike out section 4.
And it was not adopted.
Mr. Crumpler moved to amend as follows:
Strike out the word "passage," and insert "ratification."
And it was not adopted.
Mr. Martin moved to strike out the words in section 5, "nor
to debts hereafter contracted."
And it was not adopted.
The question was then put and
Decided in the affirmative, } Yeas.............................. 66
{ Nays.............................. 13

On motion of Mr. Harris,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Albritton, Autry, Barringer, Barrow, Baxter,
Blue, Booth, Bowman, Branch, Bullock, Burgin, Bynum,
Cannady, Carson, Clark of Craven, Crawford, Crumpler,
Ewell, Fagg, Faison, Farrow, Ferguson, Foy, Gaither, Gal-
loway, Green of Stanly, Guthrie, Hall, Hayes, Henry, Hill,
Howard, Horton, Jenkins, Latham, Lemmonds, Liles, Love of
Haywood, Mc Cleese, McMillan, Martin, Meares, Mitchener,
Newby, Pearson, Perkins, Person, Ransom, Russ, Shaw,
Small, Speight, Stanford, Tapscott, Taylor, Ward, Waugh,
White, Williams of Cumberland, Williams of Nash, Wil-
liams of Pasquotank, Williamson, Winslow, Wishart, Wood-
ard and Wright—66.

And the following in the negative, viz:
Messrs. Cline, Donnell, Fleming, Foust, Gorrell, Green of
Chatham, Hanes, Harris, Kelly, Mebane, Mendenhall, Poin-
dexter and Shober—13.

Mr. Marsh introduced the following, viz:
"Resolved, That the Secretary of State have printed in
each of the newspapers of this city at an early day, a copy of
the bill to provide for the public defence, and the bill to provide
for arming the State, and draw upon the Treasurer for the
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expense of the same." Read and entered as (H. R. 74,) passed the first reading, and then

On motion of Mr. Marsh,
The same being read the second time, and the question thereon,

On motion of Mr. Hanes,
And at six o’clock and thirty-five minutes, the House ad-

journed until 9 o’clock to-morrow.

FRIDAY 10TH MAY, 1861.

A message was received from the Senate, refusing to con-
cur in the amendment of the House to the Senate bill to
create a Military Board; whereupon the House receded from
the amendment.

Ordered that the bill be enrolled.
The Senate also returned the House resolution (No. 7,) in
favor of officers of the Army and Navy with a substitute
therefor, in which they asked the concurrence of the House,
and the House concurred.
The Senate also transmitted an engrossed resolution upon
the subject of post-offices and post-roads, and the House reso-
lution (H. R. 21,) for the publication of Tactics, asking the
House to recede from their amendment. The House refused
to recede.
Recommendations of justices of the peace for several
counties of the State were filed as follows, viz:
By Mr. Cowles, for the county of Yadkin.
By Mr. Cline, for the county of Catawba.
By Mr. Dickson, for the county of Caldwell.
Read, adopted and sent to the Senate.
Mr. Merrimon, from the Committee on Ways and Means,
reported (H. R. 36,) resolution concerning State Bonds, with
the recommendation the same do not pass. Laid on the table.
Mr. Person, from the Committee on the Judiciary, reported
a substitute for (H. 41,) the bill to repeal an act concerning
Tax-Collectors, and the question being thereon, the same passed the second and third reading. Ordered to be engrossed and sent to the Senate.

Mr. Merrimon, from the Committee on Ways and Means, reported (H. R. 48,) resolutions concerning State Bonds and Interests, with an amendment, and recommended the same do pass.

Mr. Batchelor, from the Committee on the Judiciary, (H. 69,) bill to amend charter of the Hillsboro' Saving's Institution, asking to be discharged, and it was so ordered.

Mr. Henry entered his protest against the passage of the bill to call a Convention.

Resolutions, etc., of the titles following then being introduced, were read, and other proceedings were had as follows, viz:

H. R. 75, resolution, introduced by Mr. Clark, of Craven, in favor of — — —, being read, passed the first amended reading, and being read the third time, and the question thereon,

Mr. Person moved to amend by extending the benefit of the same to the Committee of Safety, at Wilmington.

And it was adopted.

Mr. Fagg moved to amend as follows:

Provided, That nothing in this bill shall be so construed as to allow any greater amount for provisioning said troops than is now allowed for soldiers' rations.

And it was not adopted.

Mr. Williams, of Nash, offered the following:

"Provided, That the provisions of this act shall not apply to any donations from private citizens voluntarily given to volunteers."

And it was adopted.

Mr. Martin offered the following amendment:

"That the Governor be instructed to reimburse all those citizens of the State, who have furnished provisions and materials for the defense of the State, on the requisitions of his Excellency, and that he draw upon the treasury for the same."
And it was not adopted.

The resolution then passed the third reading.

Mr. Mendenhall introduced a resolution (H. R. 76,) concerning Cherokee Bonds. Passed the third reading, ordered to be engrossed and sent to the Senate.

Mr. Fagg introduced a resolution (H. R. 77,) in favor of the Hillsboro' Military Academy, which being read, was on motion of Mr. Bowman rejected.

Mr. Rogers, a resolution (H. R. 78,) in favor of Henry D. Turner, passed the third reading, ordered to be engrossed and sent to the Senate.

Mr. Davis, of Mecklenburg, a resolution (H. R. 79,) for the manufacture of powder, etc.

Mr. Autry, a resolution (H. R. 80,) for printing Military Laws, passed the third reading, ordered to be engrossed and sent to the Senate.

Mr. Foy, a resolution (H. R. 81,) concerning State Bonds, and the same being read the second time,

Mr. Fagg moved the resolution be indefinitely postponed. And this question was put and

Decided in the negative, { Yeas .............................. 33
Nays........................................ 58

On motion of Mr. Fagg,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Albritton, Alfred, Barringer, Barrow, Batchelor, Baxter, Branch, Bridgers, Bullock, Cannady, Carson, Cheek, Clark of Craven, Crawford, Ewell, Farrow, Ferguson, Foy, Gaitner, Gorrell, Green of Chatham, Green of Franklin,

This bill then being read the second time, and the question thereon,

Mr. Person offered the following amendment, viz:

"And provided further, That this resolution shall only continue in force until the 1st day of December, 1862, unless the Legislature shall sooner direct otherwise."

And it was not adopted.

Mr. Merrimon moved to amend as follows:

"Provided, That this resolution shall not be so construed as to repeal any appropriation heretofore made."

And the question thereon was put and

Decided in the affirmative, \{ Yeas .................52 \}
\{ Nays .....................37 \}

On motion of Mr. Merrimon,

The yeas and nays being ordered,

The following voted in the affirmative, viz:

Messrs. Barringer, Barrow, Blue, Bowman, Bridgers, Burgin, Carson, Clark of Craven, Cline, Davis of Mecklenburg, Dickson, Fagg, Faison, Fleming, Foust, Green of Chatham, Green of Stanly, Guthrie, Hall, Hanes, Harrington, Harris, Hayes, Horton, Jordan, Kelly, Liles, Logan, Love of Haywood, McMillan, Martin, Meares, Mendenhall, Merrimon, Padgett, Patterson, Person, Polk, Potts, Rogers, Shaw, Shober, Slade, Taylor, Waters, White, Wilkerson, Williams of Cumberland, Winslow, Wishart, Wright and Yeates—52.

And the following in the negative, viz:

Messrs. Alfred, Antry, Batchelor, Baxter, Booth, Branch, Bullock, Cannady, Crawford, Donnell, Ewell, Farrow, Ferguson, Foy, Gaither, Henry, Hill, Howard, Jenkins, Latham,
Mr. Person offered the following amendment:

Add "except for such sum as may be necessary to complete the Western Railroad to the bridge at Egypt on Deep River."

And it was adopted, there being counted yeas 56, and the question recurring upon the passage of the bill the second reading, was put and

Decided in the affirmative, { Yeas................................. 60
Nays........................................ 28

On motion of Mr. Hayes,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Mr. Merrimon offered the following amendment:
"And that the Governor, if in his judgment the public good so requires, may instruct the treasurer, not to issue any other bonds, until such time as he may direct: Provided, That this..."
resolution shall have no effect after the 1st day of November, A. D., 1862."

And the question thereon was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & \quad \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots 44 \\
\text{Nays} & \quad \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots 50
\end{align*}
\]

On motion of Mr. Merrimon, the yeas and nays being ordered, the following voted in the affirmative, viz:

Messrs. Blue, Bowman, Burgin, Carson, Clark of Davidson, Cline, Davis of Mecklenburg, Dickson, Fagg, Faison, Fleming, Foust, Gorrell, Green of Chatham, Green of Stanly, Guthrie, Hall, Hanes, Harrington, Harris, Hayes, Hill, Jordan, Kelly, Lemmonds, Logan, Love of Haywood, McMillan, Martin, Meares, Mendenhall, Merrimon, Padgett, Polk, Potts, Rogers, Shaw, Shober, Taylor, Waters, Williams of Cumberland, Wishart and Wright—44.

And the following in the negative, viz:


S. R. 82, resolution concerning post-offices and post-roads, passed the third reading. Ordered to be enrolled.

The House considered the bill (S. 46,) to define and punish treason, and the same being read the second time,

Mr. Henry moved that it be laid upon the table, and it was not adopted, and the bill passed the second reading; and the same being read the third time,

And the question thereon was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & \quad \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots 79 \\
\text{Nays} & \quad \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots 1
\end{align*}
\]
On motion of Mr. Henry,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:
Mr. Henry—1.

A message was received from the Senate, informing the House of the adoption of a substitute in that body, for the House bill (No. 4,) giving authority to county courts for the support of volunteers, etc., and asking the concurrence of the House; and the House concurring, ordered to be enrolled.

At one o'clock and fifteen minutes, the House, on motion of Mr. Guthrie, took a recess until four o'clock.

Afternoon Session—Half-past Four o'clock.
Mr. Gorrell filed with the Clerk, the following protest:
By virtue of the right guarantied under the Constitution of the State of North Carolina, to members of the General Assembly, the undersigned dissents from, and protests against the bill which passed the House of Commons, on the 8th of May, A. D., 1861, wheren it is provided,
That the Government of the Confederate States of America shall have and exercise exclusive jurisdiction in and over any five miles square of the Territory of North Carolina, whenever the same shall be chosen and fixed upon, under the direction of the Congress of the Confederate States of America," for the reason, that

North Carolina is not now one of the Confederate States of America; and the Legislature of said State, having on the 1st day of May, 1861, passed a bill, calling a Convention of the people of said State, which Convention, I am confident, will make a Declaration of the Independence of said State of, and absolve her allegiance to, the Government of the United States,

I, having voted for the bill calling said Convention, am willing to trust those who shall compose said Convention, to say and declare whether, after they declare this State independent of and absolve her allegiance to the Government of the United States, this States shall become one of the Confederate States of America, or no.

I believe that the aforesaid bill will operate, not only as a dictation on the part of this body to the said Convention, to unite this State with the Confederate States, but will operate also, as a donation and right, to a power, at present foreign to us, which donation if appropriated, and which right if exercised, will establish the seat of another Government in this State, which State may possibly never form a part of said government, and will operate also, as an assumption on the part of this body, of the rights, privileges and powers, which it so recently delegated to said Convention, and which if not delegated, might be exercised by the Convention, as of supreme right, without any delegation, as a section or consort of this Legislature.

I believe that the people who will soon assemble in Convention, by virtue of said bill, will be unlimited in their powers, and that said Convention will be composed of the wisest and best men, upon whose judgment and integrity I am
willing to rely, and by whose acts I am willing to abide, and be governed.

I believed that if they determine to annex this State to the Confederate States of America, it will afford them much pleasure to make the same cession as this bill proposes, and when done, I, as one the people will most cheerfully ratify this their act.

For the above reasons I have voted against said bill, and hereby enter this my protest.

JULIUS L. GORRELL.

Which being read was ordered to be entered upon the Journal.

A message was received from the Senate proposing the appointment of a Committee of Conference upon the disagreement of the two Houses with regard to (H. R. 21,) "resolution for the printing of the Volunteer's Hand Book," and nominating Messrs. Worth, Barringer and Morehead, thereto, on the part of the Senate.

Whereupon the Speaker appointed thereto Messrs. Donnell, Person and Mendenhall.

The Senate further informed the House that they had concurred in the amendments to the bill of the Senate to provide against the sacrifice of property, &c.

Mr. Love, of Haywood, introduced a resolution (H. R. 83,) in favor of W. H. & R. S. Tucker.

Mr. Fagg, a resolution (H. R. 85,) in favor of Henry J. Brown.

Mr. Rogers, a bill (H. 85,) to repeal Revised Code, chapter 107, Slaves and Free Negroes, each of which passed the third reading.

Ordered to be engrossed and sent to the Senate.

Mr. Polk, a bill to regulate Internal Police. Passed first reading.

Received from the Senate, a bill (87,) to confirm certain acts of the County Courts. Passed the third reading. Ordered to be enrolled.
Mr. Williams, of Pasquotank, introduced a bill (H. 88,) in favor of Elizabeth City. Rejected.

Mr. Woodard, a bill (H. 89,) concerning Militia in Edgecombe county.

Mr. Person, a resolution concerning United States Collectors.

The House considered the bill (H. 56,) to regulate the pay of Volunteers, the question being, shall the bill pass the third reading, and it was put and

Decided in the affirmative, \{ Yeas..........................42
\} \{ Nays...................... ........20

On motion of Mr. Farrow,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the negative, viz:


Mr. Fleming introduced a resolution (H. R. 86,) defining the duties of the Adjutant General, providing for by an act of the present session. Referred to Military Affairs.

On motion of Mr. Donnell,

A message was sent to the Senate proposing a Joint Select Committee to enquire until what time, and when, the General Assembly may take a recess. In reply to which a message was received concurring in the proposed committee, and nominating Messrs. Avery, Hall and Thomas of Davidson:
whereupon the Speaker appointed Messrs. Clark, of Craven, Meares and Batchelor.

The House resumed the Calendar.
H. 15, bill to alter the Jurisdiction of the Courts. Laid upon the table.
H. 20, resolution for Council of War. Laid upon the table.
H. 31, resolution concerning Telegraph Office. Laid upon the table.
H. 34, bill to provide Executive Assistants. Laid upon the table.
H. 35, bill for the relief of the people. Laid upon the table.

Mr. Shober, from the Committee on Enrolled Bills reported as follows, viz:

"The Committee on Enrolled Bills have carefully examined and compared the following bills and resolutions, and find them correct and report them for the signature of the Speakers, viz:

A bill to establish telegraphic wires in this State.
Resolution in favor of Col. B. Lee craft.
Resolution authorizing the Governor of the State to provide for the provisioning of troops while they are passing through this State.
Resolution concerning the regiment of volunteers near Raleigh.
A bill to provide for the public defence.
A bill to create a Military Board.

CHARLES E. SHOBER,
Chairman."

H. 36, resolution concerning State Bonds. Laid upon the table.
H. 37, bill to abolish the office of State Geologist. Laid upon the table.
H. 57, bill to provide against the sacrifice of property. Laid upon the table.

H. 58, resolution concerning Census Takers. Laid upon the table.

H. 60, bill to regulate the rank of North Carolina volunteers. Laid upon the bill.

H. 61, bill to amend charter of Planters' Bank. Laid upon the table.

H. 63, resolution concerning the Convention of the 20th May, being read the second time and the question thereon, Mr. Farrow moved the same be laid upon the table.

And this question was put and

Decided in the negative, \{ Yeas ......................................36
Nays ......................................45

On motion of Mr. Padgett,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

The question recurring,
On motion of Mr. Waters,
The resolution was postponed until Thursday next.
A message was received from the Senate as follows, viz:

SENATE CHAMBER, May 10th, 1861.

Mr. Speaker:—The Senate have passed the House resolution for the relief of the Committee of Safety of the towns of Wilmington and Newbern, with the following amendment: Strike out all after the word "resolved," and insert "that the Governor be, and he is hereby authorized to pay and refund to the citizens or incorporated towns of this State all such sums of money or provisions advanced and other reasonable and actual expenses incurred in clothing, equipping, feeding or quartering the volunteer corps called by him into the service of the State, and the expenses for munitions of war, and that the claims on that account be credited by the Military Board: Provided, That this act apply only to such claims as existed prior to its passage."

HENRY T. CLARK,
Speaker Senate.

J. W. ALSPAUGH,
Clerk Senate.

The question being upon the adoption of the resolution of the Senate,

Mr. Ransom offered the following amendment:

"Provided, further, That this act shall not apply to contributions voluntarily given by individuals as a gratuity to the volunteers."

Mr. White offered the following amendment:

And that all appropriations therefor made by the county courts in the several counties within this State for the necessary use, benefit and comfort of the volunteer companies, that are or may be hereafter raised in the present war; shall be paid as other expenses incurred for the war, after having first been passed and certified to have been made and properly used for such purposes, by three justices of the peace to be
appointed by the three several county courts in the State, to examine and certify to the proper and necessary use of such claims and accounts.

Pending which, and at six o'clock and ten minutes, the House, on motion of Mr. Yeates, adjourned until to-morrow, at 9 o'clock.

Saturday, 11th May, 1861.

A message was received from the Senate, with an engrossed bill (S. 92,) to provide for the public defence. Read and passed the first reading.

Mr. Marsh introduced a bill (H. 93,) concerning volunteers, and the same being read, passed the first reading.

On motion of Mr. Marsh,

The bill was read the second time, and the question being thereon,

Mr. Peebles offered an amendment, which was adopted, the same being first, on motion of Mr. Blue, amended so as to substitute for the word "enroll," the words "accepted by the Governor," and so amended, this bill also passed the second and third reading. Ordered to be engrossed and sent to the Senate.

The House proceeded to consider the bill (S. 92,) to provide for the public defence, and the same being read the second time, the bill was, on motion of Mr. Donnell, considered section by section, and section 1 being read, was adopted.

Section 2 read, and Mr. Donnell moved the House strike out the second section.

Mr. Bridgers moved to amend the section by striking out all that authorized the issue of 5 and 10 cent bills.

Mr. Peebles moved to amend by striking out all authorizing an issue of less than a dollar, the question upon which being put, it was not adopted. The question being upon the amendment of Mr. Bridgers, it was adopted, there being
counted yeas 41, nays 31, and the question recurring upon the motion to strike out,

Mr. Hoke moved to amend as follows:

"Provided, That no soldier or officer in the service of the State shall be paid in such issue."

The question upon which was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 57 \\
\text{Nays} & : 25
\end{align*}
\]

On motion of Mr. Hoke,
The yeas and nays being ordered,
The following voted in the affirmative, viz:


And the following in the affirmative, viz:


Mr. Williams, of Nash, moved that the vote just taken be reconsidered, which motion Mr. Hoke moved be laid upon the table.

And the question thereon was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 28 \\
\text{Nays} & : 51
\end{align*}
\]

On motion of Mr. Hoke,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:


So the question recurring upon the amendment of Mr. Hoke,

Mr. Pope moved to substitute for the same:

"Provided, That no soldier or officer in the service of the State shall be forced to take such issue in payment of their dues."

And it was not adopted.

The amendment of Mr. Hoke being reconsidered, the question thereon was put and

Decided in the negative, \{ Yeas, \} \{ Nays, \} 28

On motion of Mr. Hoke,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:
Messrs. Alfred, Barringer, Baxter, Branch, Bullock, Bur- 
gin, Carson, Cheek, Clark of Davidson, Cline, Crawford, 
Fagg, Farrow, Ferguson, Foust, Foy, Green of Franklin, 
Green of Stanly, Guthrie, Harrington, Harris, Hanes, 
Henry, Jenkins, Kelly, Lemmonds, Logan, Love of Hay- 
wood, McCleese, McMillan, Mendenhall, Mitchener, Newby, 
Pearson, Person, Pope, Potts, Ransom, Shaw, Speight, 
Stanford, Waugh, White, Whitehurst, Williams of Cumber- 
land, Williams of Nash, Williamson, Wishart, Woodard and 
Wright—49.

The Senate by message, informed the House of their con- 
currence in the House bill (No. 93,) concerning volunteer's 
pay, with an amendment, viz: "strike out the second proviso 
in the first section," and asked the concurrence of the House 
therein, and the House concurred.

A message was received from the Senate as follows, viz:

Senate Chamber, May 11th, 1861.

Mr. Speaker:—It was ordered by the Senate that the ac- 
companying report of the Joint Select Committee "to inquire 
at what time the public interest would admit of an adjourn- 
ment, &c.," be transmitted to the House, and informing them 
that the Senate have adopted said report and accompanying 
resolution, in which they request the concurrence of the 
House.

HENRY T. CLARK,
Speaker Senate.

J. W. Alspaugh,
Clerk Senate.

The report accompanying which message, is as follows, viz:

Report.

The Joint Select Committee of the two Houses to whom it 
was referred, to enquire at what time the public interest
would admit of an adjournment by the General Assembly, and also to enquire into the expediency of an adjournment over to a day certain in June, have considered the subjects referred to them, and instruct me to report that the public interest demands that this General Assembly should be in session early in June.

The usurpations of the President of the late United States, and the hostility, unparalleled in bitterness and malignity, manifested by the Northern States towards us, imperatively require a formal severance of our Union with those States, as Confederates, at the earliest possible moment, and the safety of this State will demand that the separation from our Northern Confederates should be followed by her immediate admission into the Union of the "Confederate States of America." It may be safely assumed that the Convention, which assembled on the 20th instant, will disrupt our ties with the late United States, and adopt without hesitation or delay, the Constitution of the "Confederate States."

The Constitution of the Confederate States, like the Constitution of the late United States, provides that the two Senators of each State shall be chosen by the Legislature thereof; and further provides "that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

The duties thus imposed upon the Legislatures of the States, as well as other important legislation growing out of our new political relations, when formed, will devolve upon the General Assembly.

The Committee urge upon the General Assembly the importance and necessity of their being in session at the earliest moment after the admission of this State into the Union of the Confederate States, and believing that this admission will be consummated within a few days after the Convention as-
semblles, they recommend the adoption of the accompanying resolution.

Respectfully submitted,

W. W. AVERY,
Chairman.

Resolved, That the two Houses of this General Assembly will to-day, at two o'clock, P. M., vote by joint ballot, upon the proposition "that the two Houses of the General Assembly adjourn on Monday next, at six o'clock, A. M., (to meet again at eleven o'clock, A. M., on Tuesday, the 25th day of June, A. D., 1861,) and that those members who are favorable to such adjournment shall deposit a ballot, on which shall be written the word "adjournment," and those who are opposed to the proposition, shall deposit a ballot, on which shall be written the words "no adjournment."

In this report and resolution the House concurred.

A message was received from the Senate, together with the original of (H. R. 21,) a resolution for the publication of certain tactics, and the Senate substitute therefor, and the report of the Committee of Conference thereon, in which they asked the concurrence of the House. The report is as follows, viz:

Report.

"The Committee of Conference, on the amendment made by the House of Commons to the Senate amendment to the House resolution, entitled "a resolution to provide for the printing of the Volunteer's Hand-Book," to-wit: to strike out "20,000 copies," and insert "5,000 copies," and also the amendment of the House of Commons, to the Senate amendment to said resolution, to-wit: to add as an additional section the following: "Be it further resolved, That said printing be offered to the lowest bidder, he giving bond for the faithful performance of the same," have conferred upon said amendments, and recommend that the Senate concur in the amendment made by
the House of Commons, to-wit: to strike out "20,000 copies," and insert "5,000 copies," and that the House recede from its amendment, proposing to put out the printing to the lowest bidder, and they recommend the adoption by the General Assembly, in lieu of said amendment, the following: That said printing be done at the Asylum of the Deaf and Dumb.

JONATHAN WORTH, for Committee."

The House resumed the consideration of the Senate bill to provide for the public defence. The motion of Mr. Donnell to strike out, was put and

Decided in the negative, \{ Yeas ...................... 33
\{ Nays ...................... 48

On motion of Mr. Donnell,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

Section 3 read, Mr. Donnell moved to amend by striking out "one," and insert "two," and it was not adopted.
Mr. Donnell moved to insert "four" instead of "one," and it was not adopted.
And the remaining sections being also read, were adopted without amendment, and the bill passed the second reading, and being read the third time,

Mr. Person moved to amend so as to strike out the amendment of Mr. Bridgers, and restore to the bill the original provision stricken out.

And the question thereon was put and

Decided in the affirmative; Yeas.........................36
Nays........................................31

On motion of Mr. Yeates,
The yeas and nays being ordered,
The following voted in the affirmative, viz:

And the following in the negative, viz:

And so amended, the bill passed the third reading, and was ordered to be enrolled.

Other bills were introduced, read and passed the first reading, viz:
By Mr. Meares, a bill (H. 94,) to amend Revised Code, chapter 109, "Militia."
From the Senate, a resolution (S. R. 95,) in favor of John C. Palmer. Passed the third reading, ordered to be enrolled.
From the Senate, a bill (S. 96,) to authorize a subscription to the Greensboro' and Leakesville Rail Road Company.
By Mr. Person, a bill (H. 97,) to provide for the depart-
ment of war, and for other purposes. Passed the third reading.

From the Senate, a bill (S. 100,) relating to the payment of interest on State Bonds.

From the Senate, a bill (S. 101,) to amend an act concerning the county of Mitchell. Passed the third reading.

By Mr. Rogers; a resolution (H. R. 102,) concerning the manufacture of Percussion Caps. Laid upon the table.

Mr. Clark, of Craven, moved the House consider the resolution for the relief of the Committee of Safety in Newbern.

And it was not adopted, there being counted, yeas 28; nays 30.

At 2 o'clock, the House under the superintendence of Messrs. Green of Franklin and Marsh, proceeded to vote upon the Senate proposition to adjourn until the 25th June, &c.

The following were present and voted.


At 2 o'clock and 16 minutes, the House,

On motion of Mr. Faison,

Took a recess until half-past-three o'clock this afternoon.
Afternoon Session—Half-past three o’clock, P. M.
The House resumed the consideration of the bill to amend Revised Code, chapter 107, "Militia."
Mr. Peebles moved to strike out "fifteen," in section 3.
And at was not adopted.
Mr. McMillan moved to insert after the figures "35," the figures "112," and to strike out the word "Robeson," and insert the words "Robeson upper 32, and Robeson lower 112."
And it was adopted.
Mr. Marsh moved to amend by inserting after the figures "16," the figures "113," and the words "Beaufort North 14, and Beaufort South 114."
And it was adopted.
Mr. Fleming offered an amendment, which being adopted was attached to the bill.
Mr. Waugh moved to amend by striking out "96 South."
And it was adopted.
And the bill passed the third reading. Ordered, that it be sent to the Senate without any engrossment, and their immediate action requested.
Mr. Marsh, from the committee to count the vote upon the adjournment, reported as follows, viz:
"The Committee appointed to compare the ballots cast upon the question of adjournment from 6 o’clock on Monday next until the 25th day of June next, beg leave to report:
Whole number of votes cast, 117
For adjournment, 105
Against adjournment, 12
The majority of the House of Commons for adjournment, 71
The majority of the Senate for adjournment, 22
The majority of both Houses for adjournment 93
All of which is respectfully submitted.
WM. T. MARSH, } Committee.
W. F. GREEN,

May 11th, 1861.
Mr. Clark moved the House do now consider the resolution for the relief of the committee of safety in Newbern, etc., and the question thereon was put and (two thirds not voting,)

Decided in the negative, \[
\begin{align*}
\text{Yeas} & : 42 \\
\text{Nays} & : 14
\end{align*}
\]

On motion of Mr. Clark, of Craven,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative, viz:


The House considered the bill (S. 100,) relating to State Bonds, and the same being read the second time,

Mr. Person offered the following amendment, viz:

Insert after words "State debt," "held by the citizens of this or any other slaveholding States, or of any of the Governments of Europe."

And it was not adopted.

The question recurring,

Mr. Shober from the Committee on Enrolled Bills, submitted the following report:

"The Committee on Enrolled Bills have examined the accompanying enrolled resolution authorizing and requesting the Governor to commission such officers of North Carolina as have resigned or may hereafter resign their Commissions in the Army and Navy of the United States, and find
the same correct and report it for the signature of the Speakers.

CHAS. E. SHOBER,
Chairman.''

"The Committee on Enrolled Bills have also examined the following enrolled bills and carefully compared them with their originals and find them to be correct, viz:

A bill to provide for the organization of the department of the military service, and for other purposes.

A bill to provide ways and means for the public defence.

A bill to repeal an act passed at the session of 1860-'61, entitled an act to appoint a tax collector for the counties of Wayne, Haywood, &c., as to certain counties, and to amend the same.

A bill to amend the charter of the Bank of the State for certain purposes.

A bill to provide for the time when volunteers shall receive pay for their services.


A resolution in favor of J. C. Palmer.

A resolution in favor of Henry J. Brown and others.

A resolution to authorize a settlement with the Agent of Cherokee Bonds.

A bill to amend an act entitled an act to establish a new county by the name of Mitchell.

CHAS. E. SHOBER,
Chairman.''

The House resumed the consideration of (S. 100,) concerning the payment of interest on State Bonds, &c., the question recurring, was put and the House found itself without a quorum, when,

On motion of Mr. Bowman,

The House adjourned until half-past-four o'clock, A. M., on Monday next.
The Speaker appointed the following committee, viz:

Mr. Shober from the Committee on Enrolled Bills, submitted the following report, viz:

"The Committee on Enrolled Bills, have carefully examined and compared the following enrolled bills and resolutions and find them correct and report them for the signature of the Speaker.

A bill to make valid certain irregular proceedings of the county courts of this State, and for other purposes.

A bill to provide against the sacrifice of property, and to suspend proceedings in certain cases.

A bill to define and punish treason against the State of North Carolina, and other offences against the sovereignty of the State.

A bill concerning taxes.

Resolution authorizing the Governor to erect batteries and other fortifications and to purchase, charter and equip such steamers or other vessels as may be necessary for the defence of the sea coast of this State.

Resolution in favor of H. D. Turner.

Resolution concerning Post Offices and Post Roads.

Mr. Waugh introduced a resolution granting extra pay to the Doorkeepers. Passed the third reading and sent to the Senate.

The House then considered the bill to amend the charter of the Greensboro' and Leakesville Rail Road, until 6 o'clock, when the Speaker rose, and said that the hour for the adjournment until the 25th June had arrived, and the House accordingly adjourned.
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