AT a General Assembly, begun and held in the City of Raleigh, on the sixteenth day of November, in the year of our Lord 1840, and in the sixty-fifth year of the Independence of the United States of America—being the day appointed by law for the meeting of the General Assembly—the following members of the Senate appeared, produced their credentials, were qualified agreeably to law, and took their seats, viz:—

From the 1st District, { Pasquotank and } Wm. B. Shepard.
{ Perquimons, } Caleb Etheridge.
{ Camden and } Rufus K. Speed.
{ Currituck, } Washington and Tyrrel,
{ Gates and } H. G. Spruill.
{ Chowan, } Northampton—Herod Faison.
{ Washington and } Hertford—B. T. Spiers.
{ Tyrrel, } Bertie—Lewis Bond.
{ Hertford } Martin—Jesse Cooper.
{ B. T. Spiers } Halifax—Andrew Joyner.
{ Lewis Bond } Nash—Samuel L. Arrington.
{ Bertie } Wake—Samuel Whitaker.
{ Martin } Franklin—John D. Hawkins.
{ Halifax } John—D. Hawkins.
{ Andrew Joyner } Johnston—Joseph Houlder.
{ Nash } Warren—Weldon N. Edwards.
{ Samuel L. Arrington } Edgecomb—Louis D. Wilson.
{ Wake } Wayne—John Exum.
{ Samuel Whitaker } Greene and { James B. Whitfield.
{ Louis D. Wilson } Lenoir, { Pitt—Alfred Moye.
{ Wayne } Beaufort and { Hyde, } William Selby.
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<tr>
<th>Date</th>
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<td>20th do</td>
<td>Carteret and Jones, Isaac Hellen.</td>
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<td>21st do</td>
<td>Craven—Thomas J. Pasteur.</td>
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<td>22d do</td>
<td>Chatham—William Albright.</td>
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<td>23d do</td>
<td>Granville—William A. Johnson.</td>
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<td>Cumberland—Archibald McDiarmid.</td>
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<td>26th do</td>
<td>Sampson—Dickson Sloan.</td>
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<td>27th do</td>
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<td>28th do</td>
<td>Duplin—</td>
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<td>Brunswick, Bladen—Robert Melvin.</td>
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<td>and Columbus, Robeson and Alfred Dockery.</td>
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<td>31st do</td>
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<td>Cabarrus—Christopher Melchior.</td>
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<td>Moore and John H. Montgomery.</td>
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<td>35th do</td>
<td>Caswell—James Kerr.</td>
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<td>Orange—Willie P. Mangum.</td>
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<td>38th do</td>
<td>Randolph—Jonathan Worth.</td>
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<td>39th do</td>
<td>Guilford—James T. Morehead.</td>
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<td>Stokes—Matthew R. Moore.</td>
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<td>Rowan—Samuel Ribelin.</td>
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<td>Davidson—Alfred Hargrave.</td>
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<td>Surry—R. C. Puryear.</td>
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<td>Burke and Yaney—B. S. Gaither.</td>
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<td>Lincoln—Thomas Ward.</td>
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<td>Iredell—R. H. Parks.</td>
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<td>Rutherford—John G. Bynum.</td>
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<td>48th do</td>
<td>Buncombe, Hay—T. L. Clingman.</td>
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<td>49th do</td>
<td>wood and Macon, Mecklenburg—J. T. J. Orr.</td>
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A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Dockery, Col. Andrew Joyner, the Senator from the county of Halifax, was nominated for Speaker. The Senate then voted as follows, to wit:

**FOR MR. JOYNER,**

**MESSRS. FAISON,**

**MESSRS. MYERS,**

**BOND,**

**SPRUILL,**
Shepard, Speed, Spiers, Mangum, Worth, Moye, Hellen, Johnson, Selby, Melchor, Albright, Montgomery, Dockery, Morehead, Moore, Puryear, Mitchell, Hargrave, Clingman, Parks, Ribelin, Gaither, Bynum—27.

FOR MR. WILSON,


Mr. Wilson voting for Mr. Edwards.

Col. Andrew Joyner having received a majority of the whole number of votes given, was declared duly elected; when, on motion of Mr. Spruill, he was conducted to the Chair by Messrs. Wilson and Dockery, and made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Morehead, Thomas G. Stone, of Franklin, was nominated for Principal Clerk. The Senate then proceeded to vote as follows, to wit:

FOR MR. STONE,

Cooper, Etheridge, Whitfield, Bond, Shepard, Joyner, Arrington Speed, Spiers, Mangum Kerr, McDiarmid, Worth, Spruill, Dockery, Melvin, Morehead, Pasteur, Moore, Puryear, Parks, Ribelin, Gaither, Bynum, Hellen, Houlder, Moye, Wilson, Larkins, Johnson, Sloan, Selby, Pollock, Reid, Melchor, Albright, Montgomery, Williams, Myers—49.

Thomas G. Stone having received the whole number of votes given, was duly elected. Whereupon, on motion of Mr. Spruill, Henry W. Miller was nominated for Clerk Assistant. The Senate then proceeded to vote, as follows:

FOR MR. MILLER,

Mr. Miller having received the whole number of votes given, was duly elected.

On motion of Mr. Arrington, Thomas B. Wheeler was nominated for Principal Door Keeper; on motion of Mr. Moore, Jehu Crews; on motion of Mr. Mangum, Wm. F. Smith; and on motion of Mr. Albright, B. Yates were added to the nomination. The Senate then voted as follows, to wit:

FOR MR. WHEELER,

MESSRS. Exum, Mr. Miller, 
Whitaker, Reid, 
Hawkins, Pollock, 
Cooper, Melchor, 
Etheridge, Albright, 
Whitfield, Montgomery, 
Arrington, Williams, 
Kerr, Melvin, 
McDermid, Pasteur, 
Houlder, Orr, 
Wilson, Ward, 

Edwards—22.

FOR MR. CREWS,

MESSRS. Speaker, Mr. Miller, 
Faison, Dockery, 
Bond, Morehead, 
Shepard, Moore, 
Speed, Puryear, 
Spiers, Mitchell, 
Worth, Hargrave, 
Moye, Clingman, 
Hellen, Parks, 
Selby, Ribelin, 
Melchor, Gaither, 
Myers, Bynum—24.
Neither of the persons in nomination having received a majority of the votes given, there was no election. Mr. Moore then moved that the Senate again proceed to vote, when, on motion of Mr. Mangum, Mr. Smith, and on motion of Mr. Albright, Mr. Yates, were withdrawn from the nomination. The Senate then voted as follows, to wit:

FOR MR. CREWS,

Messrs. Speaker, Faison, Bond, Shepard, Speed, Spiers, Mangum, Worth, Moye, Hellen, Johnson, Selby, Melchor, Albright,

Messrs. Myers, Spruill, Dockery, Morehead, Moore, Puryear, Mitchell, Hargrave, Clingman, Parks, Ribelin, Gaither, Bynum—27.

FOR MR. WHEELER,

Messrs. Exum, Whitaker, Hawkins, Cooper, Etheridge, Whitfield, Arrington, Kerr, McDiarmid,

Messrs. Larkins, Sloan, Pollock, Reid, Montgomery, Williams, Melvin, Pasteur, Orr,
Mr. Crews having received a majority of the whole number of votes given, was duly elected.

On motion of Mr. Albright, Green Hill was nominated as Assistant Door-Keeper. The Senate then proceeded to vote as follows, to wit:

FOR MR. HILL,

Messrs. Speaker, Messrs. Pollock,
Faison, Reid,
Exum, Melchor,
Hawkins, Albright,
Cooper, Montgomery,
Etheridge, Williams,
Whitfield, Myers,
Bond, Sprinll,
Shepard, Dockery,
Arrington, Melvin,
Speed, Morehead,
Spies, Pasteur,
Mangum, Moore,
Kerr, Puryear,
McDiarmid, Mitchell,
Worth, Hargrave,
Houlder, Ward,
Moye, Parks,
Wilson, Ribelin,
Hellen, Gaither,
Larkins, Bynum,
Johnson, Selby,
Sloan, Edwards—47.

Mr. Hill having received the whole number of votes, was duly elected.

On motion of Mr. Morehead,

Ordered, That a message be sent to the House of Commons, informing that House of the due organization of the Senate, by the appointment of Col. Andrew Joyner as Speaker; Thomas G. Stone as Principal Clerk; Henry W. Miller, Clerk Assistant; and Jehu Crews and Green Hill, Door-Keepers.

Mr. Speed presented the following Resolution:
Resolved, That the gallery, on the right of the Speaker's Chair, be appropriated exclusively to the Ladies.

Which was read, and on motion of Mr. Dockery, ordered to lie on the table.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

Tuesday, November 17, 1840.

The Senate met agreeably to adjournment. Mr. Dockery being appointed Speaker pro tem. took his seat, and the Senate proceeded to business.

Received from the House of Commons a message, informing the Senate of the due organization of that House, by the election of William A. Graham, Speaker; Charles Manly, Principal Clerk; Edmund B. Freeman, Clerk Assistant; Samuel J. Finch and Thomas Anderson, Doorkeepers; and that they are ready to proceed to the despatch of public business—and propose that a committee of two, on the part of each House, wait upon his Excellency, the Governor, to inform him of the organization of the General Assembly, of their readiness to receive such communications as he may think proper to make—which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Morehead and Orr form the committee on the part of the Senate, to wait upon his Excellency, the Governor—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the two Houses proceed immediately to the election of three Engrossing Clerks, and stating that the following persons are in nomination, to wit: John M. Rose, John Russ, D. Hearn, James A. Drake, William Valentine, A. Miller, James Howze, Alfred Stanly, Wm. A. Harrison and Gould Hoyt—which was read and agreed to.

On motion of Mr. Morehead,

Ordered, That a message be sent to the House of Commons, stating that the Senate concur in their proposition to vote immediately for three Engrossing Clerks; and fur-
ther stating that the following persons are in nomination: Thomas L. Jump, Wm. J. Ellison, H. W. Burguyn; and also stating that Messrs. Clingman and McDiarmid compose the committee on the part of the Senate to conduct the election.

Received from the House of Commons a message, informing the Senate that Messrs. Spruill & W. J. T. Miller compose the committee, on their part, to superintend the election of three Engrossing Clerks. The Senate then proceeded to vote for three Engrossing Clerks as follows, to wit:

FOR MR. HOYT,


FOR MR. DRAKE,

MESSRS. Whitaker, Bond, Worth, Pollock, Reid, Williams, Myers, Orr, Albright—9.

FOR MR. RUSS,

FOR MR. ROSE,

MESSRS. Faison, Shepard, Speed, Worth, Moye, Wilson, Selby, Montgomery, Myers, Spruill,

MESSRS. Dockery, Morehead, Moore, Puryear, Mitchell, Hargrave, Parks, Ribelin, Bynum, Albright—20.

FOR MR. HOWZE,

MESSRS. Whitaker, Hawkins, Cooper, Etheridge, Arrington, Mangum, McDiarmid,


FOR MR. VALENTINE,

MESSRS. Faison, Bond, Shepard, Speed,

MESSRS. Spiers, Wilson, Sloan—7.

FOR MR. HEARN,

MESSRS. McDiarmid, Reid, Melchor, Montgomery,

MESSRS. Dockery, Melvin, Orr, Ribelin—8.

FOR MR. HARRISON,

MESSRS. Larkins, Sloan, Reid—3.

FOR MR. JUMP,

MESSRS. Spiers, Mangum,

Mr. Reid presented the following Resolution, to wit:

Resolved, That a Select Committee of five be appointed, for the purpose of preparing permanent Rules of Order and Decorum for the government of the Senate during the present session; and that the Rules for the last session be adopted for this House until otherwise ordered.

Which was read and adopted.

The Speaker announced that Messrs. Reid, Worth, Myers, Cooper and Speed, form the committee on the foregoing resolution.
The Speaker presented a communication from the Secretary of State, relative to the Public Printing; which was read, and, on motion of Mr. Moore, ordered to be sent to the House of Commons.

Mr. Clingman, from the Committee appointed to superintend the election of three Engrossing Clerks, reported that Gould Hoyt had received a majority of the whole number of votes given, and was duly elected; and that neither of the other persons in nomination had received a majority; in which report the Senate concurred.

The Resolution that the Gallery on the right of the Speaker’s Chair, be appropriated exclusively to the Ladies, heretofore laid on the table, was taken up, read, and rejected.

Received from the House of Commons a message, stating that Messrs. Wilson and James T. Miller form the committee on their part to wait upon his Excellency the Governor.

Received from the House of Commons a message, proposing to proceed forthwith to the election of two engrossing clerks, and that the names of Messrs. Russ and Valentine are withdrawn from the nomination; which was read and concurred in. Whereupon a message was sent to the House of Commons concurring in their proposition to vote for two engrossing clerks, yet to be elected, and informing them that the name of Mr. Jump was withdrawn from the nomination; and that Messrs. Spruill and Melvin form the committee on the part of the Senate to superintend said election.

Received from the House of Commons a message, stating that Messrs. Cardwell and Patton form the committee on their part to superintend the election of two engrossing clerks yet to be elected; and that they will commence voting on return of the messenger. The Senate then voted as follows, to wit:

FOR MR. DRAKE,

MESSRS. Exum, Messrs. Larkins,
Whitaker,
Etheridge,
Whitfield,
Bond,
Mangum,
Worth,
Houlder,
FOR MR. MILLFR,

Messrs. Exum, Whitaker, Hawkins, Cooper, Etheridge, Whitfield, Arrington, Speed,Spiers, Kerr, Houlder, Larkins, Pollock, Reid, Melchor,


FOR MR. STANLY,

Mr. Shepard—1.

FOR MR. HEARN,

Messrs. McDiarmid, Reid, Melchor,


FOR MR. HOWZE,

Messrs. Hawkins, Arrington, Kerr, McDiarmid, Wilson,


FOR MR. ELLISON,

Messrs. Faison, Cooper, Bond, Spiers, Moye,

Messrs. Wilson, Selby, Sprmill, Morehead, Pasteur—10.
FOR MR. ROSE,

MESSRS. Faison, Speed, Mangum, Worth, Moye, Johnson, Selby, Albright, Mitchell, Hargrave, Clingman, Parks, Shepard, Montgomery, Myers, Spruill, Dockery, Morehead, Moore, Puryear, Ribelin, Gaither, Bynum—23.

FOR MR. STANLY,

-MESSRS. Hellen, Pasteur, Ward—3.

Mr. Morehead, from the joint select committee appointed on the part of the Senate to wait upon His Excellency the Governor, reported they received for answer that he would make a communication to the Legislature on tomorrow at 12 o'clock.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

WEDNESDAY, NOVEMBER 18, 1840.

Mr. Spruill, from the joint select committee on the part of the Senate to superintend the election of two Engrossing Clerks, reported that Adolphus Miller having received a majority of the whole number of votes given, was duly elected—and that no other person in nomination had received a majority; in which report the Senate concurred.

Received from the House of Commons a message, proposing that the two Houses vote immediately for one Engrossing Clerk yet to be elected; which was read and agreed to. Whereupon a message was sent to the House
of Commons agreeing to their proposition to vote immediately for one Engrossing Clerk yet to be elected—and further stating that the name of Mr. Burgwyn is withdrawn from the nomination. The Speaker announced to the Senate that Messrs. Mitchell and Whitfield form the committee on the part of the Senate to superintend the election of one Engrossing Clerk yet to be elected, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. McCleese and Holland compose the committee on their part to superintend the election of one Engrossing Clerk yet to be elected, and further stating that the name of Mr. Stanly is withdrawn from the nomination; and that they will vote on return of the messenger. The Senate then voted as follows, to wit:

FOR MR. ELLISON,

Mr. Cooper—1.

FOR MR. ROSE,

MESSRS. Bond, Bynum, Clingman, Dockery, Faison, Hargrave, Larkins, Mangum, Moye, Myers, Moore, Messrs. Mitchell, Morehead, McDiarmid, Puryear, Parks, Speed, Spiers, Selby, Shepard, Spruill, Ribelin—22.

FOR MR. DRAKE,


FOR MR. HEARN,

MESSRS. Exum, Messrs. Reid.

3
FOR MR. HOWZE,

MESSRS. Arrington, Messrs. Hawkins,
Edwards, Johnson,
Gaither, Pasteur,
Hill, Pollock—9.
Hellen,

Mr. Spruill presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee of five on the part of each House, to prepare and report joint rules for the government of the two Houses.

Which was read and adopted.

Received from the House of Commons a message, transmitting a communication from his Excellency, the Governor, covering the resignations of the Honorable Bedford Brown, and the Honorable Robert Strange, late United States Senators; which were read and accepted.

Mr. Reid, from the committee appointed to prepare permanent Rules of Order and Decorum for the government of the Senate during its present session, reported the Rules of Order and Decorum of the last Session, with an amendment; which were read, and are as follows, to wit:

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

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

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

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

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

6. When a motion is made and seconded, no other motion shall be received, unless it be to amend the main question; to postpone it to a day certain; to postpone it indefinitely; to commit it; to let it lie on the table; or to adjourn.

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

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

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

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

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

12. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information, and, upon this reading, shall not be subject to amendment; but may be amended, on the second and third reading; and the clerk shall keep a calendar of all such resolutions and bills, with the orders taken on them, for the inspection of the members of the Senate.

13. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

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

15. When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof, on the same or succeeding day, if the bill, resolution, or paper, upon which the question has been taken, be in possession of the Senate.

16. The Speaker shall examine and correct the Journal before it is read; he shall have the general directions of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered; and the select committees of this House shall consist of five members.
17. There shall be appointed by the Speaker the following committees, viz: A Committee of Propositions and Grievances; a Committee of Privileges and Elections; a Committee of Claims; a Committee on the Judiciary; a Committee on Internal Improvement; and a Committee on Education and the Literary Fund, consisting of seven members each.

18. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the chair, and appoint a chairman; and when, upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker pro tem.

19. When any petition, memorial, or other paper addressed to the House, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

20. In case of any disturbance or disorderly conduct in the Gallery or Lobby, the Speaker or Chairman of the committee of the whole House shall have power to have the same cleared.

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

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

23. When the House adjourns, the members shall keep their seats until the Speaker leaves the chair.

24. On motion of adjournment, the question shall be decided without debate.

25. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two thirds of the members present.

Mr. Wilson moved to strike out the fourth rule, upon which question he demanded the Yeas and Nays, which were as follows, viz:
Those who voted in the affirmative, were,

Messrs. Exum, Faison, Houlter, Hill, Mangum, Mitchell, Morehead, Orr, Sloan,


Those who voted in the negative, were,

Messrs. Albright, Arrington, Bond, Bynum, Cooper, Clingman, Etheridge, Edwards, Gaither, Hellen, Hawkins, Johnson, Kerr, Larkins, Myers,

Messrs. Melchor, Moyer, Montgomery, Melvin, Moore, McDairmid, Puryear, Pollock, Parks, Speed, Selby, Ribelin, Whitfield—29.

Mr. McDairmid then moved to add to the fourth rule, the words "unless the yeas and nays are called for," which were read and rejected.

The rules as reported by the committee were then adopted.

Mr. Mitchell, from the joint select committee, appointed on the part of the Senate to superintend the election of one engrossing clerk yet to be elected—reported that no person in nomination had received a majority of the whole number of votes given, and there was no election—in which report the Senate concurred.

On motion of Mr. Mitchell,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for one engrossing clerk yet to be elected.

On motion of Mr. Mangum, the Senate adjourned until to-morrow morning ten o'clock.
Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select committee of five on the part of each House, to prepare and report joint rules for the government of the two Houses; and further stating that Messrs. Adams, Hoke, Hill, Barringer and Robert B. Gilliam form the Committee on their part.

The Speaker announced to the Senate that Messrs. Moore, Ward, Puryear, Sloan and Bond form the Committee on the part of the Senate to prepare and report joint rules for the government of the two Houses; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, transmitting to the Senate the Annual Report of the Public Treasurer, with a proposition that it be printed; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to vote immediately for one engrossing clerk yet to be elected; and further stating that the name of Mr. Howze is withdrawn from the nomination. Which was read and agreed to.

The Speaker announced to the Senate that Messrs. Montgomery and Hill form the Committee on the part of the Senate to superintend the election of one engrossing clerk yet to be elected; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Wm. B. Lane and Whitehurst compose the Committee on their part to superintend the election of one engrossing clerk yet to be elected; and further stating that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. ROSE,

MESSRS. Speaker, Bond, Bynum, Clingman, Faison, Gaither,  
MESSRS. Moore, Mitchell, Morehead, McDiarmid, Puryear, Parks,
FOR MR. DRAKE,

**Messrs. Albright,**
**Messrs. Melvin,**
**Arrington,**
**Orr,**
**Cooper,**
**Pollock,**
**Etheridge,**
**Reid,**
**Exum,**
**Sloan,**
**Edwards,**
**Whitaker,**
**Houlder,**
**Whitfield,**
**Hill,**
**Worth,**
**Hellen,**
**Williams,**
**Kerr,**
**Ward,**
**Larkins,**
**Wilson—23,**
**Melchor,**

Mr. Shepard presented the following resolution, to wit:

Resolved, That the commissioners of public buildings be directed to place a stove in some convenient place in the Senate Chamber.

Which was read, and on motion of Mr. Edwards, ordered to lie on the table.

Received from the House of Commons a message, proposing that a joint select committee of three on the part of each House be raised, for the purpose of examining the apartments of the Capitol, and assigning to the State Officers, and the Committees of the General Assembly, their several rooms; and to ascertain whether any other order in relation to the Capitol be necessary; and that the committee report by bill or otherwise; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Spruill, Arrington and Hellen form the committee on the part of the Senate on the foregoing proposition; and the House of Commons was informed thereof by message.

Mr. Montgomery, from the joint select committee on
the part of the Senate to superintend the election of one engrossing clerk, reported that Mr. Rose had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

Received from the House of Commons two pension certificates of the County Court of Cumberland county, in favour of Martha Spears, widow of the late John Spears; also, two pension certificates of said county in favor of Isabella Campbell; also, a certificate of the Court of Pleas and Quarter Sessions of Iredell county, in favor of Ann Patterson; and one from the same county in favor of Mary Marshall; which were severally read, and on motion of Mr. McDiarmid, ordered to lie on the table.

On motion of Mr. Bynum, the Senate adjourned until to morrow morning, ten o'clock.

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Friday, Nov. 20, 1840.

The Speaker announced to the Senate the following standing committees, to wit:

ON PROPOSITIONS AND GRIEVANCES,

Messrs. Moore,
Faison,
Orr,
Cooper,

Messrs. Parks,
Spiers,
Houlder.

ON PRIVILEGES AND ELECTIONS,

Messrs. Speed,
Montgomery,
Kerr,
Bynum,

Messrs. Hargrave,
Whitaker,
Exum.

ON CLAIMS,

Messrs. Dockery,
Whitfield,
Melchor,
Puryear,

Messrs. Bond,
Williams,
Sloan.
ON THE JUDICIARY,

MESSRS. Morehead, Messrs. Bynum,
Edwards, Wilson,
Mitchell, Hill,
Gaither,

ON INTERNAL IMPROVEMENT,

MESSRS. Shepard, Messrs. Hellen,
Clingman, Ribelin,
Hawkins, Pasteur,
McDiarmid,

ON EDUCATION & THE LITERARY FUND,

MESSRS. Mangum, Messrs. Reid,
Arrington, Myers,
Shepard, Ward,
Worth,

Mr. Mitchell presented the following resolution, to wit:

Resolved, That the Committee on Internal Improvements
be instructed to inquire into the expediency of constructing
a Turnpike Road from Raleigh to the Tennessee line, by way
of Wilkesborough and Jefferson.

Which was read, and, on motion of Mr. Gaither, a-
mended and adopted.

On motion of Mr. Mitchell,

Ordered, That a message be sent to the House of Com-
mons, proposing to vote for a Solicitor of the 6th Judicial
Circuit on Monday next, at 11 o'clock.

Received from the House of Commons a message, pro-
posing to refer the memorials relating to the establishment
of a new county, therewith transmitted to the Senate, to a
joint select committee to be composed of five on the part
of their House, to be selected from the members repres-
senting the counties of Rutherford and Lincoln, and two
on the part of the Senate, to wit, the Senators from the
same counties of Rutherford and Lincoln; which was read
and agreed to; and the House of Commons was informed
thereof by message.
Mr. Moore, from the joint select committee appointed to prepare and report joint rules for the government of the two Houses during the present session, reported the rules of the last session of the Legislature without amendment; which were read and adopted.

Received from the House of Commons a message, transmitting to the Senate the message of his excellency the Governor, proposing to print five copies for each member of the General Assembly; which was read and agreed to; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that a joint select committee of five on the part of their House, and four on the part of the Senate, be raised upon the subject of the Cherokee Lands; which was read and agreed to; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Clingman, Ward, Gaither and Wilson form the committee on the part of the Senate on the foregoing proposition; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to vote immediately for Secretary of State, and stating that William Hill is in nomination for that office; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Melcher and Pasteur form the committee on our part on the foregoing proposition; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Young and Thomson form their branch of the Committee to superintend the vote for Secretary of State; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. HILL,

Messrs. Speaker,
    Albright,
    Arrington,
    Bond,
    Bynum,
    Cooper,

Messrs. Montgomery,
    Melvin,
    Moore,
    Mitchell,
    Morehead,
    McDiarmid,

Received from the House of Commons a message, transmitting to the Senate the report of the commissioners for re-building the Capitol, and proposing to print it; which was read and agreed to; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote on Monday next for Solicitor of the 6th Judicial Circuit, and stating that James R. Dodge, Bartlet Ship, and Hamilton C. Jones are in nomination for that office.

Mr. Spruill presented to the Senate the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee on the public buildings and re-building the capitol; and that said committee report whether the amount of money already appropriated for re-building the capitol, has been judiciously expended, and what amount will be necessary for its completion; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. H. C. Jones, J. O'K. Williams and Graves form their branch of the joint select committee
raised to examine and assign the apartments of the Capitol.

Received from the House of Commons a message, proposing to raise a joint select committee, consisting of two on the part of each House, to investigate the title of the State to the Swamp Lands, which are to be drained under the direction of the Literary Board; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Hellen and Bynum form our branch of the committee on the foregoing proposition; and the House of Commons was informed thereof by message.

The Senate took up the resolution relative to placing a stove in the Senate chamber, heretofore laid on the table; which was read, and, on motion of Mr. Shepard, ordered to lie on the table.

Mr. Melchor, from the joint select committee appointed to compare and report the vote for Secretary of State, reported that Mr. Hill had received the whole number of votes given, and was duly elected; in which report the Senate concurred.

The Senate then took up the two pension certificates of Isabella Campbell; also, of Martha Spears, of Cumberland county; and the certificate of Ann Patterson and Mary Marshall, of Iredell county, heretofore laid on the table; which were severally read, and, on motion of Mr. McDiarmid, ordered to be countersigned by the Speaker.

Received from the House of Commons the pension certificates of the Court of Pleas and Quarter Sessions of Craven county, in favor of the following persons, to wit: John Rhem, Thomas Ewell, Alexander Taylor and Margaret Bexley; which were severally read, and, on motion of Mr. Pasteur, ordered to be countersigned by the Speaker.

Mr. Gaither presented a bill, entitled a bill fixing the sum hereafter to be paid for vacant lands to the State; which was read the first time and passed.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning, ten o'clock.
Saturday, November 21, 1840.

Mr. Larkins presented the resignation of James Bond, a Justice of the Peace of New-Hanover county; which was read and accepted, and transmitted to the House of Commons.

The Speaker announced to the Senate the following joint Committees, to wit:

ON FINANCE,

MESSRS. Spruill, Wilson, Albright, Melvin,

MESSRS. Moye, Hargrave, McDiarmid, Ward.

ON THE LIBRARY,

MESSRS. Mitchell, Edwards, Gaither

And the House of Commons was informed thereof by message.

Mr. Clingman presented a bill, entitled a bill directing the conveyance of the Commons adjoining the town of Murphey, to the Chairman of the County Court of Cherokee; which was read the first time and passed.

Received from the House of Commons a message, proposing to print, in pamphlet form, the Joint Rules in connection with the rules of the Senate—the rules of the House of Commons—the Constitution of the State, and of the United States; which was read and concurred in, and the House of Commons was informed thereof by message.

Mr. Moore presented the following resolution, to wit:

Resolved, That the Committee on Education and the Literary Fund, be instructed to inquire if any, and what alterations are expedient in the act for the establishment of Common Schools, and report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stat-
ing that Messrs. J. P. Caldwell, Biggs, Burns, Foreman, Reid, Thompson, Graves and J. O'K. Williams, form their branch of the Committee on Finance.


On motion of Mr. Edwards, the Senate adjourned until Monday morning, ten o'clock.

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Monday, November 23, 1840.

Mr. Melvin presented the resignation of Jacob Powell, a Justice of the Peace of Columbus County; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Spruill presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that a joint select committee of three on the part of each House be appointed to make the necessary arrangements, and to prescribe the time and manner for the assembling of the two Houses of the General Assembly, to compare the votes given at the late election in this State for Governor, and to declare the result thereof.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. Paine and Moore form their branch of the joint select committee raised to investigate the title of the State to the swamp lands; and that Messrs. W. J. T. Miller, Hoke, Mills, Killian and Jefferson form their branch of the joint select committee raised upon the petitions, praying the establishment of a new county out of portions of Rutherford and Lincoln.

The Speaker announced to the Senate that Messrs. Melchior and Ward form the Committee on the part of the Senate to superintend the election for Solicitor of the 6th Judicial Circuit; and the House of Commons was informed thereof by message.
Mr. Mitchell moved that a message be sent to the House of Commons, proposing to vote for Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of the Honorable John D. Too-mer; which was rejected.

Mr. Worth presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to John Marsh, of Randolph county, or his agent, twenty dollars, which sum he paid the State for a grant of two hundred acres of land, which had been previously granted to John Bryant; and that the Treasurer be allowed the same in the settlement of his public accounts.

Which was read, and, on motion of Mr. Worth, referred to the committee on claims.

Mr. Wilson presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that the Report of the Comptroller for the fiscal year 1838, be printed.

Which was read and adopted.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select committee on public buildings and the re-building the capitol; and stating that Messrs. Rand, Poindexter, Smith, Hoke and Guyther form their branch of the committee.

Received from the House of Commons a message, stating that Messrs. Burns and Franklin form their branch of the committee to superintend the election of a Solicitor of the 6th Judicial Circuit; and that they will commence voting on return of the messenger.

The Senate voted as follows:

FOR MR. DODGE,

Messrs. Speaker, Bond, Clingman, Cooper, Exum, Faison,

Messrs. Moore, Morehead, Moyer, Myers, Puryear, Selby,
Resolved, That a message be sent to the House of Commons, proposing that so much of the Governor's message as relates to a Bank of the United States, and to an increase of our Bank capital, be referred to a joint select committee, consisting of three members of the Senate, and four members on the part of the House of Commons.

Resolved, That a message be sent to the House of Commons, proposing that so much of the message of his Excellency the Governor as relates to a penitentiary, be referred to a joint select committee, consisting of three members on the part of the Senate and four members on the part of the House of Commons.

Resolved, That a message be sent to the House of Commons, proposing that so much of the message as relates to lunatic and orphan asylums, be referred to a joint select committee, consisting of three members on the part of the
Resolved, That a message be sent to the House of Commons, proposing that so much of the message as relates to a union of the Boards of Internal Improvement and of the Literary Fund, be referred to a joint select committee consisting of three members on the part of the Senate, and four members on the part of the House of Commons.

Resolved, That a message be sent to the House of Commons, proposing that so much of the message as relates to the remonstrance of the people of the District of Columbia, and the proceedings of the Legislatures of Kentucky and New York, and other States in relation to the public domain, and the New Jersey Resolutions, be referred to a joint select committee, consisting of three on the part of the Senate, and four on the part of the House of Commons.

Resolved, That so much of the message as relates to a loan to the Wilmington and Raleigh and the Raleigh and Gaston Rail Roads, be referred to the committee on internal improvement; and that so much of said message as relates to the construction of a Turnpike Road from this place to the mountains, be referred to the committee on internal improvement.

Resolved, That so much of the message as relates to Nags' Head, be referred to the committee on internal improvement; and that the report and survey of Major Gwyn be printed.

Resolved, That so much of the message as relates to Common Schools, be referred to the committee on education.

Resolved, That so much of the message as relates to the location of the Judges, be referred to the committee on the judiciary.

Resolved, That so much of the message as relates to the proceeding of Georgia, South Carolina, and Virginia, on the subject of the apprehension and delivery of fugitives from justice, be referred to the judiciary committee.

Resolved, That so much of the message as relates to arsenals, repair of cannon, and volunteer or uniform companies, be referred to the committee on military affairs.

Which were severally read, and, on motion of Mr. Shepard, amended and adopted.

Mr. Bynum presented the following resolution, to wit:
Resolved, That the Committee on Internal Improvement be instructed to inquire into the expediency of constructing a Turnpike Road from Fayetteville to Asheville.

Which was read and adopted.

Received from the House of Commons a message, proposing to vote again immediately for Solicitor of the 6th Judicial circuit; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Arrington and Ribelin form the committee on the part of the Senate to superintend the election for Solicitor of the 6th Judicial Circuit; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. McLaughlin and Bryan form their branch of the committee to superintend the election of Solicitor of the sixth Judicial circuit; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

**FOR MR. DODGE,**

MESSRS. Speaker, Bond, Clingman, Cooper, Faison, Gaither, Hargrave, Hawkins, Hellen, Kerr, Melchor, Moore,

MESSRS. Morehead, Moye, Myers, Parks, Puryear, Spiers, Spruill, Whitaker, Whitfield, Worth, Williams—23.

**FOR MR. JONES,**

MESSRS. Albright, Dockery, Etheridge, Johnson, Mangum, Montgomery,

MESSRS. Pasteur, Ribelin, Selby, Shepard, Speed—11.
FOR MR. SHIPP,


Mr. Arrington voted for Mr. G. Caldwell.

Mr. Arrington from the joint select committee appointed to superintend the election of the Solicitor of the 6th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and therefore no one was elected; in which report the Senate concurred.

Mr. Dockery presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee consisting of five members on the part of each House on Military Affairs.

Which was read and adopted.

Received from the House of Commons a message, proposing that the two Houses vote again immediately for a Solicitor of the sixth Judicial Circuit, and that the name of Bartlet Shipp is withdrawn from the nomination; which was read and agreed to.

The Speaker announced to the Senate, that Messrs. Moore and Sloan form the committee to superintend the election of Solicitor of the sixth Judicial Circuit; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Holt and Patton form their branch of the committee to superintend the election for Solicitor of the sixth Judicial Circuit—and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DODGE,

MESSRS. Speaker, Arrington, Messrs. McDiarmid, Moore,
FOR MR. JONES,

Messrs. Albright, Messrs. Orr,
凸 Bynum, Pasteur,
凸 Dockery, Ribelin,
凸 Hill, Selby,
凸 Johnson, Shepard,
凸 Mangum, Sloan,
凸 Melvin, Speed,
凸 Montgomery, Wilson—16.

Mr. Moore, from the joint select committee appointed to superintend the election of Solicitor for the sixth Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

The Senate then took up for consideration, the bill "entitled a bill directing the conveyance of the Commons adjoining the town of Murphy, to the chairman of the County Court of Cherokee; which was read the second time. Mr. Bynum moved to amend the second section, by striking out the word one and inserting the word five in lieu thereof, which was agreed to; and the bill, as amended, passed.

Received from the House of Commons a message, proposing to vote again immediately for Solicitor of the sixth Judicial Circuit; which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Clingman and Exum form the committee to superintend
the election of Solicitor for the sixth Judicial Circuit; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Lilly and Smith form their branch of the committee to superintend the election of Solicitor for the sixth Judicial Circuit—and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

**FOR MR. DODGE,**

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**FOR MR. JONES,**

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On motion of Mr. Cooper, the Senate adjourned until to-morrow morning, ten o'cloak.
Mr. Bynum presented the petition of certain citizens of Rutherford county, remonstrating against being included in the contemplated new county, out of portions of Burke and Rutherford; which was, on his motion, referred to the select committee raised on that subject.

Mr. Pasteur presented the following resolution, to wit:

Resolved, That so much of the message of his Excellency the Governor, as relates to the improvement of Neuse River, be referred to the committee on internal improvement.

Which was read and adopted.

Mr. Shepard presented a bill entitled a bill to locate the Judges of the Superior Courts of Law and Equity within the several Districts; which was read the first time and passed; and, on motion of Mr. Wilson, referred to the Committee on the Judiciary.

The Speaker presented to the Senate a communication from the Secretary of State, transmitting the returns of the Sheriffs of the several counties of the State of the votes given for Governor at the late August election; which was read, and, on motion of Mr. Spruill, referred to the Committee of Propositions and Grievances.

Mr. Whitfield presented the following resolution, to wit:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of amending the militia laws of this State, so as to compel officers to hold their commission four years, and to exempt officers so serving four years, from military duty, except in case of insurrection and invasion; and that said committee be instructed to report by bill or otherwise.

Which was read and adopted.

Mr. McDiarmid presented a bill entitled a bill to exempt all persons under twenty-one years of age, from performing military duty; which was read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate, that the Comptroller’s Report for the fiscal year 1840, be printed; also concurring in the proposition to print the report of Maj. Gwynn and the survey of Nags’ Head.
Received from the House of Commons a message, proposing to raise a joint select committee of three on the part of each House, to inquire into the expediency of abolishing imprisonment for debt; and that they report by bill or otherwise; which was read and concurred in.

On motion of Mr. Wilson,

Ordered, That a message be sent to the House of Commons, proposing to refer the Reports of the Public Treasurer and Comptroller for the years 1838 and '39, to the Committee on Finance.

Received from the House of Commons a message, proposing to raise a joint select committee on military affairs; which was read and concurred in.

Received from the House of Commons a message, proposing to vote on to-morrow at 11 o'clock for Solicitor of the 7th Judicial Circuit; and that Burgess S. Gaither, Thomas Wilson, and James W. Guinn are in nomination for the appointment; which was read and agreed to; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate, that Messrs. Faison and Pollock form our branch of the committee to superintend the election of Solicitor for the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

On motion of Mr. Albright,

Ordered, That a message be sent to the House of Commons, informing them that John Gray Bynum is added to the nomination for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a Senator in the Congress of the United States, for the term of six years from the fourth of March next; which was read and agreed to.

The Speaker announced to the Senate, that Messrs. Worth and Reid form our branch of the committee to superintend the election of Senator in the Congress of the United States for the term of six years from the fourth of March next; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Robards and Eaton form their branch of the committee to superintend the election of Senator for the United States' Senate; and that Willie P. Mangum, Senator from the county of Orange, is in nomination for
the appointment. They will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. MANGUM,

MESSRS. Speaker, Messrs. Moore,
Albright, Morehead,
Bond, Montgomery,
Bynum, Moye,
Clingman, Myers,
Dockery, Parks,
Faison, Ribelin,
Gaither, Selby,
Hargrave, Shepard,
Hellen, Speed,
Johnson, Spruill,
Melchor, Worth—25.
Mitchell,

FOR MR. BROWN,

MESSRS. Arrington, Messrs. Orr,
Cooper, Pasteur,
Edwards, Pollock,
Etheridge, Reid,
Exum, Sloan,
Hawkins, Ward,
Hill, Whitaker,
Houlder, Whitfield,
Kerr, Williams,
McDiarmid,

Received from the House of Commons a message, proposing to raise a joint select committee of three on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August election; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Spruill, Hawkins and Albright form the committee on the part of the Senate to designate the time and manner of counting and comparing the votes cast for Governor at the late August elections; and the House of Commons was informed thereof by message.
Mr. Reid, from the joint select committee appointed to superintend the election of Senator in the Congress of the United States, for six years from the fourth of March next, reported that Mr. Mangum had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

Mr. McDermid presented a bill entitled a bill to exempt all white males under twenty-one years of age, from working on any public road in this State, and from serving as overseers on the same; which was read the first time and passed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a United States’ Senator, to supply the vacancy occasioned by the resignation of Bedford Brown; and that Willie P. Mangum is in nomination for that vacancy; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Whitaker and Gaither form the committee to superintend the election for a United States Senator to supply the vacancy occasioned by the resignation of Bedford Brown—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Thompson and Dickson form their branch of the committee to superintend the election of a United States’ Senator to supply the vacancy occasioned by the resignation of Bedford Brown; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. MANGUM,

Messrs. Speaker, Albright, Bond, Bynum, Clingman, Dockery, Faison, Gaither, Hargrave, Hellen, Johnson, Melchior, Mitchell,

Messrs. Moore, Morehead, Montgomery, Moye, Myers, Parks, Ribelin, Selby, Shepard, Speed, Spruill, Worth—25.
The Senate then took up for consideration a bill entitled a bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee; which was read the third time, and on motion of Mr. Hellen, referred to the Committee on Cherokee Lands.

Mr. Gaither, from the joint select committee appointed to superintend the election of a United States' Senator to supply the vacancy created by the resignation of Bedford Brown, reported that Mr. Mangum had received a majority of the whole number of votes given, and therefore was duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate to refer so much of the Governor's message as relates to lunatic and orphan asylums to a joint select committee consisting of three on the part of the Senate, and four on the part of the House of Commons; and that Messrs. Robert B. Gilliam, Allen, Beall and Hyman form their branch of the committee.

Received from the House of Commons a message, agreeing to the proposition of the Senate to refer so much of the message of the Governor as relates to a Penitentiary, to a joint select committee of three on the part of the Senate, and four on the part of the Commons; and that Messrs. Mendenhall, Russell, Brummell and Walker form their branch of the Committee.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer so much of the Governor's message as relates to a union of the
Board of Internal Improvement and the Literary Fund to a joint select committee of three on the part of the Senate, and four on the part of the House of Commons; and that Messrs. Hill, Carson, G. W. Caldwell and Robards form their branch of the committee.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate to refer so much of the Governor's message as relates to a Bank of the United States, and to an increase of our bank capital, to a joint select committee of three on the part of the Senate, and four on the part of the House of Commons; and that Messrs. Barringer, Cardwell, Eaton and Moore form their branch of the Committee.

Received from the House of Commons a message, proposing that the two houses vote immediately for a United States Senator to fill the vacancy occasioned by the resignation of Robt. Strange; and that William A. Graham, of Orange, is in nomination to fill that vacancy; which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Hill and Ribelin form the committee to superintend the election of a United States Senator to fill the vacancy created by the resignation of Robert Strange—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Mendenhall and Morrow form their branch of the committee to superintend the voting for United States Senator to fill the vacancy occasioned by the resignation of Robert Strange, and that they will commence voting on return of the Messenger.

The Senate then voted as follows, to wit:

FOR MR. GRAHAM,

MESSRS. Speaker, Albright, Bond, Bynum, Clingman, Dockery, Faison, Gaither
Hargrave, Hellen, Johnson,

MESSRS. Mitchell, Moore, Morehead,
Montgomery, Moye, Myers,
Parks, Puryear, Ribelin,
Selby, Speed,
Mr. Hill, from the joint select committee appointed to superintend the election of a United States Senator to fill the vacancy created by the resignation of Robert Strange, reported that Mr. Graham had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

The Speaker announced to the Senate, that Messrs. Dockery, Wilson, Faison, Whitfield and Selby form our branch of the Committee on Military Affairs—and the House of Commons was informed thereof by message.

On motion of Mr. Ribelin, the Senate adjourned until to-morrow morning, ten o’clock.

WEDNESDAY, NOV. 25, 1840.

Mr. Pasteur presented a bill, entitled a bill to incorporate a light artillery company in the town of Newbern; which was read the first time and passed, and, on motion of Mr. Pasteur, referred to the Committee on Military Affairs.

The Senate then took up for consideration the following bill, to wit:

A Bill to exempt all persons under twenty one years of age from performing military duty; which was, on mo-
tion of Mr. Moye, referred to the Committee on Military Affairs.

The Senate then took up for consideration

A Bill to exempt all white males under twenty-one years, from working on any public road in this State, and from serving as overseers on the same; which was read the second time. Mr. Albright moved that the bill be postponed indefinitely; upon which question Mr. McDiarmid demanded the yeas and nays.

Those who voted in the affirmative, were,

**Messrs.** Albright, Arrington, Bynum, Clingman, Cooper, Dockery, Etheridge, Faison, Hargrave, Johnson, Melchor, Mitchell, Morehead,

**Messrs.** Moye, Myers, Parks, Reid, Ribelin, Selby, Shepard, Speed, Spruill, Ward, Williams, Worth—25.

Those who voted in the negative, were,

**Messrs.** Bond, Edwards, Exum, Hawkins, Hellen, Hill, Houlder, Kerr, Melvin,

**Messrs.** McDiarmid, Moore, Montgomery, Orr, Pasteur, Pollock, Whitaker, Whitfield, Wilson—18.

The bill was postponed indefinitely.

Received from the House of Commons a message, agreeing to refer the reports of the Public Treasurer and Comptroller, for the years 1838 and '39, to the Committee on Finance.

Received from the House of Commons a message, stat-
ing that the name of Thomas Wilson is withdrawn from the nomination for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, stating that Messrs. Mills and Hoke form their branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit.

The Senate then voted as follows, to wit:

FOR MR. GWYNN,

MESSRS. Arrington, Messrs. Ward,
Cooper, Hawkins,
Edwards, Hill,
Etheridge, Houlder,
Exum, Kerr,
McDiarmid, Melvin,
Orr, Whitaker,
Pastuer, Whitfield,
Pollock, Williams,
Reid, Wilson—20.

FOR MR. GAITHER,

MESSRS. Clingman, Messrs. Mitchell,
Hargrave, Morehead,
Johnson, Montgomery,
Mangum, Myers,
Melchor, Parks—10.

FOR MR. BYNUM,

MESSRS. Speaker, Messrs. Moye,
Albright, Ribelin,
Bond, Selby,
Faison, Shepard,
Hellen, Speed,
Moore, Worth—12.

Mr. Spruill voted for Mr. J. McD. Carson.

Mr. Faison, from the joint select committee, appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.
Received from the House of Commons, a message, stating that Messrs. J. P. Caldwell, J. T. Miller, Hawkins, Robards and J. O’K. Williams compose their branch of the joint select committee on Military Affairs; and Messrs. Mendenhall, Reid and Adams form their branch of the committee to designate the time and manner of counting and comparing the votes for Governor.

Received from the House of Commons a message, agreeing to refer so much of the message of his Excellency the Governor as relates to arsenals, repair of cannon, and volunteer companies, to the committee on Military Affairs.

The Speaker announced to the Senate that Messrs. Spruill, Reid, Johnson, Whitaker and Spiers form our branch of the committee on the public buildings and rebuilding the Capitol, and the House of Commons was informed thereof by message.

On motion of Mr. Speed, ordered that a message be sent to the House of Commons, proposing to vote immediately for Solicitor of the seventh Judicial Circuit.

Received from the House of Commons a message, agreeing to vote again for Solicitor of the 7th Judicial Circuit, and stating that Messrs. Keener and Morris form their branch of the committee to superintend the election. The Speaker announced to the Senate that Messrs. Speed and Kerr form our branch of the committee to superintend the election for solicitor of the 7th Judicial Circuit; and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. GWYNN,

MESSRS. Arrington, 
Cooper, 
Edwards, 
Ethridge, 
Exum, 
Hawkins, 
Hill, 
Houlder, 
Kerr, 
Melvin, 

MESSRS. McDiarmid, 
Orr, 
Pasteur, 
Pollock, 
Reid, 
Ward, 
Whitaker, 
Whitfield, 
Williams, 
Wilson—20.
FOR MR. BYNUM,

MESSRS. Speaker, 
Albright, 
Bond, 
Faison, 
Hellen, 
Moore, 
Speed; 

MESSRS. Montgomery, 
Moye, 
Myers, 
Ribelin, 
Selby, 
Shepard, 
Worth—14.

FOR MR. GAITHER,

MESSRS. Clingman, 
Dockery, 
Hargrave, 
Johnson, 

MESSRS. Mangum, 
Melchor, 
Mitchell, 
Parks—8.

Mr. Spruill voted for Mr. J. M'D. Carson.

Mr. Speed, from the joint select committee appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Speed,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again immediately for Solicitor of the 7th Judicial Circuit.

On motion of Mr. Arrrington, the Senate adjourned until to-morrow morning, ten o'clock.

THURSDAY, NOVEMBER 26, 1840.

Mr. Spruill presented the resignation of Willie P. Mangum, Senator from the County of Orange; which was read and accepted.

Mr. Spruill presented the following resolution, to wit:

Resolved, That the Speaker of the Senate issue a writ of election to the Sheriff of Orange county, commanding him to
hold an election at the usual places of holding elections for said county, on Thursday 3d of December next, to elect a Senator for said county, to supply the vacancy occasioned by the resignation of Willie P. Mangum.

Which was read and adopted.

Mr. Wilson presented a bill entitled a bill concerning the collection of debts by the Banks in the State; which was read the first time and passed; and on motion of Mr. Spruill, ordered to be printed.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of amending the 9th section of the 23d chapter of the Revised Statutes concerning the Comptroller.

Which was read and adopted.

Mr. Spruill presented the petition of Robert Davis, sheriff of Washington county, praying the Legislature to remit the fine incurred by him in omitting to make his return of the election for Governor within the time prescribed by law; which was, on motion of Mr. Spruill, referred to the Committee on Propositions and Grievances.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred a bill entitled a bill to locate the Judges of the Superior Courts of Law and Equity within the several Judicial Districts, reported the bill without amendment, and recommended it to the favorable consideration of the Senate.

Mr. Spruill moved that the bill be laid on the table; which was agreed to.

The Speaker announced to the Senate the following Joint Select Committees:

On so much of the Governor's Message as relates to a Bank of the United States, and to an increase of the Bank capital of this State—Messrs. Bynum, Arrington and Puryear.

On so much of the Governor's Message as relates to a Penitentiary—Messrs. Gaither, Worth and Pasteur.

On so much of the Governor's Message as relates to Lunatic and Orphan Asylums—Messrs. Moore, Hellen and McDiarmid.
On so much of the Governor's Message as relates to a union of the Board of Internal Improvement and the Board for the management of the Literary Fund—Messrs. Morehead, Reid and Bond.

On so much of the Governor's Message as relates to the remonstrance of the people of the District of Columbia; the proceedings of Kentucky, New York and other States, concerning the public domain; and the Resolutions of the State of New Jersey—Messrs. Mitchell, Wilson and Albright.

On inquiring into the expediency of abolishing imprisonment for debt—Messrs. Edwards, Parks and Montgomery.

And the House of Commons was informed thereof by message.

Mr. Clingman presented a bill entitled a bill to prevent the cutting timber into the rivers of Cherokee county; which was read the first time and passed.

Received from the House of Commons a message, stating that William A. Graham having resigned his seat in their House, Robert B. Gilliam, of Granville has been appointed Speaker.

Received from the House of Commons the following resignations, to wit:
The resignation of Willie Pridgen, a Justice of the Peace for the county of Nash; Jas. B. Woodard, a Justice of the Peace for the county of Edgecomb; William Johnson, a Justice of the Peace for the county of Nash; William J. Gilliam, a Justice of the Peace for the county of Rockingham; J. C. Askew, a Justice of the Peace for the county of Buncombe; which were severally read and accepted.

The Senate took up for consideration, a bill fixing the sum hereafter to be paid for vacant lands to the State; which was, on motion of Mr. Gaither, ordered to lie on the table.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Solicitor of the 7th Judicial Circuit; which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Cooper and Selby form our branch of the committee to superintend the election of Solicitor for the 7th Judicial Circuit—and the House of Commons was informed thereof by message.
Received from the House of Commons a message, stating that H. C. Jones and J. M. Covington form their branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit—and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. GWYNN,

MESSRS. Arington, Cooper, Hill,

FOR MR. BYNUM,

MESSRS. Speaker, Albright, Bond, Dockery, Edwards, Etheridge, Exum, Faison, Hawkins, Hellen, Houlder, Kerr, Moore, Morehead,
MESSRS. Moyce, Myers, Orr, Pasteur, Pollock, Reid, Selby, Shepard, Speed, Ward, Whitaker, Whitfield, Williams—27.

FOR MR. GAITHER,

MESSRS. Clingman, Hargrave, Johnson, Parks,
MESSRS. Melchor, Mitchell, Montgomery, Ribelin—8.

Mr. Spruill voted for Mr. Carson.

Mr. Spruill from the joint select committee appointed to designate the time and manner of counting and comparing the votes given for Governor at the late August election—reported the following resolution, to wit:

Resolved, That the two Houses of the General Assembly shall assemble in the Commons Hall on Friday, the 4th day
of December, 1840, at 12 o'clock; that one person be appointed teller on the part of the Senate, and two on the part of the House of Commons, to make a list of votes for Governor of the State of North Carolina, as they shall be declared; that the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid the state of the vote and the person elected, if it shall appear that a choice has been made agreeable to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with a list of the votes, shall be entered on the Journals of the two Houses.

Which was read and adopted.

Mr. Bynum presented a petition from sundry citizens of Lincolnton, praying the Legislature to repeal an act passed at the Session of 1829 and '30, entitled an act concerning the liability of certain hands in the town of Lincolnton, to work on roads; which was, on motion of Mr. Bynum, referred to the Committee on Propositions and Grievances.

On motion of Mr. Speed, the Senate took up for consideration a bill, entitled a bill to locate the Judges of the Superior Courts within the several judicial districts; which was read the second time, amended, and on motion of Mr. Shepard, ordered to lie on the table, and be printed.

On motion of Mr. Exum, the Senate adjourned until to-morrow morning, ten o'clock.

FRIDAY, NOVEMBER 27, 1840.

Mr. Cooper, from the Joint Select Committee appointed to superintend the election of Solicitor of the 7th Judicial Circuit, reported that no one in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Dockery, from the Committee on Claims, to whom was referred a resolution in favour of John Marsh, of the county of Randolph, reported the same to the Senate without amendment, and recommended its passage.
The resolution was then read the second time; and, on motion of Mr. Reid, the yeas and nays were demanded.

Those who voted in the affirmative were,

MESSRS. Bond, Montgomery; 
Dockery, Williams; 
Hill, Worth—7. 
Melchor, 

Those who voted in the negative, were:

MESSRS. Albright, Moore, 
Arrington, McDiarmid, 
Clingman, Morehead, 
Cooper, Moye, 
Edwards, Myers, 
Etheridge, Orr, 
Exum, Parks, 
Faison, Pasteur, 
Gaither, Pollock, 
Hargrave, Reid, 
Hawkins, Ribelin, 
Hellen, Selby, 
Houlder, Spruill, 
Kerr, Ward, 
Larkin, Whitaker, 
Melvin, Whitfield, 
Mitchell, Wilson—35 nays.

So the resolution was rejected.

Received from the House of Commons a message, proposing to refer the bill therewith transmitted to the Senate, entitled a bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their waters, to a Joint Select Committee to be composed of the representatives in both Houses from the counties of Halifax, Northampton, Bertie, Martin, Chowan, Washington, Perquimons, Pasquotank, Currituck, Camden, Gates and Hertford; which was read and agreed to—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Solicitor of the 7th Judicial Circuit; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Orr and Hargrave form our branch of the Committee to superintend the election for Solicitor of the 7th Judicial Cir-
cuit—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Mills and Biggs form their branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. BYNUM,

MESSRS. Speaker, Albright, Bond, Exum, Hellen, Moore, Morehead, Montgomery,

MESSRS. Moye, Orr, Pasteur, Pollock, Selby, Speed, Ward, Whitfield—16.

FOR MR. GAITHER,

MESSRS. Clingman, Dockery, Faison, Hargrave, Johnson, Melchor,

MESSRS. Mitchell, Myers, Parks, Ribelin, Spruiril—11.

FOR MR. GWYNN,

MESSRS. Arrington, Cooper, Edwards, Etheridge, Hawkins, Hill, Houlder, Kerr,

MESSRS. Larkins, Melvin, McDiarmid, Reid, Sloan, Whitaker, Williams, Wilson—16.

Mr. Worth voted for T. W. Wilson.

Received from the House of Commons a message, agreeing to the proposition of the Senate to refer so much of the Governor's message as relates to the remonstrance of the people of the District of Columbia, and the pro-
Mr. Hargrave, from the joint select committee, appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Hargrave presented the following resolution, to wit:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law as to allow a compensation to jurors summoned for the purpose of assigning dower to a widow; and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Dockery,
Ordered, That a message be sent to the House of Commons, proposing to vote again immediately for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, agreeing to the proposition of the Senate to vote again immediately for Solicitor of the 7th Judicial Circuit, and that Messrs. Patterson and Gray form their branch of the committee to superintend the election.

Whereupon the Speaker announced to the Senate, that Messrs. Myers and Melvin form our branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. BYNUM,

MESSRS. Speaker,
Albright,
Bond;

MESSRS. Orr,
Pollock;
Ribelin,
Exum, Hellen, Moore, Morehead, Moye, Pasteur, Selby, Shepard, Speed, Ward, Whitfield—17.

FOR MR. GAITHER,

Messrs. Clingman, Dockery, Faison, Hargrave, Parks,

Messrs Johnson, Melchor, Mitchell, Montgomery, Myers—10.

FOR MR. GWYNN,

Messrs. Arrington, Cooper, Edwards, Etheridge, Hawkins, Hill, Houlder, Kerr,

Messrs. Larkins, Melvin, McDiarmid, Reid, Sloan, Whitaker, Williams, Wilson—16.

Mr. Worth voted for Mr. Wilson.

The Senate took up for consideration the bill entitled a bill to prevent the cutting timber into the rivers of Cherokee county; which was read the second time and passed.

Mr. Melvin, from the Joint Select Committee appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons the pension certificate of the Court of Pleas and Quarter Sessions of the County Court of Perquimons County, in favour of Priscilla Goodwin; which was read and ordered to be countersigned by the Speaker.

On motion of Mr. Morehead, the order to countersign was reconsidered, and the certificate referred to the committee on the judiciary.

On motion of Mr. Speed,
Ordered, That a message be sent to the House of Commons, proposing to vote again for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, agreeing to vote immediately for Solicitor of the 7th Judicial Circuit; and that Messrs. Keener and Bannerman form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Hellen and Whitaker form our branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. BYNUM,

MESSRS. Speaker, Albright, Bond, Dockery, Hawkins, Hellen, Houlder, Moore, Morehead, Whitfield,


FOR MR. GAITHER,

MESSRS. Clingman, Faison, Hargrave, Johnson,

MESSRS. Melchor, Mitchell, Myers, Parks—8.

FOR MR. GWYNN,

MESSRS. Arrington, Cooper, Edwards, Etheridge, Exum, Hill, Kerr,

MESSRS. Larkins, Melvin, McDiarmid, Reid, Whitaker, Williams, Wilson—14.

Mr. Worth voted for Mr. Wilson.

Mr. Whitaker, from the joint select committee appoint-
ed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Moore presented the following resolution, to wit:

Resolved, That the counting room in the old Treasury building be appropriated during this session of the General Assembly, to the sitting of the Committee on abolishing imprisonment for debt; the Committee on Propositions and Grievances of the Senate; and the joint select Committee on Lunatic and Orphan Asylums.

Which was read and adopted.

Received from the House of Commons the following resignations: John Allan, a Justice of the Peace for the county of Burke; Hugh Watson, a Justice of the Peace for the county of Rutherford; Jas. W. Stockton, a Justice of the Peace for the county of Iredell; which were severally read and accepted.

On motion of Mr. Edwards, Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, agreeing to vote again immediately for Solicitor of the 7th Judicial Circuit—and that Messrs. Beall and Kerr form their branch of the committee to superintend the election; and stating that William E. Mills is in nomination for that office.

The Speaker announced to the Senate, that Messrs. Parks and Etheridge form our branch of the committee to superintend the election of Solicitor of the 7th Judicial Circuit—and the House of Commons was informed thereof by Message.

The Senate then voted as follows, to wit:

FOR MR. BYNUM,

Messrs. Speaker, Messrs. Moore,
Albright, Montgomery,
Bond, Moye,
On motion of Mr. Whitaker, the Senate adjourned until to-morrow morning, ten o'clock.

Saturday, November 28, 1840.

Received from the House of Commons a message, proposing that the two Houses vote this day at 11 o'clock for Solicitor of the 1st Judicial Circuit; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Moye and Houlder form our branch of the committee to superintend the election of Solicitor for the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

Mr. Parks, from the Joint Select Committee appointed
to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Melchor presented a bill entitled a bill to incorporate the Concord Manufacturing Company; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Paine, Clegg and Poindexter form their branch of the committee to inquire into the expediency of abolishing imprisonment for debt.

On motion of Mr. Reid,

Ordered, That a committee of five members be appointed on private bills.

Received from the House of Commons a message, proposing to raise a joint select committee of five on the part of each House, to inquire into the causes of the suspension of the Banks of this State; their operations during suspension; and when they intend to resume specie payments; and that the said committee have power to send for persons and papers; which was read and concurred in.

On motion of Mr. Speed,

Ordered, That a message be sent to the House of Commons, proposing to vote this day at 12 o'clock for Solicitor of the 7th Judicial Circuit.

On motion of Mr. Wilson, the bill concerning collection of debts of the Banks of this State was taken up, and referred to the committee on the Judiciary.

Received from the House of Commons a message, proposing to refer the memorial therewith transmitted to the Senate, to the joint select committee to whom the bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers is referred; which was read and agreed to.

Received from the House of Commons a message, transmitting to the Senate the message of his Excellency the Governor, with the Report of the President and Directors of the Literary Fund, and all the accompanying documents; and proposing they be printed; and further proposing to refer them to a joint select committee of five on the part of each House; and that the joint select committee of two on the part of each House, heretofore raised on the subject of the State's title to the swamp lands, form a part of said committee; which was read and concurred in,
Received from the House of Commons a message, stating that Messrs. Wilson and Proctor form their branch of the committee to superintend the election of Solicitor of the first Judicial Circuit; and that they will commence voting on return of the messenger; and further stating that David Outlaw is in nomination for the appointment.

The Senate then voted as follows, to wit:

FOR MR. OUTLAW,

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Mr. Reid voted blank, and Mr. Williams voted for Mr. Reid.

Received from the House of Commons a message, stating that they have adopted the accompanying resolution, reported by the joint select committee appointed to make the arrangement, and prescribe the time for the assembling of the two Houses to compare the votes given at the late election for Governor of the State; in which they ask the concurrence of the Senate.
Resolved, That the two Houses of this General Assembly shall assemble in the Hall of the House of Commons on Friday the 4th day of December, 1840, at 12 o’clock; that one person be appointed teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared; that the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid, the state of the vote, and the person elected, if it shall appear that a choice has been made agreeably to the constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and, together with a list of the votes, shall be entered on the Journals of the two Houses.

Which was read and agreed to.

Mr. Clingman, from the committee on Internal Improvement, to whom was referred so much of the Governor’s message as relates to a turnpike road from Raleigh to the West, reported a bill, entitled “a bill to authorise the construction of the Raleigh and Western Turnpike Road;” which was read the first time and passed, and, on motion of Mr. Clingman, ordered to lie on the table and be printed.

The Senate took up for consideration a bill to locate the Judges of the Superior Courts within the several Judicial Circuits; which was read the second time, and, on motion of Mr. Clingman, was amended and passed.

Mr. Moye, from the joint select committee appointed to superintend the election for Solicitor of the First Judicial Circuit, reported that Mr. Outlaw had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

The Senate took up for consideration the bill entitled “a bill to prevent the cutting timber into the rivers of Cherokee county;” which was read the third time and passed, and, ordered to be engrossed.

Mr. Etheridge presented a bill to authorise Isaac Baxter, late Sheriff of the county of Currituck, to collect the arrears of taxes due him in said county; which was read the first time and passed, and, on motion of Mr. Etheridge, referred to the Committee on the Judiciary.

Mr. Moore presented the following resolution:
Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of legislative provisions to prevent the betting on elections.

Which was read and adopted.

On motion of Mr. Worth,

Ordered, That the Speaker fill the vacancy on the Committee of Education and the Literary Fund, occasioned by the resignation of Willie P. Mangum.

On motion of Mr. Morehead, the Senate adjourned until Monday morning, ten o'clock.

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**Monday, Nov. 30, 1840.**

The Speaker announced to the Senate that Messrs. Reid, Montgomery, Orr, Parks and Spiers form the committee on private bills. He also announced the following joint select committees on the part of the Senate to inquire into the causes of the late suspension by the Banks in this State, their operations since, and when they intend to resume specie payments—Messrs. Gaither, Hawkins, Dockery, Pasteur and Albright.

On the Report of the President and Directors of the Literary Fund—Messrs. Hellen, Bynum, Arrington, Puryear and Hill.

Mr. Mitchell is added to the Committee on Education and the Literary Fund.

Mr. Morehead presented a bill "entitled a bill concerning fines and costs;" which was read the first time and passed; and, on his motion, was referred to the committee on the judiciary.

Mr. Hellen presented the memorial of Thos. H. Blount, collector of the customs for the District of Washington, North Carolina, praying the Legislature to pass an act vesting in the United States the right to four acres of land; which, on motion of Mr. Hellen, was referred to the committee on the judiciary.

Mr. Ward presented a bill entitled a bill to alter the time of holding the county courts of Lincoln; which was read the first time and passed.
Mr. Bynum presented a bill entitled a bill to incorporate the North Carolina Mining and Manufacturing Company; which was read, and on motion of Mr. Reid, referred to the committee on private bills.

Mr. Speed presented the following resolution:

Resolved, That the College of Electors for President and Vice President of the United States, be invited to hold their session in the Senate Chamber; and that the Speaker appoint a committee of two to tender the invitation.

Which was read and adopted.

Mr. Williams presented the resignation of Isaac Satterfield, a justice of the peace for the county of Person; which was read and accepted, and sent to the House of Commons.

Mr. Spruill presented the following resolution:

Resolved, That the Committee on Internal Improvement be instructed to inquire and report what action the Legislature should take with regard to opening an inlet at Nags' Head.

Which was read and adopted.

The Senate took up for consideration the bill entitled a bill to incorporate the Concord Manufacturing Company; which was, on motion of Mr. Melchor, referred to the committee on private bills.

Mr. Myers presented the following resolution:

Resolved, That so much of the message of his Excellency the Governor as relates to the construction of a Rail Road and Turnpike, flanking South Carolina from the head of tide water on Cape Fear, westward, be referred to the Committee on Internal Improvements, with instructions to inquire into the expediency of making an appropriation for a survey to ascertain the practicability of said Road; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, proposing that the two Houses vote on Tuesday next at 11 o'clock for Attorney General; and that James Iredell and John R. J. Daniel are in nomination for that office; which was read and agreed to.
On motion of Mr. Moore, Hugh McQueen was added to the nomination for the appointment of Attorney General—and the House of Commons was informed thereof by message.

Whereupon Messrs. Orr and Montgomery were appointed to superintend the election for Attorney General; and the House of Commons was informed thereof by message.

The Senate took up for consideration the bill entitled a bill to locate the Judges of the Superior Courts within the several Judicial Districts; which was read the third time and passed, yeas 34, nays 12. The yeas and nays were demanded by Mr. Morehead.

Those who voted in the affirmative, were


Those who voted in the negative, were

MESSRS. Albright, Dockery, Hellen, Melchor, Mitchell, Morehead, Myers, Orr, Parks, Ribelin, Worth—12.

The bill was then ordered to be engrossed.

Mr. Mitchell presented a bill entitled a bill to protect the interest of lessors; which was read the first time and
passed; and, on motion of Mr. Clingman, was referred to the committee on the judiciary.

Received from the House of Commons a message, proposing to vote immediately for Solicitor of the 7th Judicial Circuit; which was read and agreed to.

On motion of Mr. Mitchell, the name of Mr. Gaither was withdrawn from the nomination for the appointment of Solicitor for the 7th Judicial Circuit; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Worth and Hill form our branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Brummell and Stallings form their branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit; and that the name of William E. Mills is withdrawn from the nomination.

The Senate then voted as follows:

FOR MR. BNUM,

Messrs. Speaker, Messrs. Montgomery,
Albright, Morehead,
Bond, Moye,
Clingman, Myers,
Dockery, Parks,
Faison, Ribelin,
Gaither, Selby,
Hargrave, Shepard,
Hellen, Speed,
Melchor, Spiers,
Mitchell, Spruill,
Moore, Worth—24.

FOR MR. GWYNN,

Messrs. Arrington, Messrs. McDiarmid,
Cooper, Orr,
Edwards, Pasteur,
Etheridge; Pollock,
Exum, Reid,
Hawkins, Sloan,
Hill, Ward,
Houlder,  Whitfield,
Kerr,      Whitaker,
Larkins,  Williams,
Melvin,   Wilson—22.

Mr. Morehead presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws of partition, so as to authorize Courts of Equity to decree moneys arising from the sale of lands of infants and feme coverts, to be paid over to guardians and husbands, as personal estate, when the sums decreed to be paid over shall not exceed a certain sum; and that said committee have leave to report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, proposing that the resolutions assigning the rooms in the capitol and for other purposes, therewith transmitted to the Senate, reported from the Joint Select Committee raised to assign the rooms in the capitol, be re-committed; and that the committee be enlarged by adding three from each House; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Morehead, Bond and Williams are added on our part to the Joint Select Committee to whom has been re-committed the resolutions in relation to assigning the rooms in the capitol—and the House of Commons was informed thereof by message.

Mr. Hellen presented the following resolution, to wit:

Resolved, That the Librarian be directed to prepare a catalogue of the Books in the State Library and Executive Office; and that the same be printed and distributed as other public documents.

Which was read and adopted.

Mr. Shepard presented the petitions of sundry citizens on Albemare Sound, praying the Legislature that no further legislative action should be had on their fisheries; which were, on motion of Mr. Shepard, referred so the committee raised on the subject of the petitions.
Mr. Worth, from the joint select committee appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that Mr. Bynum having received a majority of the whole number of votes given, was duly elected—in which report the Senate concurred.

The Senate took up for consideration the bill entitled a bill fixing the price hereafter to be paid to the State for vacant lands; which was read the second time and rejected.

Mr. McDiarmid presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws respecting vagrants, so as to substitute some other punishment for hiring; and to prohibit the hiring of any white person for any offence whatsoever—and that they report by bill or otherwise.

Which was read and adopted.

Mr. Spruill presented a bill "entitled a bill to prevent the issuing of writs of capias ad satisfaciendum in certain cases;" which was read the first time and passed, and, on motion of Mr. Spruill, was referred to the Committee on the Judiciary.

Mr. Clingman presented the following resolution:

Resolved, That the Governor be authorised to employ counsel to defend the titles of the purchasers of the lands in Cherokee county, who have been or may be sued by persons claiming Indian reservations; and that he be also authorised to employ an agent to collect evidence in behalf of those claiming under the State; and that he be empowered to draw from the Treasury such sum of money as he may deem necessary.

Which was read the first time and passed.

The Speaker announced to the Senate that Messrs. Speed and Ward form the committee to tender to the College of Electors to vote for President and Vice President of the United States, the Senate Chamber in which to hold their session, under the resolution adopted on this subject.
On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, ten o’clock.

Tuesday, Dec. 1, 1840.

Mr. Moye presented the memorial and documents of James Harper, contesting the seat of James B. Whitfield, Senator of the 17th Senatorial District; which were read, and, on motion of Mr. Moye, referred to the Committee on Privileges and Elections.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred a bill to exempt all white males who have not attained to the full age of twenty-one years, from military duty, except in cases of insurrection and invasion, reported the same without amendment, and recommended its rejection; which was read the second time. Mr. McDiarmid proposed an amendment thereto. On motion of Mr. Wilson, the bill and amendment were ordered to lie on the table.

Mr. Clingman, from the Joint Select Committee on Cherokee Lands, to whom was referred the bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee, reported the same with an amendment; which was read, and on motion of Mr. Bynum, ordered to lie on the table.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred a resolution instructing them to inquire into the expediency of compelling militia officers to hold their commissions four years, and exempting them from military duty thereafter, reported a bill entitled a bill to compel the militia officers to hold their commissions three years; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Hoke, Moore, J. P. Caldwell, J. Walker and Wadsworth, form their branch of the committee on the suspension of specie payments by the Banks, &c.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill to authorise Isaac Baxter, late sheriff of the county of Currituck, to collect the ar-
rears of taxes due him in said county, reported unfavorably to the passage of the bill, and recommended its rejection; which was read the second time, and rejected accordingly.

Mr. Shepard introduced a bill entitled a bill to purchase a library; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. McClenehan and Munroe form their branch of the committee to superintend the election of Attorney General; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,  
Cooper,  
Edwards,  
Etheridge,  
Exum,  
Hargrave,  
Hawkins,  
Hill,  
Reid,  
Ward,  
Whitfield,  
Houlder,

MESSRS. Kerr,  
Larkins,  
Melvin,  
McDiarmid,  
Orr,  
Pasteur,  
Pollock,  
Sloan,  
Whitaker,  
Williams,  
Wilson—23.

FOR MR. IREDELL,

MESSRS. Speaker,  
Bond,  
Clingman,  
Faison,

MESSRS. Gaither,  
Morehead,  
Spiers—7.

FOR MR. McQUEEN,

MESSRS. Albright,  
Dockery,  
Hellen,  
Melchor,  
Moore,  
Montgomery,  
Moye,  
Myers,

MESSRS. Parks,  
Ribelin,  
Selby,  
Shepard,  
Speed,  
Spruill,  
Worth—15.
Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolutions, to wit: A bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.; resolution authorising the removal of the map of the Cherokee lands from the county of Macon to the county of Cherokee; resolution for the relief of Thomas Faison and others; in which they ask the concurrence of the Senate.

The above named bill was read the first time and passed. The first resolution was read the first time and passed; and the last named resolution was read the first time and passed, and, on motion of Mr. Morehead, referred to the Committee on Propositions and Grievances.

Mr. Orr, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Albright presented the following resolution, to wit:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of amending the law concerning guardians and their securities, so as to release guardian's securities from liability for their bonds after the Court may have ordered the funds to be removed into other hands, and the same having been done; and that they report by bill or otherwise.

Which was read and adopted.

The Senate took up for consideration the bill, entitled "a bill to alter the time of holding the County Courts of Lincoln," which was, on motion of Mr. Bynum, ordered to lie on the table.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Attorney General.
Mr. Mitchell, from the Committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of legislative provisions to prevent the betting on elections, reported a bill entitled a bill to prevent betting on elections; which was read the first time and passed.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the law so as to make compensation to jurors summoned to lay off and assign dower to widows, reported that it was inexpedient to legislate on the subject; in which report the Senate concurred.

The Speaker announced to the Senate, that Mr. Spruill is appointed teller on the part of the Senate to make a list of the votes as they shall be declared, given at the late election for Governor of this State—and the House of Commons was informed thereof by message.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the pension certificate of Priscilla Goodwin, reported the following resolution, to wit:

Resolved, That sixty dollars a year, for the years 1839 and 1840, the sum heretofore allowed Priscilla Goodwin, in pursuance of the certificates of the County Court of Perquimans, be allowed said Priscilla, out of any money in the Treasury not otherwise appropriated.

Which was read the first time and passed.

Received from the House of Commons a message, agreeing to vote again immediately for Attorney General, and stating that Messrs. Brower and Howerton form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Williams and Reid form our branch of the committee to superintend the election for Attorney General—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arington, Cooper, Edwards, Etheridge,

MESSRS. McDiarmid, Orr, Pasteur, Pollock,
FOR MR. IREDELL,

MESSRS. Speaker,  
Bond,  
Clingman,  
Paison,  
Reid,  
Sloan,  
Ward,  
Whitaker,  
Whitfield,  
Williams,  
Wilson—22.

FOR MR. McQUEEN,

MESSRS. Albright,  
Bynum,  
Dockery,  
Moore,  
Montgomery,  
Myers,  
Parks,  
Hargrave,  
Messrs. Gaither,  
Morehead,  
Moye,  
Spiers—8.

Mr. Mitchell voted for Mr. B. F. Moore.

Mr. Pasteur presented the following resolutions:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of amending the 51st section of the Militia Law, as regards the number requisite to constitute a volunteer company.

Resolved, That so much of the message of his Excellency the Governor as relates to an Arsenal at Newbern, be referred to the Committee on Military Affairs.

Which were read and adopted.

Mr. Reid, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Reid,
Ordered, That a message be sent to the House of Commons, proposing to vote again for Attorney General.

The Senate took up for consideration a resolution authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee county; which was read the second time, and on motion of Mr. Shepard, referred to the Committee on the Judiciary.

Mr. Speed introduced the following resolution:

Resolved, That the Committee on Privileges and Elections be instructed to inquire into the expediency of so amending the act providing for the appointment of electors for President and Vice President of the United States, as to compel the Governor to compare the returns from the several counties of the State, and issue his summons to the persons chosen as electors, at an earlier day than now required by the above recited act.

Which was read and adopted.

Received from the House of Commons a message, agreeing to vote again immediately for Attorney General; and that Messrs. Jacobs and J. Walker form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Moye and Pollock form our branch of the committee to superintend the election for Attorney General; and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

Mr. Gaither introduced a bill entitled a bill concerning clerks, sheriffs, and constables; which was read the first time and passed, and on motion of Mr. Gaither, referred to the Committee on the Judiciary.

On motion of Mr. Bynum, the Senate adjourned until to-morrow morning, ten o'clock.

Wednesday, December 2, 1840.

Mr. Whitfield introduced the petition of Jesse W. Moore, of Green county, praying the Legislature to compensate him for certain military service; which was read, and, on motion of Mr. Whitfield, referred to the Committee on Military Affairs.

Mr. Reid, from the Committee on Private Bills, to whom was referred the bill entitled a bill to incorporate the Concord Manufacturing Company, reported the bill to the Senate, and asked to be discharged from the further consideration of the subject. The bill was then ta-
Mr. Moye, from the joint select committee appointed to superintend the election for Attorney General, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

The Senate took up for consideration the resolution in favor of Priscilla Goodwin; which was read the second time and passed.

The Senate then took up for consideration the bill entitled a bill to prevent betting on elections; which was read the second time and postponed until to-morrow.

On motion of Mr. Spruill, the Senate adjourned until to-morrow morning, ten o’clock.

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Thursday, Dec. 3, 1840.

Received from the House of Commons a message, stating that Messrs. Moore, Spruill and Eaton are added to the committee heretofore raised to assign the rooms in the Capitol.

Received from the House of Commons a message, proposing that the report of the President of the Raleigh and Gaston Rail Road Company, therewith transmitted to the Senate, be printed; which was read and concurred in.

Received from the House of Commons a message, transmitting the Adjutant General’s report to the Senate, proposing to print it, and refer it to the Committee on Military Affairs; which was read and concurred in.

The Senate took up for consideration the bill, entitled a bill to incorporate the Concord Manufacturing Company; which was read the second time, and, on motion of Mr. Reid, amended and passed.

The Senate then took up for consideration, the resolution authorising the removal of the map of the Cherokee lands from the county of Macon to the county of Cherokee; which was read the second time and passed.

The Senate also took up for consideration the bill, entitled a bill to purchase a Library; which was read the second time and rejected.

Mr. Wilson moved that the vote on the above bill be re-
considered; which was agreed to. The bill was then read, and, on motion of Mr. Spruill, amended and passed—yeas 39—nays 8.

The yeas and nays were demanded by Mr. Houlder.

Those who voted in the affirmative, were

MESSRS. Albright, Arrington, Bond, Bynum, Clingman, Cooper, Dockery, Edwards, Etheridge, Faison, Gaither, Hargrave, Hawkins, Hellen, Hill, Johnson, Kerr, Larkins, Melchor, Mitchell,

MESSRS. McDiarmid, Montgomery, Moore, Morehead, Moye, Myers, Parks, Pastuer, Selby, Shepard, Sloan, Speed, Spiers, Spruill, Ward, Whitaker, Williams, Wilson, Worth—39.

Those who voted in the negative were,

MESSRS. Exum, Houlder, Melvin, Orr,

MESSRS. Pollock, Reid, Ribelin, Whitfield—8.

Mr. Hill introduced the memorial of the President and Directors of the Wilmington and Raleigh Rail Road Company, praying the Legislature to grant them a loan or the credit of the State for $300,000; which was read, and, on motion of Mr. Hill, referred to the committee on Internal Improvement.

The Senate took up for consideration the engrossed bill entitled a bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.; which was read the second time and passed.
The Senate then took up for consideration the resolution in favor of Priscilla Goodwin; which was read the third time and passed, and ordered to engrossed.

The Senate also took up for consideration the bill, entitled a bill to prevent betting on elections; which was read the third time, and, on motion of Mr. Morehead, amended and passed—yeas 29, nays 16. The yeas and nays were demanded by Mr. Williams.

Those who voted in the affirmative, were,

MESSRS. Albright, MESSRS. Moye, Arrington, Myers,
Bond, Orr,
Bynum, Parks,
Dockery, Pasteur,
Edwards, Pollock,
Faison, Selby,
Gaither, Speed,
Hargrave, Spiers,
Hawkins, Spruill,
Hellen, Whitaker,
Larkins, Whitfield,
Mitchell, Wilson,
Moore, Worth—29.
Morehead,

Those who voted in the negative, were

MESSRS. Cooper, MESSRS. Melvin,
Etheridge, McDiarmaid,
Exum, Montgomery,
Hill, Reid,
Houlder, Ribelin,
Johnson, Sloan,
Kerr, Ward,
Melchor, Williams—16.

Ordered that said bill be engrossed.

On motion of Mr. Cligman, the Senate took up for consideration the bill, entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was read the second time and amended, on motion of Mr. Cligman, and, on motion of Mr. Shepard, postponed until Tuesday next.

Received from the House of Commons a message, pro-
posing that the two Houses vote immediately for Attorney General; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Pollock and Faison form our branch of the committee to superintend the election for Attorney General—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Russell and Thomson form their branch of the committee to superintend the election for Attorney General—and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

**FOR MR. DANIEL,**

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**FOR MR. McQUEEN,**

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**FOR MR. IREDELL,**

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<td>Faison,</td>
<td>Spiers—8.</td>
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Mr. Mitchell,

Mr. Shepard introduced a memorial of sundry citizens of the county of Perquimons, praying the Legislature to restrain by law, the common practice of retailing spiritous liquors; which was read, and on his motion, referred to the committee on the Judiciary.

Mr. Gaither introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the law that each Justice of Peace shall be provided with one copy of the first volume of the revised statutes of North Carolina, and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, proposing that the two Houses vote to-morrow, at half past ten o'clock, for Colonel Commandant of Cavalry attached to the 16th Brigade of Militia—and that Horace L. Robards is in nomination for the appointment; which was read and concurred in.

On motion of Mr. Moorehead, the Senate adjourned until to-morrow morning, ten o'clock.

FRIDAY, DECEMBER 4, 1840.

Received from the House of Commons a message, stating that Messrs. Allen, Mills and Munday form their branch of the committee in connexion with the Joint Select Committee on the title to Swamp Lands, to whom is referred the message of his Excellency the Governor, and the report of the President and Directors of the Literary Fund.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill concerning fine and costs,
reported the bill with an amendment; which was read and ordered to lie on the table.

Mr. Exum asked to be excused from serving on the Committee on Privileges and Elections; and he was excused accordingly.

The Speaker announced to the Senate that Messrs. Johnson and Kerr form our branch of the Committee to superintend the election of Colonel Commandant of the cavalry attached to the 16th Brigade of Militia—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Morris and Farrow form their branch of the committee to superintend the election of Colonel Commandant of cavalry attached to the 16th brigade of militia; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. ROBARDS,

MESSRS.
Speaker, Albright, Arrington, Bond, Clingman, Dockery, Etheridge, Edwards, Exum, Gaither, Hargrave, Hawkins, Hellen, Hill, Houlder, Johnson, Larkins, Melchor, Melvin, Mitchell, Morehead,

MESSRS.
Moore, Montgomery, Moye, Myers, Pasteur, Pollock, Puryear, Reid, Ribelin, Selby, Shepard, Sloan, Speed, Spiers, Spruill, Ward, Whitaker, Whitfield, Wilson, Faison, Worth—41.

FOR MR. OWEN,

MESSRS.
Cooper, Kerr, Williams—3.
Mr. Bynum—1.

Mr. Faison, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Attorney General.

Mr. Kerr, from the Joint Select Committee appointed to superintend the election for Colonel Commandant of cavalry attached to the 16th brigade of militia, reported that Mr. Robards, having received a majority of the votes given, was duly elected; in which report the Senate concurred.

Received from the House of Commons a message, agreeing to vote immediately for Attorney General; and that Messrs. Clegg and Killian form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Gaither and Reid form our branch of the committee to superintend the election for Attorney General—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington, Cooper, Etheridge, Exum, Hargrave, Hawkins, Hill, Houlder, Kerr, Larkins, Melvin,

Mr. Bynum presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law relating to witnesses in State Cases, as to provide, in all indictments for misdemeanors, the prosecutor shall not be entitled to any compensation for his attendance as witness.

Which was read and adopted.

Mr. Gaither, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the memorial of Thomas H. Blount, Collector of the customs at Washington, N.C., reported a bill entitled a bill to secure title to, and grant jurisdiction over, a tract of land on Body's Island to the United States, and recommended its passage; which was read the first time and passed.

The Senate took up for consideration the bill entitled a bill to incorporate the Concord Manufacturing Company; which was read the third time and passed, and ordered to be engrossed.
Also, the engrossed resolution authorising the removal of the map of the Cherokee lands from the county of Macon to the county of Cherokee; which was read the third time and passed, and ordered to be enrolled.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution respecting the sale of land held by tenants in common, reported a bill entitled a bill to provide for the distribution of the proceeds of land sold for partition in certain cases; which was read the first time and passed.

Mr. Bynum presented the memorial of the Raleigh and Gaston Rail Road Company, praying the Legislature to grant them such relief as they may deem sufficient and consistent with the interest of the State; which was read, and on motion of Mr. Bynum, referred to the Committee on Internal Improvement.

The Senate took up for consideration the bill entitled a bill to purchase a Library; which was read the third time, and on motion of Mr. Albright, amended and passed, and ordered to be engrossed.

Also, the bill entitled a bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.; which was read the third time, and on motion of Mr. Spruill, referred to the Committee on the Judiciary.

And the bill entitled a bill to compel militia officers to hold their commissions three years; which was read the second time, and ordered to lie on the table.

Received from the House of Commons the resignation of Charles R. Eaton, as Colonel Commandant of the cavalry attached to the 16th brigade of North Carolina militia; which was read and accepted.

Mr. Shepard presented a communication from the Hon. William Gaston, relative to repairing the statue of Washington; which was read, and on motion of Mr. Shepard, sent to the House of Commons, proposing to refer it to a Joint Select Committee of three on the part of each House.

Received from the House of Commons a message, stating that Messrs. Mendenhall and Reid form their branch of the Committee to superintend the making a list of votes given for Governor. The Commons are now ready to receive the Senate into their hall, that in General Convention of the Legislature they may execute the joint order heretofore agreed on to be done this day; which was read.
The Senate then repaired to the House of Commons.

The counting of votes according to the joint resolution of the two Houses having been concluded, Mr. Spruill, in behalf of the Tellers of both Houses, reported.

Mr. Speaker Joyner then made the following announcement, to wit:

_Gentlemen of the Senate and of the House of Commons:

The returns of votes given at the late election for Governor of this State, have been opened and published according to law, in the presence of a majority of the members of both Houses of the General Assembly. The Tellers appointed by the two Houses to examine the returns, and to make a list of the votes, have reported that forty-four thousand four hundred and eighty-four votes were given for Mr. John M. Morehead, of the county of Guilford, being the highest number given for any person; that thirty-five thousand nine hundred and three votes were given for Romulus M. Saunders; and that five hundred and twenty-five votes were given, in the county of Currituck, for R. M. Saunderson.

No objection having been made to the said report, I declare that John M. Morehead is duly elected Governor of the State of North Carolina for two years from the first of January next.

The following is a statement of the votes for Governor of the State, as reported by the Tellers of the two Houses:

<table>
<thead>
<tr>
<th>Counties</th>
<th>Morehead</th>
<th>Saunders</th>
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<tbody>
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Sampson, | 472 | 723
Stokes, | 1163 | 1190
Surry, | 1130 | 984
Tyrrell, | 422 | 44
Wake, | 1030 | 1157
Warren, | 88 | 705
Washington, | 379 | 95
Wayne, | 262 | 777
Wilkes, | 1434 | 128
Yancy, | 392 | 417

Upon the invitation of the Speaker of the Senate, the Senators returned to the Senate Chamber.

Then, on motion of Mr. Dockery, the Senate took up for consideration the bill entitled a bill to compel militia officers to hold their commissions three years; which was read the second time and passed.

On motion of Mr. Speed, the Committee of Privileges and Elections were permitted to sit during the sitting of the Senate.

On motion of Mr. Clingman, the Senate adjourned until to-morrow morning, ten o'clock.

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Saturday, Dec. 5, 1840.

Mr. Spruill presented the following resolution, to wit:

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

Which was read and adopted.

Mr. Wilson presented the following resolution, to wit:
Resolved, That the Governor be requested to report to this General Assembly, the whole amount of property received by the University of North Carolina, from its establishment in 1789, to this time—designating what kind of property received, whether of money, personal or real estate—from what source received, whether by subscription, legacy, donation or otherwise; and particularly, what amount and description of property received under the second section of said act, giving to said University "all the property that has heretofore or shall hereafter escheat to the State," and the expense incurred, and to whom paid, in managing, selling and collecting the funds arising therefrom—the number and condition of buildings erected—the number of Professors—and whether any addition is required to either; also, the amount of property or funds belonging to the University at this time.

Resolved further, That the Judiciary Committee inquire into the expediency of repealing the second section of the act giving to the University the property which may hereafter escheat to the State.

Which were read and adopted.

Mr. Wilson presented a bill entitled a bill concerning the Banks established, and those which may hereafter be established in this State; which was read the first time and passed, and on his motion, referred to the Committee on the Judiciary.

The Senate took up for consideration the bill entitled a bill to compel militia officers to hold their commissions three years; which was read the third time, and on motion of Mr. Morehead, amended and passed, and ordered to be engrossed.

On motion of Mr. Morehead, the Senate took up for consideration the bill concerning fines and costs. The amendment reported by the Committee on the Judiciary was adopted. The bill was then read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Attorney General; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Mitchell and Arrington form our branch of the committee to superintend the election of Attorney General; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stat-
ing that Messrs. J O'K. Williams and Brannoe form their branch of the committee to superintend the election for Attorney General; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington, Messrs. Orr,
Cooper, Pasteur,
Etheridge, Pollock,
Exum, Reid,
Hill, Sloan,
Houlder, Ward,
Johnson, Whitaker,
Kerr, Whitfield,
Melvin, Williams,

FOR MR. McQUEEN,

MESSRS. Albright, Messrs. Montgomery,
Bynum, Myers,
Dockery, Parks,
Hellen, Puryear,
Melchor, Ribelin,
Mitchell, Selby,
Moore, Shepard,
Morehead, Worth—16.

FOR. MR. IREDELL,

MESSRS. Speaker, Messrs. Moye,
Bond, Speed,
Clingman, Spiers,
Faison, Spruill—9.
Gaither,

Received from the House of Commons a message, proposing that the Standing Committee on Education of the two Houses be made a joint committee; which was read and concurred in.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of five on the part of each House, to inquire into the necessity of hold-
ing an extra session of the General Assembly, to legislate on the subject of the apportionment of representation in the General Assembly; under the amended Constitution of the State; and that they be instructed to report by resolution; which was read and agreed to.

Mr. Mitchell presented a bill entitled a bill to amend an act for the better regulation of the town of Wilkesboro; which was read the first time and passed, and on his motion, referred to the Committee on the Judiciary.

On motion of Mr. Clingman, the Senate took up for consideration the bill entitled a bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee; which was read the third time and passed, and ordered to be engrossed.

Mr. Mitchell, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Mitchell,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Attorney General.

Mr. Spruill presented the following resolution:

Resolved, That the Public Treasurer be directed to ascertain and report to this General Assembly the number of copies of the Revised Statutes now unsold; and at what places they are deposited for sale; the amount of the number of copies that have been sold; where, and at what prices; and what disposition has been made of the funds that have arisen from the sales of the Revised Statutes.

Which was read and adopted.

The Senate took up for consideration the bill, entitled a bill to secure title to, and grant jurisdiction over, a tract of land on Body's Island, to the United States; which was read the second time, and, on motion of Mr. Hellen, amended and passed.

Mr. Whitaker presented the following resolution: to wit:
Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law relative to the appointment of Coroners, as to raise their fees when called on to hold an inquest over a dead body; and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Morehead, the Senate took up for consideration the bill, entitled a bill to provide for the distribution of the proceeds of land sold for partition in certain cases; which was read the second time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote again immediately for Attorney General—and that John W. Covington and Herring form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Speed and Hill form our branch of the committee to superintend the election for Attorney General—and the House of Commons was informed thereof by message

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington, Cooper, Etheridge, Exum, Hill, Houlder, Johnson, Kerr, Melvin, Mitchell, Orr,


FOR MR. McQUEEN,

MESSRS. Albright, Dockery, Hellen, Melchor, McDiarmid, Moore, Morehead,

MESSRS. Myers, Parks, Puryear, Ribelin, Selby, Shepard, Worth—14.
On motion of Mr. Hellen, the Senate adjourned until Monday morning, ten o'clock.

MONEY, DECEMBER 7, 1840.

The Speaker announced to the Senate that Messrs. Shepard, Orr, Dockery, Clingman and Pasteur form the Joint Committee on the part of the Senate to inquire into the necessity of an extra session of the General Assembly. Mr. Reid is added to the committee of privileges and elections, in the place of Mr. Exum excused.

Mr. Spruill, from the Committee on Finance, to whom was referred a resolution instructing them to inquire into the expediency of amending the 9th section of the 23rd chapter of the Revised Statutes, concerning the Comptroller, reported a bill entitled a bill to repeal in part the 9th section of the 23rd chapter of the Revised Statutes concerning the Comptroller; which was read the first time and passed.

Mr. Speed, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions; in which they ask the concurrence of the Senate.

A bill to provide for the more convenient administration of justice in the counties of Warren and Franklin.

A bill for the more convenient administration of justice in the county of Burke.

Resolution concerning the apartments in the Capitol;
and a Resolution in favor of Robert Woodsides, Sheriff of the county of Brunswick.

The above named bills and resolutions were severally read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the communication from the Hon. William Gaston, on the subject of repairing the statue of Washington, to a Joint Select Committee of three on the part of each House; and that Messrs. H. C. Jones, Guthrie and Proctor form their branch of the committee.

Received from the House of Commons a message, stating that they have passed the engrossed bill to fix the location of the town of Hendersonville; in which they ask the concurrence of the Senate. The bill was read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a Joint Select Committee of one on the part of the Senate and two on the part of the House of Commons, to wait upon J. M. Morehead and inform him of his election as Governor of North Carolina, and to ascertain from him when it will suit his convenience to appear before the two Houses of this General Assembly and take the oaths of office; and that Messrs. Brummell and Cadwallader Jones form their branch of the committee.

The Speaker announced to the Senate that Mr. Spruill is appointed on the part of the Senate to wait on the Governor elect; and the House of Commons was informed thereof by message.

On motion of Mr. Clingman, Hugh Waddell, Senator elect for the county of Orange, appeared, produced his credentials, was qualified before the House, and took his seat.

Received from the House of Commons a message, transmitting to the Senate the message of his Excellency the Governor, and the communication from the Hon. George E. Badger, proposing to refer to a Joint Select Committee of four on the part of each House; which was read and concurred in.

The Senate took up for consideration the bill, entitled a bill to secure title to, and grant jurisdiction over, a tract of land on Body’s Island to the United States; which was read the third time and passed, and ordered to be engrossed.
And the bill entitled a bill concerning fines and costs; which was read the third time and passed, and ordered to be Engrossed.

Received from the House of Commons the resignation of Christian Sink, a Justice of the Peace for the county of Davidson; which was read and accepted.

The Senate took up for consideration the bill, entitled a bill to provide for the distribution of the proceeds of land sold for partition, in certain cases; which was read the third time, and, on motion of Mr. Morehead, postponed until to-morrow.

Mr. Spruill presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire and report what amendments are necessary to be made to the laws relating to the Sheriff’s returns of the Governor’s election.

Which was read and adopted.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill, entitled a bill to prevent the issuing of writs of capias ad satisfaciendum in certain cases, reported the bill to the Senate, and recommended its rejection. The bill was then read the second time, and on motion of Mr. Spruill, laid on the table.

On motion of Mr. Cooper, the Senate adjourned until to-morrow morning, ten o’clock.

Tuesday, Dec. 8, 1840.

The Speaker announced to the Senate, that Messrs. Shepard, Moore, and Kerr, form the Joint Select Committee on the part of the Senate to whom was referred the communication of Judge Gaston, relating to the statue of Washington.

Messrs. Waddell, Arrington, Clingman and Hill, form the Joint Select Committee on the part of the Senate, to whom is referred the communication of Geo. E. Badger; and the House of Commons was informed thereof by message.
Mr. Bynum presented depositions relative to the contested election of James B. Whitfield, which were on his motion, referred to the Committee of Privileges and Elections.

Mr. Morehead from the Committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the law relative to witnesses in State cases—reported unfavorably thereto; and asked to be excused from the further consideration of the resolution; which was read and concurred in.

Mr. Morehead from the same committee, to whom was referred the bill, entitled a bill concerning Clerks, Sheriffs, and Constables—reported the bill with an amendment; which was read and ordered to lie on the table.

Received from the House of Commons, a message transmitting to the Senate the statements from the Bank of the State of North Carolina, and from the Bank of Cape Fear, proposing to print; and to refer them to the Joint Select Committee to inquire into the suspension of specie payments by the Banks; which was read and agreed to.

Mr. Morehead from the Committee on the Judiciary, to whom was referred the bill, entitled a bill to protect the interest of lessors, reported the same to the Senate without amendment; which was read and ordered to lie on the table.

Mr. Morehead, from the same committee, to whom was referred the resolution relative to securities to guardian bonds, reported unfavorably thereto, and asked to be discharged from the further consideration of the subject; which was read and concurred in.

Mr. Morehead, from the same committee, to whom was referred the resolution authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee County, reported the same to the Senate with an amendment, and recommended its passage; which was read and ordered to lie on the table.

Mr. Morehead, from the same committee, to whom was referred the memorial of sundry citizens of Perquimons county, praying the Legislature to aid in suppressing the evil arising from the excessive use of ardent spirits, reported that the remedy to the evil arising from intoxication is to be found in a due and rigid enforcement of the laws now in force, and in the disapprobation and censure of the virtuous portion of society; which was read and concurred in.
Mr. Reid presented the following resolution:

Resolved, That the Committee on Military Affairs be requested to inquire into the expediency of amending the existing law in relation to volunteer companies; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating that they have passed the following engrossed bills:

A bill to lay off and establish a county by the name of Stanly; and a bill to establish a county by the name of Cleveland—in which they ask the concurrence of the Senate.

The first named bill was read the first time and passed, and made the order of the day for to-morrow.

The last named bill was read the first time and passed.

Mr. Spruill presented a communication from George Levy, relative to the Public Buildings; which was, on his motion, referred to the Committee on Public Buildings.

Mr. Dockery presented a bill, entitled a bill to amend an act in the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State; which was read the first time and passed. The Senate took up for consideration the following engrossed bills:

A bill to fix the location of the town of Hendersonville; and the bill to provide for the convenient administration of justice in the counties of Franklin and Warren; which were severally read the second time and passed.

The Senate then took up for consideration the bill entitled a bill to repeal in part the 9th section of the 23rd chapter of the Revised Statutes, concerning the Comptroller; which was read the second time and passed.

Mr. Spruill, from the Committee on Finance, reported a resolution in favor of the Public Treasurer; which was read the first time and passed. The report was read, and on motion of Mr. Morehead, ordered to be sent to the House of Commons with a proposition to print.

The Senate took up for consideration the following engrossed bill and resolution:

A bill for the more convenient administration of justice in the county of Burke; and a resolution in favor of Robert Woodsides, sheriff of the county of Brunswick; which were read the second time and passed. Also, the engross-
ed resolutions concerning the apartments in the Capitol; which were read the second time.

Mr. Spruill moved to strike out the 4th resolution, and insert in lieu thereof the following, to wit:

Resolved, That the two large rooms in the basement story, in the Northern wing of the Capitol, opposite the rooms assigned to the Secretary of State, be set apart and used as the Comptroller's Office.

Which was read and agreed to.

Mr. Spruill further moved to amend, by striking out the 10th resolution, and inserting in lieu thereof the following, to wit:

Resolved, That the room in the western projection, in the second story, be set apart and used as the room of the Engrossing Clerks; and that the corresponding room in the eastern projection, in the same story, be set apart and used as a committee room.

Which was read and also agreed to.

Mr. Spruill then moved to insert after the 11th resolution the following, to wit:

Resolved, That the room in the third story, in the western projection, be set apart and used as the Supreme Court room.

Which was read and agreed to.

The resolutions then passed as amended.

Received from the House of Commons a message, proposing to authorise the Joint Select Committee on the Banks of the State to employ a Secretary; which was read and not concurred in.

On motion of Mr. Moore, the vote on the report of the Judiciary Committee on the memorial of sundry persons from Perquimons county, praying the Legislature to aid in suppressing the evil arising from the excessive use of ardent spirits, was re-considered.

Mr. Shepard moved to re-commit the memorial to the same committee, with the following instructions, to wit:
That the committee be instructed to report a bill amending the law so as to authorise the Courts to imprison those persons who retail spiritous liquors without license; and to prohibit the recovery of any debts contracted for liquors less than five dollars.

Mr. Dockery moved the following as an amendment to the instructions, to wit:

And also to prohibit, under penalty of imprisonment, non-residents from selling less than a gallon.

Which was accepted.

On motion of Mr. Clingman, the motion to re-commit with instructions, and the report, were laid on the table.

The bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road, heretofore made the special order for this day, was taken up and read the second time.

Mr. Dockery addressed the Senate in opposition to the passage of the bill.

On motion of Mr. Clingman, the bill was postponed until to-morrow.

Mr. Moore presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so altering the existing laws as to enable a security to absolve himself from legal responsibility, if the obligee does not commence legal proceedings to collect the same within a certain time after notice to that effect by the security or his agent.

Which was read and adopted.

On motion of Mr. Whitaker, the Senate adjourned until to-morrow morning ten o'clock.

Wednesday, Dec. 9, 1840.

Received from the House of Commons a message, transmitting to the Senate the Report of the Joint Select Com-
mittee appointed to wait on John M. Morehead, and inform him of his election, &c.; which was read and concurred in.

Mr. Selby presented a memorial from sundry citizens of the county of Hyde, praying the Legislature to authorize Daniel Shaw and others to construct locks and gates on the canal leading from Mattamuskeet Lake; which was, on his motion, referred to the Committee on Propositions and Grievances.

On motion of Mr. Morehead, the Senate took up for consideration the bill entitled a bill to provide for the distribution of the proceeds of land sold for partition in certain cases; which was read the third time, and on motion of Mr. Mitchell, amended. Then, on motion of Mr. Morehead, the bill was postponed indefinitely.

Mr. Mitchell, from the Committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the law relative to the appointment of coroners, reported a bill entitled a bill to amend the law concerning the fees of coroners; which was read the first time and passed.

The Senate took up for consideration the following engrossed bills, to wit:

A bill to fix the location of the town of Hendersonville.

A bill to provide for the more convenient administration of justice in the counties of Warren and Franklin.

And a bill for the more convenient administration of justice in the county of Burke.

Which were severally read the third time and passed, and ordered to be enrolled.

The Senate took up the engrossed resolution in favor of Robert Woodsides, sheriff of the county of Brunswick; which was read the third time and passed and ordered to be enrolled.

The Senate then took up for consideration the bill entitled a bill to repeal in part the 9th section of the 23rd chapter of the Revised Statutes, concerning the Comptroller; which was read the third time and passed and ordered to be engrossed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Public Treasurer, and stating that Charles L. Hinton is in nomination for the appointment; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Pur-
year and Pollock form our branch of the committee to superintend the election for Public Treasurer—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Franklin and Burns form their branch of the Committee to superintend the election for Public Treasurer; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. HINTON,

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<tr>
<th>Messrs. Speaker,</th>
<th>Messrs. Moore,</th>
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<tr>
<td>Albright,</td>
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<td>Arrington,</td>
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<td>Melvin,</td>
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<td>Mitchell,</td>
<td>Williams,</td>
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<td>McDiarmid,</td>
<td>Worth—44.</td>
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Mr. Reid voted for Mr. B. B. Smith.

On motion of Mr. Cooper,

Ordered, That a message be sent to the House of Commons proposing to vote to-morrow at 12 o’clock for Attorney General.

Mr. Puryear, from the joint select committee appointed to superintend the election for Public Treasurer, reported that Mr. Hinton had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.
The Senate took up for consideration the engrossed resolutions concerning the apartments in the Capitol; which were read the third time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution:

A bill concerning pilots and commissioners of navigation for Cape Fear river.

Resolution in favor of Samuel Terry, Sheriff of Richmond county; in which they ask the concurrence of the Senate.

The bill and resolution were read the first time and passed.

Received from the House of Commons the resignation of William Robards as a Trustee of the University of North Carolina; which was read and accepted.

The Senate then took up for consideration the bill, entitled a bill to protect the interests of lessors, which was read the second time and passed.

Also the bill, entitled a bill concerning Clerks, Sheriffs and Constables, was taken up for consideration; which was read the second time—the amendment reported by the committee was agreed to—and, on motion of Mr. Bynum, ordered to lie on the table.

The Senate then took up for consideration the bill, entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was read the second time.

Mr. Shepard addressed the Senate in opposition to the passage of the bill.

On motion of Mr. Morehead, the bill was postponed until to-morrow.

Mr. Speed presented a petition from sundry citizens on Albemarle Sound, praying that the Legislature may not interfere with the fisheries on said Sound; which was, on his motion, referred to the committee raised on the subject of said fisheries.

Received from the House of Commons a message, proposing that the two Houses vote to-morrow at 11 o'clock for Comptroller; which was read and agreed to.

The Senate took up for consideration the engrossed bill, entitled a bill to lay off and establish a county by the name of Stanly; which was read the second time and postponed until to-morrow.
On motion of Mr. Speed, the Senate adjourned until to-morrow morning, ten o'clock.

THURSDAY, DEC. 10, 1840.

Mr. Clingman presented a memorial from J. R. Siler and D. R. Lowry, praying the Legislature to direct the Secretary of State to issue plot and certificate for an amended patent for No. 96, district 16; which was read, and, on his motion, referred to the Committee on Cherokee Lands.

Mr. Dockery, from the joint select committee on Military Affairs, to whom was referred a resolution instructing them to inquire into the expediency of amending the 51st section of the militia laws, as regards the number requisite to constitute a volunteer company, reported unfavorably to the resolution, and asked to be discharged from the further consideration of the subject. The committee was discharged accordingly.

Mr. Dockery, from the same committee, to whom was referred the bill, entitled a bill to incorporate a light artillery company in the town of Newbern, reported the same to the Senate, with amendments, and recommended its passage; which was read and ordered to lie on the table.

Received from the House of Commons a message, stating that Messrs. Hoke, Hill, Pope and J. B. Jones form their branch of the joint select committee on the communication from the Hon. George E. Badger.

Mr. Spruill, from the committee on Public Buildings and rebuilding the Capitol, reported the following bill and resolution: A bill making an appropriation for completing the capitol of the State, and for other purposes; and a resolution in favor of Thomas L. West; which were read the first time and passed.

On motion of Mr. Edwards, the report was ordered to be printed.

Received from the House of Commons a message, concurring in the proposition of the Senate, to vote at 12 o'clock for Attorney General; and that Messrs. Burns and Tomlinson form their branch of the committee to superintend the election.

The Senate took up for consideration the engrossed reso-
Mr. Dockery presented the following resolution:

Resolved, That the Public Treasurer pay to Mark H. Hill seven dollars and twenty cents, for carrying a writ of election to supply the vacancy occasioned in the Senate from the county of Orange, by the resignation of Willie P. Mangum.

Which was read the first time and passed.

The Senate took up for consideration a resolution in favor of the Public Treasurer; which was read the second time and passed.

Mr. Moore presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the 68th section of the Revised Statutes, chapter 162, as to require sheriffs to return to the Court of Pleas and Quarter Sessions a list of such taxes as they may have received on unlisted property, to be sworn to, and published by the clerk as other lists of taxes specified in said section are.

Which was read and adopted.

The bill concerning clerks, sheriffs and constables, was taken up and read, and, on motion of Mr. Cooper, ordered to lie on the table.

Mr. Ribelin presented the following resolution:

Resolved, That the Committee on Military Affairs, be instructed to inquire into the expediency of so amending the militia law, as to require Captains to drill their companies four times in each and every year; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. Holt and Whitehurst, form their branch of the committee to superintend the election of Comptroller; and that William F. Collins, is in nomination for the appoint-
ment of Comptroller; and that they will commence voting on return of the messenger.

The Speaker announced to the Senate, that Messrs. Ribelin and Williams form our branch of the committee to superintend the election for Comptroller; and the House of Commons was informed thereof by message.

On motion of Mr. Bynum,

Ordered, That a message be sent to the House of Commons, informing them that George Little is added to the nomination for the appointment of Comptroller.

The Senate then voted as follows to wit:

FOR MR. COLLINS,

MESSRS. Speaker,
Albright,
Bond,
Clingman,
Dockery,
Gaither,
Hargrave,
Hellen,
Hill,
Johnson,
Kerr,
Melchor,
Melvin,
Mitchell,
Morehead,
McDiarmid,

MESSRS. Moore,
Montgomery,
Moye,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Sloan,
Spruill,

Ward,
Williams,
Wilson,
Worth—31.

FOR MR. LITTLE,

MESSRS. Bynum,
Cooper,
Edwards,
Etheridge,
Faison,
Hawkins,
Houlder,
Larkins,

MESSRS. Orr,
Pasteur,
Pollock,
Speed,
Spiers,

Waddell,
Whitaker,
Whitfield—16.

Mr. Reid voted blank.

The Senate took up for consideration the bill to amend an act in the Revised Statutes, entitled an act to provide for the
collection and management of a revenue for this State; which
was read the second time and passed.

Mr. Williams, from the Joint Select Committee appointed
to superintend the election of Comptroller, reported that Mr.
Collins had received a majority of the votes given, and was
duly elected; in which report the Senate concurred.

The Senate took up for consideration the engrossed bill,
concerning pilots and commissioners of navigation for Cape
Fear River; which was, on motion of Mr. Larkins, laid on
the table.

The bill entitled a bill to protect the interest of lessors,
was taken up and read the third time, on motion of Mr.
Mitchell, amended and passed, and ordered to be engrossed.

The Senate took up for consideration the engrossed bill
entitled a bill to lay off and establish a county by the name
of Stanly; which passed the second reading, yeas 26; nays 21.

The yeas and nays were demanded by Mr. Reid

Those who voted in the affirmative, were

Messrs. Albright, Messrs. McDiarmid,
  Bynum, Moore,
  Clingman, Myers,
  Dockery, Orr,
  Gaither, Parks,
  Hargrave, Pasteur,
  Hill, Puryear,
  Johnson, Ribelin,
  Kerr, Selby,
  Melchor, Waddell,
  Mitchell, Ward,
  Morehead, Whitaker,

Those who voted in the negative, were

Messrs. Arrington, Messrs. Moye,
  Bond, Pollock,
  Cooper, Reid,
  Edwards, Shepard,
  Etheridge, Sloan,
  Faison, Speed,
  Hawkins, Spruill,
  Hellen, Whitfield,
  Houlder, Williams,
  Melvin,
Received from the House of Commons the resignation of John C. Wilson, a Justice of the Peace for the county of Duplin; which was read and accepted.

The report and instructions on the memorial of sundry citizens of Perquimons county, praying the Legislature to aid in suppressing the evil arising from excessive use of ardent spirits, heretofore laid on the table, was taken up; the motion to re-commit with instructions, was rejected.

Mr. Hellen presented a bill entitled a bill to alter the laws now in force relating to pilots, legally authorised by the commissioners of navigation for Ocracoke; which was read the first time and passed.

Mr. Hellen also presented a bill entitled a bill to add a part of Carteret county to Hyde county; which was read the first time and passed.

The Speaker announced to the Senate that Messrs. Albright and McDiarmid form our branch of the committee to superintend the election for Attorney General; and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

**FOR MR. DANIEL,**

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<tr>
<th>Messrs.</th>
<th>Arrington, Cooper, Edwards, Etheridge, Hargrave, Hawkin's, Hill, Houlder, Kerr, Larkins, Melvin,</th>
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**Messrs. McDiarmid, Orr, Pasteur, Pollock, Reid, Sloan, Ward, Whitaker, Whitfield, Williams, Wilson—22.**

**FOR MR. McQUEEN,**

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<th>Messrs.</th>
<th>Albright, Bynum, Dockery, Hellen, Johnson, Melchor, Mitchell, Moore, Morehead, Montgomery,</th>
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**Messrs. Moye, Myers, Parks, Puryear, Ribelin, Selby, Shepard, Spruill, Worth—19.**
FOR MR. IREDELL,

MESSRS. Speaker, Messrs. Faison,
Bond, Gaither,
Clingman, Waddell—6.

The Senate took up for consideration the resolutions, authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee County; the amendment was agreed to. The bill then passed the second reading as amended.

The Senate then proceeded to the order of the day, and took up for consideration, the unfinished business of yesterday, to-wit: The bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike road; which was debated by Messrs. Clingman and Shepard.

And on motion of Mr. Morehead, the further consideration of the bill was postponed until to-morrow.

Then on motion of Mr. Morehead, the Senate adjourned until to-morrow morning, ten o'clock.

FRIDAY, DECEMBER 11, 1840.

Mr. Hill presented the resignation of Jeremiah Pearsall, a justice of the peace for the county of Duplin; which was read and accepted, and sent to the House of Commons.

Mr. Moore, from the committee of Propositions and Grievances, to whom was referred the engrossed resolution for the relief of Thomas Faison and others, reported the same to the Senate without amendment, and recommended its adoption; which was read and ordered to lie on the table.

Mr. Albright, from the joint select committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Attorney General; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Myers and Reid form our branch of the committee to superintend
the election for Attorney General—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. McClenehan and Morrow form their branch of the committee to superintend the election for Attorney General; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

**FOR MR. DANIEL,**

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<th>For Mr. Daniel</th>
<th>For Mr. McQueen</th>
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**FOR MR. IREDELL,**

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<th>Messrs. Speaker, Bond—2.</th>
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Mr. Spiers voted for Mr. B. F. Moore.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution requiring them to
inquire into the expediency of amending the laws respecting vagrants, reported that they deemed it inexpedient to legislate on the subject, and asked to be discharged from the further consideration thereof; which was read and ordered to lie on the table.

Mr. Morehead, from the same committee, to whom was referred the engrossed bill entitled a bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c., reported the same to the Senate with an amendment, and recommended its passage; which was read and ordered to lie on the table.

Mr. Moore, from the Joint Select Committee on a Lunatic Asylum, reported the following resolutions, to wit:

Resolved, That his Excellency, the Governor, together with shall be, and the same are hereby constituted a board, with full power and authority to purchase a lot of land in this State, and procure a deed thereof in the name of the State, which shall be an eligible site for a Lunatic Hospital; regard being had, in the selection of such site, to the centre of population, to the cheapness of labor and materials for the construction of said Hospital; and that said board appoint commissioners, who shall cause to be erected on said site a Hospital, suitable for the accommodation of a superintendent and lunatics, or persons furiously mad; and that said commissioners shall have power to make all necessary contracts for, and to appoint to superintend the erection of the same, on the most approved plan; and shall also ascertain and report to his Excellency, a system of discipline and government therefor, at or before the time when the same shall be completed—and said commissioners shall present all their accounts to the aforesaid board, to be by them audited and allowed as they shall deem just.

Resolved, That to defray the expenses of erecting said Hospital, his Excellency, the Governor, be, and he is hereby authorised to draw his warrant from time to time upon the Public Treasurer, for the necessary sums of money not exceeding

Which was read, and on motion of Mr. Moye, ordered that the report and resolutions be sent to the House of Commons, proposing that they be printed.
Mr. Reid, from the joint select committee appointed to superintend the election for Attorney General, reported that Mr. McQueen having received a majority of the votes given, was duly elected; in which report the Senate concurred.

The Senate took up for consideration the following bill and resolution:

A bill, entitled a bill to amend an act in the revised statutes, entitled an act to provide for the collection and management of a revenue for this State.

Resolution in favor of the Public Treasurer.

Which were read the third time and passed, and ordered to be engrossed.

Mr. Wilson presented the following resolution:

Resolved, That it be referred to the Committee on the Judiciary, to inquire into the expediency of passing a law to prevent the transportation of slaves, or free persons of color, on board steam boats, rail roads or stages, without written permission or parole testimony, under such guards as may be thought necessary; so as to prevent the escape of slaves under severe penalties.

Which was read and adopted.

The Senate then took up for consideration, the engrossed resolution in favor of Samuel Terry, Sheriff of Richmond county; which was read the third time and passed, and ordered to be enrolled.

The Senate also took up for consideration the engrossed bill, entitled a bill to lay off and establish a county by the name of Stanly; which was read the third time. Mr. Wilson moved that the bill be laid on the table; which was not agreed to: the bill was then rejected—yeas 21—nays 23.

The Speaker voted in the negative.

The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative were,

MESSRS. Albright, Messrs. Mitchell,
Bynum, Morehead,
Clingman, Montgomery,
Dockery, Myers,
Gaither, Orr,
Hargrave, Parks,
Hill, Puryear,
Johnson, Ribelin,
Kerr, Waddell,
Melchor, Ward,
McDiarmid, Whitaker,
Moore, Worth—24.

Those who voted in the negative were,

MESSRS. Arrington, MESSRS. Pasteur,
Bond, Pollock,
Cooper, Reid,
Edwards, Selby,
Etheridge, Shepard,
Faison, Speed,
Hawkins, Spiers,
Hellen, Spruill,
Houlder, Whitfield,
Larkins, Williams,
Melvin, Wilson—23.
Moye,

The Senate then proceeded to the orders of the day and took up for consideration the bill entitled a bill to authorize the construction of the Raleigh and Western Turnpike Road; which was, on motion of Mr. Morehead, postponed until to-morrow.

Mr. Mitchell presented the following resolution:

Resolved, That the committee on the capitol and public buildings be instructed to inquire into the application of twenty thousand dollars, borrowed by the commissioners for building of the capitol, of the State Bank; the nature and proper value of the work; and articles for which said money was paid, and the times when such labor was done, and articles purchased; also, the nature, description and proper value of the work and articles which are stated in the late report of said committee to constitute a just debt against the State of the amount of about $9,000; and the times when such labor was done and articles purchased.

Which was read and adopted.
On motion of Mr. Morehead, the Senate took up for consideration the bill entitled a bill concerning clerks, sheriffs and constables; which was, on motion of Mr. Cooper, laid on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill repealing the act relating to the public road in Buncombe county.

A bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and '39.

A bill authorising the Governor to appoint an agent in the county of Macon or Cherokee.

Also, a resolution in favor of Phillip Hodnet, late entry taker for the county of Caswell.

In which they ask the concurrence of the Senate.

Said bills were severally read the first time and passed; and the resolution in favor of Philip Hodnet, late entry taker for the county of Caswell, was read the first time and passed, and on motion of Mr. Edwards, referred to the Committee of Propositions and Grievances.

The Senate took up for consideration the bill entitled a bill to add a part of Carteret county to Hyde county; which was read the second time, and on motion of Mr. Edwards, laid on the table.

On motion of Mr. Bynum, the engrossed bill entitled a bill to establish a county by the name of Cleveland, was taken up and made the order of the day for Monday next.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

Saturday, Dec. 12, 1840.

Received from the House of Commons a message, proposing to vote on Tuesday at 12 o'clock, for Judge of the Superior Courts, in the place of R. M. Saunders resigned, and stating that Edward Hall and Matthias E. Manly are in nomination for the appointment; which was read and concurred in.

Received from the House of Commons a message, pro-
posing that Saturday the 19th instant, be set apart for the purpose of recommending Justices of the Peace for the several counties; which was read and agreed to.

The Senate took up for consideration the engrossed bill entitled a bill to amend an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and '39; which was read the second time, and on motion of Mr. Clingman, referred to the Committee on Private Bills.

Also, the engrossed bill entitled a bill repealing the act relating to the public road in Buncombe county; which was read the second time, and on motion of Mr. Spruill, referred to the Committee of Propositions and Grievances.

And the bill entitled a bill to alter the laws now in force relating to pilots legally authorised by the commissioners of navigation for Ocracoke; which was, on motion of Mr. Hellen, referred to the Committee of Propositions and Grievances.

On motion of Mr. Hellen, the Senate took up the bill entitled a bill to add a part of Carteret county to Hyde county; which was referred to the Committee of Propositions and Grievances.

The Senate then proceeded to consider the bill entitled a bill to amend the law concerning the fees of Coroners; which was read the second time and passed.

The engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee, was taken up and read the second time.

Mr. Edwards moved to amend the bill, by inserting after the word bonds, in the proviso of the second section, the following words: "and moneys received therefor."

Which was agreed to. The bill then passed as amended.

Mr. Hawkins moved that the vote by which was rejected the engrossed bill entitled a bill to lay off and establish a county by the name of Stanly, be re-considered.

Mr. Wilson moved that the motion to re-consider be laid on the table; which motion did not prevail. The motion to re-consider was then agreed to; and on motion of Mr. Hawkins, the bill was ordered to lie on the table.

The Senate took up for consideration the resolution in favor of Mark H. Hill; which was read the second time and passed.

Mr. Shepard presented a memorial of sundry citizens of North Carolina, praying that the Legislature will not in-
terfere with the right of fishing on the Albemarle Sound; which was, on his motion, laid on the table.

The Senate took up for consideration the order of the day, to wit, the bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was, after debate, on motion of Mr. Whitaker, laid on the table till Monday next.

Received from the House of Commons a message, proposing that the two Houses vote on Tuesday for Judge of the Superior Courts, in place of John D. Toomer—and that William H. Battle is in nomination for the appointment; which was read, and, on motion of Mr. Moore, laid on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution:

A bill to lay off and establish a county by the name of Union.

A resolution in favor of Isaac Hunter.

In which they ask the concurrence of the Senate.

Said bill was read the first time and passed—and the resolution was read the first time and passed; and, on motion of Mr. Edwards, referred to the Committee of Propositions and Grievances.

The engrossed bill concerning pilots and commissioners of navigation for Cape Fear river, was taken up, and, on motion of Mr. Albright, laid on the table.

Received from the House of Commons a message, stating that Augustus Moore is added to the nomination for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

Received from the House of Commons a message, proposing that the two Houses vote on Monday next for eight Trustees of the University of North Carolina—and that Weston R. Gales, John A. Mebane, William H. Hardin, John H. Haughton, George C. Mendenhall, John C. Williams, Morris Q. Waddell, Jonathan Worth, Cadwallader Jones, Jr., Patrick H. Winston, Bartholomew P. Moore, William A. Wright, Richard Hines and Hamilton C. Jones are in nomination; which was read and concurred in.

Received from the House of Commons a message, proposing that the two Houses vote on Wednesday next for Counsellors of State—and that John A. Anderson of Hertford, Henry I. Toole of Beaufort, Allen Goodwin of Chat-
ham, Willie Perry of Franklin, Andrew Bowman of Stokes, Johnston Busbee of Wake, Alfred Moye of Pitt, Edmund Bryan of Rutherford, Thomas McGee of Person, John B. Troy of Randolph, Isaac T. Avery of Burke, Colin W. Barnes of Northampton, James P. Leak of Richmond are in nomination; which was read and agreed to.

On motion of Mr. Spruill, the Senate adjourned until Monday morning, ten o'clock.

Monday, Dec. 14, 1840.

Received from the House of Commons a message, proposing to vote immediately for Colonel of Cavalry attached to the 5th brigade and 7th division of militia to fill the vacancy occasioned by the death of Matthew Calvert; and that Samuel B. Spruill is in nomination for the appointment; which was read, and on motion of Mr. Wilson, laid on the table.

Mr. Spruill, from the Committee on Public Buildings, to whom was referred the resolution instructing them to inquire into the application of £20,000, borrowed by the Commissioners for re-building the capitol, of the Bank of the State; the nature and proper value of the work and articles for which said money was paid, and the times when such labor was done, and articles purchased, reported thereon; which was read, and on motion of Mr. Arrington, sent to the House of Commons, proposing that the report be printed.

Mr. Morehead presented a bill entitled a bill to incorporate the Greensborough Guards, in the county of Guilford; which was read the first time and passed, and on his motion, referred to the Committee on Military Affairs.

The resolution in favor of Mark H. Hill was taken up and read the third time and passed, and ordered to be engrossed.

The Senate then took up for consideration the engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee; which was, on motion of Mr. Moore, ordered to lie on the table.

The bill entitled a bill to amend the law concerning the fees of Coroners, was taken up and read the third time and passed, and ordered to be engrossed.
Mr. Clingman presented a bill entitled a bill giving the county of Cherokee a Superior Court of Law and Equity; which was read the first time and passed.

Received from the House of Commons a message, transmitting to the Senate a communication from his Excellency the Governor; and proposing to refer Ist, So much as relates to Cherokee Lands, to the Joint Select Committee on Cherokee Lands. 2nd. So much as relates to the Vermont Resolutions, to a Joint Select Committee to be raised for that purpose. And 3rd. So much as relates to the Governor's residence, to a Joint Select Committee to be raised for that purpose.

Which was read and concurred in.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to locate the Judges of the Superior Courts within the several Judicial Circuits.

Received from the House of Commons a message, stating that Henry I. Toole is in nomination for Trustee of the University, and not for Counsellor of State, as heretofore, by mistake, communicated to the Senate, and that B. S. Gaither is in nomination for Trustee of the University; Michael Holt, of Orange, and John McIntire of Rutherford, are in nomination for Counsellors of State; and that Alfred Moe, of Pitt, and Edmund Bryan, of Rutherford, are withdrawn from the nomination for Counsellors of State.

Received from the House of Commons a message, transmitting to the Senate a memorial from sundry citizens of Wake county on the subject of emancipation; which was read and on motion of Mr. Edwards, referred to the Committee on Propositions and Grievances.

Mr. Clingman presented a bill entitled a bill giving the county of Henderson a Superior Court of Law and Court of Equity; which was read the first time and passed.

Mr. Hellen presented a memorial from the branch pilots for the inlet at Ocracoke and the Sound and Rivers connected therewith, praying the Legislature to inquire into the law regulating piloting in and out at Ocracoke Inlet, as well as the Sounds and Rivers connected with it; which was, on motion of Mr. Hellen, referred to the Committee of Propositions and Grievances.

Received from the House of Commons a message, stating that Messrs. Pope and Huggins form their branch of
the committee to superintend the election of eight Trustees of the University; and that they will commence voting on return of the messenger.

On motion of Mr. Mitchell,

Ordered, That a message be sent to the House of Commons, informing them that Matthew R. Moore is added to the nomination for Trustee of the University.

The Speaker announced to the Senate that Messrs. Mitchell and Orr form our branch of the committee to superintend the election for eight trustees of the University—and the House of Commons was informed thereof by

message.

The Senate then voted as follows, to wit:

FOR MR. MENDENHALL,

MESSRS. Bond, Hargrave, Hellen, Melchor, Mitchell, Moore, Morehead, Montgomery,

MESSRS. Moye, Myers, Pasteur, Pollock, Ribelin, Selby, Whitaker—15.

FOR MR. WILLIAMS,

MESSRS. Albright, Arrington, Bynum, Clingman, Cooper, Dockery, Edwards, Etheridge, Exum, Hill, Kerr, Larkins, Melchor, Melvin, Mitchell, McDiarmid, Montgomery,

MESSRS. Moye, Myers, Orr, Parks, Pasteur, Pollock, Puryear, Reid, Ribelin, Selby, Sloan, Ward, Whitaker, Whitfield, Williams, Wilson—33.
FOR MR. WADDELL,

MESSRS. Albright, Bond, Bynum, Dockery, Etheridge, Exum, Faison, Hawkins, Hellen, Hill,

MESSRS. Montgomery, Myers, Parks, Pasteur, Puryear, Ribelin, Speed, Spiers, Williams, Wilson—20.

FOR MR. WORTH,

MESSRS. Speaker, Arrington, Bond, Bynum, Clingman, Cooper, Dockery, Edwards, Etheridge, Exum, Hargrave, Hawkins, Hellen, Melchor, Mitchell, McDiarmid, Moore,

MESSRS. Morehead, Montgomery, Moye, Myers, Orr, Parks, Pasteur, Pollock, Puryear, Reid, Ribelin, Selby, Spruill, Ward, Whitaker, Whitfield, Wilson—34.

FOR MR. CADWALLADER JONES,

MESSRS. Speaker, Arrington, Bynum, Clingman, Cooper, Dockery, Edwards, Etheridge, Exum, Faison,

MESSRS. Melvin, McDiarmid, Orr, Pasteur, Pollock, Puryear, Reid, Sloan, Speed, Spiers,
JOURNAL OF THE SENATE.


FOR MR. WRIGHT,


FOR MR. GAITHER,


FOR MR. B. F. MOORE,

MESSRS. Speaker, Albright, Bond, Clingman, Faison, Hellen, Mitchell, Moore, Morehead, Moye, Orr, Selby, Speed, Spiers, Spruill, Williams—16.
FOR MR. M. R. MOORE,

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<th>Messrs Speaker,</th>
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FOR MR. WINSTON,

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FOR MR. GALES,

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FOR MR. MEBANE,

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FOR MR. HAUGHTON,

MESSRS. Albright,
Spruill—2.

FOR MR. ANDERSON,

MESSRS. Kerr,
Larkins—2.

FOR MR. TOOLE,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hargrave,
Hawkins,
Hill,
Kerr,
Larkins,
Melvin,
McDiarmid,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Speed,
Spruill,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—25.

FOR MR. REID,

MESSRS. Kerr,
Larkins,

MESSRS. Sloan,
Ward—4.

FOR MR. WARD,

MESSRS. Kerr,
Larkins,
Sloan—3.

FOR MR. ARRINGTON,

MESSRS. Kerr,
Larkins,
Sloan—3.

FOR MR. B. C. POPE,

Mr. Melvin—1.
The Senate took up for consideration the engrossed bill, entitled a bill concerning pilots and commissioners of navigation for Cape Fear river; which was read the second time, and, on motion of Mr. Worth, referred to a select committee of three.

The Senate then proceeded to the orders of the day, and took up the bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was, on motion of Mr. Moore, ordered to lie on the table.

And the engrossed bill entitled a bill to establish a county by the name of Cleveland; which was read the second time, and, on motion of Mr. Speed, ordered to lie on the table.
Mr. Hellen presented a bill entitled a bill to alter the time of holding the Fall Term of the Superior Courts of Law and Equity for the counties of Hyde, Beaufort, Lenoir, Greene, Wayne, Duplin, Jones, Onslow, Craven and Carteret; which was read the first time and passed.

Mr. Waddell presented the following resolutions:

Resolved, That to the successful development of the resources of North Carolina, a system of Internal Improvement, which shall unite all the leading interests of the State, is indispensable.

Resolved, As the basis of any well devised scheme of improvement, the Legislature regard the re-opening of Roanoke Inlet as an object of paramount importance, essential not merely to the prosperity of North Carolina, but an object of great national interest.

Resolved, That secondary in importance only to this great object, to the successful accomplishment of which the national resources are alone competent, the Wilmington and Raleigh Rail Road constitutes the proper base line of a system of Internal Transport; and that the union of the Raleigh and Gaston Road with this great channel of travel and trade, is of vital importance to the ultimate success of both works.

Resolved, That to make the State one in interest and in feeling, and to distribute with any equality the benefits of improvement, the western section of North Carolina, in which resources are abundant, but transport difficult, should be united with the eastern avenues to commerce, by the immediate construction of Turnpike or McAdamised Roads.

Resolved, That to sustain and insure the permanency of the works already executed, and to provide for the completion of the system contemplated by the foregoing resolutions, the following appropriation of the available funds of the State should be made:

1st. To aid the credit of the Wilmington and Raleigh, and the Raleigh and Gaston, Rail Road Companies, the floating capital of the State, under the control of the Board of Internal Improvement and the Literary Fund, shall be invested in bonds to be hereafter issued by said companies, and endorsed by the State.

2nd. That the proceeds of the Cherokee Lands which have accrued, or shall hereafter accrue, together with the in-
terest arising from the bonds to be issued by the Rail Road Companies, as herein proposed, shall be specially appropriated to the construction of a Turnpike or McAdamised Road, from the city of Raleigh to the West, with such lateral branches as may be deemed necessary.

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

Mr. Mitchell, from the Joint Select Committee appointed to superintend the election of eight Trustees of the University of North Carolina, reported that Messrs. Gai ther, Mendenhall, B. F. Moore, Cadwallader Jones, Jr., Williams, Worth, Gales and Winston, having each received a majority of the votes given, were duly elected; in which report the Senate concurred.

Mr. Dockery gave notice to the Senate that he would, on to-morrow, move to amend the rules of order for the government of the Senate.

On motion of Mr. Hellen, the Senate adjourned until to-morrow morning ten o'clock.

Tuesday, December 15, 1840.

The Speaker announced to the Senate that Messrs. Hellen and Pasteur form our branch of the committee to superintend the election for Judge of the Superior Courts of Law and Equity, in place of R. M. Saunders resigned; and that Messrs. Faison and Sloan form our branch of the committee to superintend the election for Counsellors of State; and the House of Commons was informed thereof by message.

Mr. Pasteur presented the Report of the Merchant's Bank of Newbern; which was read, and on motion of Mr. Wilson, ordered to be printed.

Mr. Reid, from the Committee on Private Bills, to whom was referred the bill entitled a bill to incorporate the North Carolina Mining and Manufacturing Company, reported the same to the House and asked to be discharged from the further consideration of the subject; which was read and concurred in; and on motion of Mr. Bynum, the bill was referred to the Committee on the Judiciary.
Mr. Wilson presented a bill entitled a bill to incorporate the Trustees of Hopewell Academy, near Stantonsburgh, in Edgecomb county; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills:

A bill to amend an act passed in the year 1829, entitled an act to authorize the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of erecting thereon a Poor House for the accommodation of the poor of said county, and for other purposes.

A bill to change the time of holding the Courts of Pleas and Quarter Sessions of Camden county.

A bill to amend an act entitled an act passed in the year 1818, entitled an act to authorize the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of erecting thereon a Poor House for the accommodation of the poor of said county, and for other purposes.

A bill concerning jurors in Yancy county.

Also, a resolution in favor of the executor of B. Daniel. In which they ask the concurrence of the Senate.

Said bills and resolution were severally read the first time and passed.

Received from the House of Commons a message, stating that they do not concur in the amendments proposed by the Senate to the engrossed resolutions concerning the apartments in the capitol; which was read, and on motion of Mr. Spruill, ordered that a message be sent to the House of Commons, informing them that the Senate insist on their amendments.

Received from the House of Commons a message, concurring in the proposition of the Senate to print the report of the Committee on Public Buildings.

The Senate took up for consideration the following bills, to wit:

A bill giving to the County of Cherokee a Superior Court of Law and Equity.

And a bill giving to the county of Henderson a Superior Court of Law and Court of Equity.

Which were read the second time and passed.

On motion of Mr. Gaither, the bill entitled a bill concerning clerks, sheriffs and constables, was taken up and read the second time and passed.

The engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee, was taken up, and on motion of Mr. Moore, postponed until to-morrow.
The Senate then proceeded to consider the bill entitled a bill to alter the time of holding the Fall Term of the Superior Courts of Law and Equity for the counties of Hyde, Beaufort, Lenoir, Green, &c., which was, on motion of Mr. Hellen, ordered that a message be sent to the House of Commons, proposing to refer it to the members from the counties mentioned in the bill.

The engrossed resolution for the relief of Thomas Faison and others was taken up and read the second time and passed.

The Speaker announced to the Senate that Messrs. Worth, Albright and Larkins form the Joint Committee on the part of the Senate to whom is referred the bill concerning pilots and commissioners of navigation for Cape Fear River.

Messrs. Gaither and Wilson are appointed the Committee on Enrolled Bills the present week.

Messrs. Waddell, Edwards and Parks form the Committee on the resolutions of the State of Vermont.

And that Messrs. Mitchell, Hawkins and Moore form the Committee on the Governor's residence—and the House of Commons was informed thereof by message.

The report of the Committee on the Judiciary on the resolution relative to vagrants, was taken up, read, and concurred in; and the report of said committee on the engrossed bill entitled a bill giving longer time to register grants of land in this State, deeds of mesne conveyance and powers of attorney, &c. was taken up. The bill was read the third time and passed as amended.

Received from the House of Commons a message, stating that Messrs. Wm. B. Lane and Bryan form their branch of the Committee to superintend the election for Judge of the Superior Courts, in the place of R. M. Saunders, resigned; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. HALL,

MESSRS.  Speaker,
    Albright,
    Arrington,
    Bond,

MESSRS.  Morehead,
    Melchor,
    Melvin,
    McDiarmid,
Cooper,  
Edwards,  
Exum.  
Paison,  
Gaither,  
Hargrave,  
Hawkins,  
Houlder,  
Kerr,  
Larkins,  
Moore,  
Myers,  
Orr,  
Reid,  
Sloan,  
Ward,  
Whitaker,  
Williams,  
Wilson—27.

FOR MR. MANLY,

Messrs. Bynum,  
Hellen,  
Hill,  
Montgomery,  
Moye,  
Messrs. Pasteur,  
Pollock,  
Selby,  
Waddell,  
Whitfield—10.

FOR MR. MOORE,

Messrs. Clingman,  
Dockery,  
Etheridge,  
Johnson,  
Mitchell,  
Parks,  
Messrs. Puryear,  
Ribelin,  
Speed,  
Spiers,  
Spruill,  
Worth—12.

Received from the House of Commons a message, stating that Romulus M. Saunders is in nomination for Judge, to fill the vacancy occasioned by the resignation of John D. Toomer.

On motion of Mr. Edwards,

Ordered, That Mr. Albright have leave of absence from the service of the Senate, from and after Wednesday next, until Monday next.

Mr. Hellen, from the joint select committee appointed to superintend the election of Judge of the Superior Courts, to supply the vacancy occasioned by the resignation of R. M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Judge of the Su-
prior Courts, to supply the vacancy occasioned by the resignation of R. M. Saunders.

The Senate took up for consideration the bill, entitled a bill to exempt all persons under twenty-one years of age from performing Military duty; which was read the second time. The amendment proposed by Mr. McDiarmid was rejected. The question then recurred on the passage of the bill; which was decided in the negative—yeas 18—nays 28.

The yeas and nays were demanded by Mr. McDiarmid.

Those who voted in the affirmative were,


Those who voted in the negative were,

MESSRS. Albright, Clingman, Cooper, Dockery, Etheridge, Faison, Hargrave, Hellen, Hill, Larkins, Melchor, Mitchell, Morehead, Montgomery, MESSRS. Moye, Myers, Parks, Puryear, Reid, Ribelin, Selby, Sloan, Speed, Spruill, Waddell, Williams, Wilson, Worth—28 nays.

The Senate took up for consideration the bill entitled a bill to incorporate a Light Artillery Company in the town of Newbern; which was read the second time, and on motion of Mr. Dockery, amended and passed.

Mr. Hawkins, from the Committee on Internal In-
provement, to whom was referred the memorial of the Raleigh and Gaston Rail Road Company, reported a bill entitled a bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the first time and passed, and on motion of Mr. Hawkins, ordered to lie on the table, and ordered that the report be printed.

Mr. Waddell presented a petition from sundry inhabitants of the county of Orange, praying the Legislature to offer a bounty for every pound of silk raised and reeled in the State by the citizens thereof; which was read, and on motion of Mr. Bynum, referred to the Committee on the Judiciary.

Received from the House of Commons a message, agreeing to the proposition of the Senate to vote again immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. Guyther and Jefferson form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Moye and Etheridge form our branch of the Committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. HALL,

MESSRS. Albright, Arrington, Cooper, Edwards, Etheridge, Faison, Gaither, Hargrave, Hawkins, Johnson, Kerr, Larkins,

MESSRS. McDiarmid, Melchor, Melvin, Moore, Myers, Orr, Reid, Sloan, Ward, Whitaker, Williams, Wilson—24.

FOR MR. MANLY,

MESSRS. Bynum, Moye,
FOR MR. MOORE,

MESSRS. Bond, Messrs. Parks,
Clingman, Puryear,
Dockery, Speed,
Mitchell, Spiers,
Morehead, Spruill—10.

The Senate took up for consideration the bill entitled a bill to alter the time of holding the County Courts of Lincoln; which was, on motion of Mr. Ward, ordered to lie on the table.

The Speaker presented the report of Charles L. Hinton, Public Treasurer, on the resolution directing him to ascertain the number of copies of the Revised Statutes now unsold, and at what places they are deposited for sale; the amount of the number of copies that have been sold; when and at what prices; and what disposition has been made of the funds that have arisen from the sales of the Revised Statutes; which was read, and on motion of Mr. Morehead, referred to the Committee on the Judiciary.

The message from the House of Commons, proposing to vote for Colonel of Cavalry of the 5th brigade of the 7th division of militia, was taken up, and on motion of Mr. Wilson, ordered to lie on the table.

Mr. Moye, from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Romulus M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Bynum,

Ordered, That a message be sent to the House of Commons, proposing to vote again immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

Mr. Morehead presented a bill entitled a bill to protect churches; which was read the first time and passed, and
on motion of Mr. Gaither, referred to the Committee on the Judiciary.

Mr. Gaither presented a bill entitled a bill fixing the time at which the Superior Courts of Law and Courts of Equity shall be held hereafter in the several counties composing the Seventh Judicial Circuit; which was read the first time and passed.

Received from the House of Commons a message, agreeing to vote again immediately for Judge of the Superior Courts, to supply the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. Holt and Doak form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Albright and Orr form our branch of the committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. HALL,

MESSRS. Speaker, Melchor,
  Albright, McDiarmid,
  Arrington, Moore,
  Cooper, Morehead,
  Edwards, Myers,
  Faison, Orr,
  Gaither, Reid,
  Hawkins, Sloan,
  Houlder, Ward,
  Johnson, Williams,
  Kerr, Wilson—23.
  Larkins,

FOR MR. MANLY,

MESSRS. Bond, Moye,
  Bynum, Pasteur,
  Exum, Pollock,
  Hargrave, Ribelín,
  Hellen, Selby,
  Hill, Waddell,
Received from the House of Commons the following resignations: Leonard Daniel, a Justice of the Peace for the county of Halifax; Charles T. Hunter, a Justice of the Peace for the county of Edgecomb; T. Hampton, a Justice of the Peace for the county of Lincoln; Young Brisentine, a Justice of the Peace for the county of Rutherford; which were severally read and accepted.

On motion of Mr. Hellen, the Senate adjourned until to-morrow morning, ten o'clock.

Wednesday, Dec. 16, 1840.

Mr. Bynum presented depositions relative to the contested election of James B. Whitfield, which were, on his motion, referred to the Committee of Privileges and Elections.

Mr. Clingman, from the Committee on Cherokee Lands, to whom was referred the petition of J. R. Siler and D. R. Lowry, reported the following resolutions, to wit:

Resolved, That the Secretary of State be authorised, and he is hereby required to alter the certificate of survey, on which a grant was issued to Benj. S. Brittain, in district No. 16, and section No. 96; and make the same conformable with the plot thereto annexed; and also to alter the record of the grant in his office, so that it correspond with the certificate of survey after having been so altered; and that he be further authorised to alter the grant, when the same shall be presented to him for that purpose.

Resolved, That this resolution take effect from and after its passage.
Which was read the first time and passed.

On motion of Mr. Gaither,

Ordered, That a message be sent to the House of Commons, proposing to vote for Judge of the Superior Courts to fill the vacancy occasioned by the resignation of John D. Toomer.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred a resolution instructing them to inquire into the expediency of requiring militia companies to muster four times in each year, reported a bill, entitled a bill to compel all militia Captains to muster their companies four times in each and every year; which was read the first time and passed, and, on motion of Mr. Dockery, made the order of the day for Monday next.

Mr. Reid, from the Committee on Private Bills, to whom was referred the bill, entitled a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and '39, reported the same to the Senate, and asked to be discharged from the further consideration of the subject. The bill was then read the second time and laid on the table.

Mr. Albright, from the joint select committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Judge to fill the vacancy occasioned by the resignation of R. M. Saunders.

Mr. Dockery presented a bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up the Pee Dee and main Yadkin rivers; which was read the first time and passed.

Received from the House of Commons a message, agreeing to vote immediately for Judge to fill the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. King and Withers form their branch of the Committee to superintend the election.
The Speaker announced to the Senate that Messrs. Puryear and Pollock form our branch of the committee to superintend the election for Judge of the Superior Courts to fill the vacancy occasioned by the resignation of R. M. Saunders.

The Senate then voted as follows, to wit:

FOR MR. HALL,

MESSRS. Speaker, Messrs. Larkins,
Albright, Melvin,
Arrington, McDiarmid,
Cooper, Moore,
Edwards, Myers,
Faison, Orr,
Gaither, Reid,
Hawkins, Sloan,
Houlder, Whitaker,
Johnson, Williams,
Kerr, Wilson—22.

FOR MR. MANLY,

MESSRS. Bynum, Messrs. Moye,
Exum, Pasteur,
Hargrave, Pollock,
Hellen, Selby,
Hill, Whitfield—11,
Montgomery,

FOR MR. MOORE,

MESSRS. Bond, Messrs. Puryear,
Clingman, Ribelin,
Dockery, Shepard,
Etheridge, Speed,
Melchor, Spiers,
Mitchell, Spruill,
Morehead, Worth—15,
Parks,

The bill entitled a bill, giving to the county of Cherokee a Superior Court of Law and Equity; and the bill entitled a bill giving to the county of Henderson a Supe-
rior Court of Law and Court of Equity—were taken up and read the third time and passed, and ordered to be engrossed.

Mr. Puryear from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

The Senate took up for consideration the bill entitled a bill, to incorporate a Light Artillery Company in the town of Newbern; which was read the third time, and on motion of Mr. Moore laid on the table.

The engrossed resolution for the relief of Thomas Faison and others, was taken up and read the third time and passed, and ordered to be enrolled.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons proposing to vote again immediately for Judge of the Superior Courts, to supply the vacancy occasioned by the resignation of R. M. Saunders.

The bill entitled a bill, concerning clerks, sheriffs and constables; was taken up and read the third time, and rejected.

The Senate then proceeded to consider the bill entitled a bill, making an appropriation for completing the Capitol of the State, and for other purposes; and the resolution in favor of Thomas L. West; which were each read the second time and passed.

The engrossed bill entitled a bill to change the time of holding the Court of Pleas and Quarter Sessions of Camden county, was taken up and read the second time and passed.

The Senate then took up for consideration the engrossed bill entitled a bill to amend an act passed in the year 1818, entitled an act to elect a Magistrate for the town of Wilmington, and for other purposes; and the engrossed bill entitled a bill concerning Jurors in Yancey county; which were read the second time and passed.

The bill entitled a bill to incorporate the Trustees of Hopewell Academy, near Stantonsburg, in Edgecomb county; which was read the second time and passed.

Received from the House of Commons a message, proposing to raise a Joint Select Committee, to whom shall be referred a bill now before this House, to incorporate
the Little River Manufacturing Company; and that said committee be instructed to inquire into the expediency of passing a general law for securing the creditors of incorporated companies; which was read and concurred in.

The engrossed bill entitled a bill to amend an act passed in the year 1829, entitled an act to authorise the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of erecting thereon a poor house for the accommodation of the poor of said county, and for other purposes; and the engrossed resolution in favor of the executor of Beverly Daniel, deceased, were taken up and each read the second time and passed.

The Senate took up for consideration the bill entitled a bill fixing the time at which the Superior Courts of Law and Equity shall be held hereafter in the several counties composing the 7th Judicial Circuit; which was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate:

A bill to expedite legal process; and a bill to regulate the time of holding the Superior Court of Moore county at its next ensuing term; which were read the first time and passed.

Received from the House of Commons a message, transmitting to the Senate a memorial from sundry citizens, praying the Legislature to grant a charter for a Bank, to be located at Henderson, proposing to refer it to a Joint Select Committee of five on the part of each House; which was read and concurred in.

The Senate then proceeded to the orders of the day, and took up the resolution on Internal Improvement; which was read, and after debate, was, on motion of Mr. Clingman, postponed until to-morrow.

Received from the House of Commons a message, agreeing to vote again immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. McMillan and Carson form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Melchior and Sloan form our branch of the committee to superintend the election for Judge of the Superior Courts to fill the vacancy occasioned by the resignation of R. M. Saun-
ders; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. HALL,

MESSRS. Speaker, Arrington, Cooper, Edwards, Faison, Hawkins, Houlder, Kerr, Larkins, Melchor,

MESSRS. McDiarmid, Moore, Myers, Orr, Reid, Sloan, Whitaker, Williams, Wilson—19.

FOR MR. MANLY,

MESSRS. Bynum, Dockery, Exum, Hargrave, Hellen, Montgomery,


FOR MR. MOORE,

MESSRS. Bond, Clingman, Etheridge, Johnson, Mitchell, Morehead,

MESSRS. Parks, Puryear, Speed, Spiers, Spruill, Worth—12.

Received from the House of Commons a message, stating that Messrs. Patton, Reid, James Graham, Flemming and Young form their branch of the joint select committee to whom is referred so much of the Governor's message as relates to the repairs of the Governor's residence; and that Messrs. Paine, Stallings, McClenehan and G. W. Caldwell form their branch of the joint select committee to whom is referred so much of the Governor's message as relates to the resolutions from Vermont.

On motion of Mr. Whitaker, the Senate adjourned till tomorrow morning, 10 o'clock.
Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.

Ordered, That said bill be enrolled.

Mr. Melchor, from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons a message, informing the Senate that Messrs. Barns, Biggs, Murchison and Baker form their branch of the committee on enrolled bills for this week.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the bill to alter the time of holding the Fall Term of the Superior Court of Law and Equity for the counties of Hyde, Beaufort, Lenoir, Greene, &c., to the members from the counties mentioned in the bill.

Received from the House of Commons a message, stating that they insist on their disagreement to the amendments proposed by the Senate to the engrossed resolutions concerning the assignment of rooms in the capitol, and proposing to raise a committee of conference consisting of three on the part of each House, on the subject of said disagreement; which was read and concurred in.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote again immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. Wilson and Mangum form their branch of the committee to superintend the election.

The name of Augustus Moore is withdrawn from the nomination.
The Speaker announced to the Senate that Messrs. Moye and Ward form our branch of the committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

The Senate then voted as follows:

FOR MR. HALL,

MESSRS. Speaker, Arrington, Bond, Cooper, Edwards, Etheridge, Faison, Gaither, Hawkins, Houlder, Kerr, Larkins, Melchor, Melvin,


FOR MR. MANLY,

MESSRS. Bynum, Clingman, Exum, Hargrave, Hellen, Hill, Johnson, Mitchell, Morehead, Montgomery, Moye,

MESSRS. Pasteur, Myers, Parks, Pollock, Puryear, Ribelin, Selby, Waddell, Whitfield, Worth—21.

The bill entitled a bill to incorporate the Trustees of Hopewell Academy, near Stantonburg, in Edgecomb county, was taken up and read the third time and passed, and ordered to be engrossed.

Mr. Moye, from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that Mr. Matthias E. Manly,
having received a majority of the votes given, was duly elected; in which report the Senate concurred.

The Speaker announced to the Senate that Messrs. Gaither, Hawkins, Johnson, Orr and Ribelin form the Joint Committee on the part of the Senate to whom is referred the memorial of certain citizens, praying for authority to establish a Bank at Henderson, in Granville county.

And that Messrs. Dockery, Myers, Hellen, Whitfield and Sloan form the Joint Committee on the part of the Senate, to whom is referred the bill to incorporate the Little River Manufacturing Company; and the House of Commons was informed thereof by message.

The engrossed bill entitled a bill to regulate the time of holding the Superior Court of Moore at its next ensuing term, was taken up and read the second time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote this day at 11 o'clock for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer; and that Messrs. Adams and Holland form their branch of the committee to superintend the election.

Whereupon the Speaker announced to the Senate that Messrs. Hellen and Melvin form our branch of the committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. BATTLE,

MESSRS. Speaker,
    Messrs. Moye,
    Bond,
    Myers,
    Bynum,
    Parks,
    Clingman,
    Puryear,
    Faison,
    Ribelin,
    Gaither,
    Selby,
    Hellen,
    Shepard,
    Johnson,
    Speed,
    Orr,
    Melchor,
    Spiers,
    Ribelin,
    Mitchell,
    Spruill,
    Moore,
    Waddell—23.
    Morehead,
The Senate proceeded to consider the engrossed bill, entitled a bill to amend an act passed in the year 1829, entitled an act to authorize the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of erecting thereon a Poor House for the accommodation of the poor of said county, and for other purposes.

The bill, entitled a bill to change the time of holding the Court of Pleas and Quarter Sessions of Camden county; and the engrossed bill, entitled a bill to amend an act entitled an act, passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes; which were severally read the third time and passed, and ordered to be enrolled.

Mr. Hellen, from the joint select committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Jno. D. Toomer, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

The bill making an appropriation for completing the Capitol of the State and for other purposes, was taken up and read the third time and passed, and ordered to be engrossed.

And the resolution in favor of Thomas L. West, was read the third time and passed, and ordered to be engrossed.

The Senate then took up for consideration the engrossed resolution in favor of the Executor of Beverly Daniel,
deceased; which was read the third time and passed, and ordered to be enrolled.

Mr. Cooper moved that the vote by which was passed the bill, entitled a bill making an appropriation for completing the Capitol of the State and for other purposes, be now reconsidered; which motion was agreed to. Then, on his motion, the bill was laid on the table.

The bill, entitled a bill fixing the time at which the Superior Courts of Law and Equity shall be held hereafter in the several counties composing the 7th Judicial Circuit, was taken up and read the third time, and, on motion of Mr. Gaither, laid on the table.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Counsellors of State, and that the names of Messrs. Bowman and Barnes are withdrawn from the nomination; which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Myers and Arrington form our branch of the committee to superintend the election for Counsellors of State—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. W. J. T. Miller and Powell form their branch of the committee to superintend the election for Counsellors of State—and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. ANDERSON,

Messrs. Speaker, Bond, Clingman, Faison, Gaither, Hellen, Johnson, Melchor, Mitchell, Moore, Morehead,

Messrs. Moye, Myers, Parks, Puryear, Ribelin, Selby, Speed, Spiers, Spruill, Wilson, Worth—22.

FOR MR. AVERY,

Messrs. Speaker, Bond,

Messrs. Montgomery, Moye,
Bynum,  Myers,  
Clingman,  Parks,  
Paiszon,  Puryear,  
Gaither,  Ribelin,  
Hargrave,  Selby,  
Hellen,  Spiers,  
Johnson,  Spruill,  
Melchor,  Wilson,  
Mitchell,  Worth—22.

FOR MR. JAMES P. LEAK,

MESSRS. Speaker,  MESSRS. Montgomery,  
Bond,  MESSRS.  
Clingman,  Moore,  
Paiszon,  Morehead,  
Gaither,  Sloan—6.  
Hellen,  
Johnson,  
Mitchell,  
Moore,  
Morehead,  

FOR MR. HOLT,

MESSRS. Bynum,  MESSRS. Moore,  
Clingman,  Morehead,  
Hill,  Sloan—6.

FOR MR. McINTIRE,

MESSRS. Bynum,  MESSRS. Montgomery,  
Gaither,  Ribelin,  
Hawkins,  Speed,  
Melchor,  Waddell—8.

FOR MR. GOODWIN,

MESSRS. Speaker,  MESSRS. Myers,  
Bond,  Parks,  
Bynum,  Puryear,  
Clingman,  Ribelin,  
Paiszon,  Speed,  
Hargrave,  Spiers,  
Hellen,  Spruill,
FOR MR. PERRY,


FOR MR. BUSBEE,


FOR MR. McGEHEE,

MESSRS. Speaker, Bond, Bynum, Clingman, Faison, Gaither, Hargrave, Montgomery, Moye, Myers, Parks, Puryear, Ribelin, Selby, Worth—25.

19
Hellen,               Speed,
Johnson,             Spiers,
Melchor,             Spruill,
Mitchell,            Waddell,
Moore,               Wilson,

FOR MR. TROY,

Messrs. Bynum,       Messrs. Morehead,
Gaither,             Montgomery,
Hargrave,            Moya,
Mitchell,            Wilson,
Moore,               Worth—10.

FOR MR. BIGGS,

Mr. Cooper.

FOR MR. WM. P. WILLIAMS,

Messrs. Cooper,
Kerr,
Orr—3.

FOR MR. REID,

Mr. Cooper—1.

FOR MR. ALLEN ROGERS, Sr.,

Messrs. Arrington,
Cooper,
Edwards,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

Messrs. McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Whitaker,
Whitfield,
Williams—19.

FOR MR. L. D. WILSON,

Messrs. Arrington,
Cooper,
Etheridge,

Messrs. McDiarmid,
Pasteur,
Reid,

FOR MR. L. D. HENRY,

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FOR MR. W. F. LEAK,

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<th>Messrs.</th>
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<th>McDiarmid,</th>
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<th>Sloan,</th>
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FOR MR. WILLIAMSON,

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FOR MR. ALFRED JONES,

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FOR MR. WATSON,

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<th>Messrs.</th>
<th>Exum,</th>
<th>Houldter,</th>
<th>Pasteur,</th>
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<th>Orr,</th>
<th>Reid,</th>
<th>Whitaker,</th>
<th>Whitfield—5.</th>
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The engrossed bill entitled a bill, to expedite legal process, was taken up and read the second time, and, on motion of Mr. Morehead, amended and passed.

The Senate then took up for consideration the engross-
ed bill entitled a bill, concerning Jurors in Yancey county; which was read the third time; and on motion of Mr. Gaither, amended; then on motion of Mr. Whitaker, was referred to the Committee on Private Bills.

Mr. Worth, from the Joint Committee on Education, to whom was referred the subject of Common Schools, reported a bill entitled a bill for the establishment and better regulation of Common Schools.

On motion of Mr. Edwards,

Ordered, That the report and bill be printed.

The Senate took up for consideration the unfinished business of yesterday, to wit:

The resolutions on Internal Improvement; which, after debate, were, on motion of Mr. Cooper, postponed until tomorrow.

Mr. Myers, from the Joint Select Committee appointed to superintend the election of Counsellors of State, reported that Messrs. Anderson, Perry, Busbee, McGehee, Avery and Jas. P. Leak, each having received a majority of the votes given, were duly elected; and that no other person had received a majority; in which report the Senate concurred.

On motion of Mr. Wilson, the Senate adjourned until tomorrow morning ten o'clock.

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Friday, Dec. 18, 1840.

The Speaker announced to the Senate that Messrs. Spruill, Faison and Cooper compose the Committee of Conference on the part of the Senate on the disagreement of the two Houses to the amendments proposed by the Senate to the resolutions concerning the apartments in the Capitol.

Mr. Worth moved that in the place of Mr. Albright there be added one to the committee to whom is referred the bill entitled a bill concerning pilots and commissioners of navigation for Cape Fear River.

Whereupon the Speaker announced that Mr. Hellen is added to said committee.

Mr. Worth presented the resignation of John R. Brown, a Justice of the Peace for the county of Randolph; which was read and accepted, and sent to the House of Commons.
Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill entitled a bill to protect churches, reported the same to the Senate with an amendment; which was read and laid on the table.

Mr. Arrington presented a bill entitled a bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes; which was read the first time and passed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer; which was read and agreed to.

Whereupon the Speaker announced to the Senate that Messrs. Clingman and Orr form our branch of the Committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Levi Walker and Pemberton form their branch of the committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

**FOR MR. BATTLE,**

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<th>Messrs. Speaker,</th>
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**FOR MR. SAUNDERS,**

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<th>Messrs. Arrington,</th>
<th>Messrs. Larkins,</th>
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<td>Cooper,</td>
<td>Orr,</td>
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Received from the House of Commons a message, transmitting to the Senate the message of His Excellency the Governor, and the accompanying reports of the Treasurer of the University of North Carolina, and of the committee appointed to audit and settle the same, proposing to print them; which was read and agreed to.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution, to wit:

A bill to amend the several Revised Statutes, entitled an act concerning sheriffs; an act concerning clerks of the County and Superior Courts; and an act concerning constables.

A resolution in favor of William Young, of Macon co.

In which they ask the concurrence of the Senate.

Which were read the first time and passed.

Mr. Clingman, from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer, reported that Mr. William H. Battle, having received a majority of the votes given, was duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act entitled an act concerning the seat of government and other public buildings; in which they ask the concurrence of the Senate; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills; in which they ask the concurrence of the Senate:

A bill to abolish the Fair at or near Laurel Hill, in the county of Richmond.

A bill to lay off and establish a county by the name of Caldwell.

| Edwards,      | Pasteur,   |
| Etheridge,    | Pollock,   |
| Exum,         | Reid,      |
| Hawkins,      | Sloan,     |
| Hill,         | Ward,      |
| Houlder,      | Whitaker,  |
| Kerr,         | Whitfield, |
| Melvin,       | Williams,  |
| McDiarmid,    | Wilson—23. |
A bill to lay off and establish a county by the name of McDowell.

Also, an engrossed resolution in favor of Travis Elmore, of Macon county.

Which were severally read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Robards, Mendenhall; W. J. T. Miller, R. Jones and Withers form their branch of the committee on the memorial from the citizens of Henderson, praying the establishment of a Bank; and that Messrs. Boyden, Hoke, Moore and Reid form their branch of the committee to whom is referred a bill to incorporate Little River Manufacturing Company.

The engrossed bill entitled a bill to regulate the time of holding the Superior Court of Morre at its next ensuing term; and the engrossed bill entitled a bill to expedite legal process, were taken up and read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a Counselor of State, and that Messrs. Holt and Troy are withdrawn from the nomination; which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Spiers and Montgomery form our branch of the committee to superintend the election for a Counselor of State.

Received from the House of Commons a message, stating that Messrs. F. Williams and J. W. Taylor form their branch of the committee to superintend the election for Counselor of State—and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. GOODWIN,

MESSRS. Speaker, Bond, Dockery, Faison, Hargrave, Hellen, Hill, Johnson, Larkins,

MESSRS. Montgomery, Myers, Parks, Puryear, Ribelin, Shepard, Spiers, Spruill, Waddell,
The resolution in favor of J. R. Siler, and D. R. Lowry, was taken up, and on motion of Mr. Bynum, laid on the table.

The Senate took up for consideration the bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up the Pedee and main Yadkin rivers; which was, on motion of Mr. Dockery, laid on the table.

Mr. Montgomery, from the joint select committee appointed to superintend the election for Consellor of State, reported that Mr. Goodwin having received a majority of the votes given, was duly elected; in which report the Senate concurred.

The Senate took up for consideration the engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee; which was read
the third time. Mr. Wilson moved to insert in the second section and the fourth line, after the words "Cherokee lands," the words "of one hundred dollars and under;" which was rejected. Mr. Moore then moved to amend by striking out, in the second section, the words "and the Governor," and inserting in lieu thereof the words "or when the interest of the State shall in the least seem to require it;" which was agreed to. Mr. Reid then moved to strike out, in the third section, the words "and Georgia, payable at Savannah and Augusta." The question thereon was decided in the affirmative—yeas 23, nays 22. The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative, were


Those who voted in the negative, were


Whereupon, on motion of Mr. Clingman, the bill was laid on the table.

On motion of Mr. Bynum, the bill entitled a bill to establish a county by the name of Cleveland, was taken up and made the order of the day for Tuesday next.
The resolutions on Internal Improvement, being the unfinished business of yesterday, were taken up, and after debate, were, on motion of Mr. Spiers, postponed until tomorrow.

Received from the House of Commons the resignation of Lewis D. Wilson, as a Trustee of the University of North Carolina; which was read and accepted.

On motion of Mr. Hellen, the Senate adjourned until tomorrow morning ten o'clock.

Saturday, Dec. 19, 1840.

Received from the House of Commons a message, stating that Messrs. H. C. Jones, Brower and Mangum, form their branch of the Committee of Conference on the disagreement between the two Houses, to the amendments proposed by the Senate to the engrossed resolutions relating to the rooms in the Capitol.

The bill entitled a bill, for the establishment and better regulation of Common Schools, was taken up and read the first time and passed; and on motion of Mr. Worth, made the order of the day for Monday next.

The Senate took up for consideration the engrossed bill entitled a bill, to abolish the Fair at or near Laurel Hill, in the county of Richmond; and the engrossed resolution in favor of Travis Elmore, in the county of Macon; which were read the second time and passed.

The engrossed resolution in favor of William Young, of Macon county, was taken up and read the second time and passed.

The Senate then took up the engrossed bill, entitled a bill to amend an act entitled an act concerning the Seat of Government and Public Buildings; which was read the second time and passed.

The bill, entitled a bill to repeal in part an act, entitled an act concerning bills, bonds and promissory notes, was taken up and read the second time, and, on motion of Mr. Wilson, laid on the table.

The Senate proceeded to consider the engrossed bill, entitled a bill to amend the several revised statutes, entitled an act concerning sheriffs, an act concerning Clerks
of the County and Superior Courts, and an act concerning Constables; which was read the second time and passed, and, on motion of Mr. Morehead, referred to the Committee on the Judiciary.

Mr. Shepard presented a bill, entitled a bill to establish free schools within the several counties of the State; which was read the first time and passed, and, on his motion ordered to be printed; and, on motion of Mr. Wilson, made the order of the day for Monday next.

The resolutions authorising the erection of a Lunatic Hospital, were taken up and read the second time, and on motion of Mr. Edwards, laid on the table.

On motion of Mr. Clingman, the Senate took up the bill, entitled a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and '39; which was read the second time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the memorial of sundry citizens of the county of Hyde, relative to erecting locks and gates on the Mattamuskeet canal, reported the same to the Senate, and asked to be discharged from its further consideration; the committee was discharged accordingly, and, on motion of Mr. Moore, referred to the Committee on Internal Improvement.

Mr. Moore, from the same committee to whom was referred the engrossed resolution in favor of Philip Hodnet, late entry taker for the county of Caswell, reported the same to the Senate, and recommended its passage; which was read the second time and passed.

Mr. Moore, from the same committee, to whom was referred the letter of the Secretary of State, recommending to the Legislature the propriety of forbearing to sue for the penalty incurred by R. B. Davis, sheriff of Washington county, and others therein specified, for failing to make a duplicate return of the elections held for Governor in their respective counties, in August last, to the Secretary of State, reported the following resolution, to wit:

Resolved, That the Secretary of State be, and he is hereby directed to take no legal step towards the collection of the penalty incurred by R. B. Davis, sheriff of Washington county; John Harman, sheriff of Chatham county; John E. Husey, sheriff of Duplin county; Eli McKee, sheriff of Macon county; Joshua Williamson, sheriff of Columbus county; and
Samuel W. W. Vick, sheriff of Nash county, for failing to make a duplicate return of the election for Governor, held in their respective counties in August last, to the office of the Secretary of State, within thirty days thereafter.

Which was read and ordered to lie on the table.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Cavalry officers attached to the 5th brigade and 7th division, and that Samuel B. Spruill is in nomination for Colonel Commandant; Ralph E. McNair for Lieutenant Colonel; and Charles Harrison for Major; which was read and agreed to.

Whereupon the Speaker announced to the Senate that Messrs. Exum and Selby form our branch of the Committee to superintend the election of Cavalry officers of the 5th brigade attached to the 7th division—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. D. A. Graham and Ziglar form their branch of the committee to superintend the election of Cavalry officers of the 5th brigade attached to 7th division; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. SPRUILL,

MESSRS.  

Speaker,    Messrs.  
Arrington,    McDiarmid,  
Bond,      Melvin,        
Bynum,      Moore,        
Clingman,    Morehead,     
Cooper,      Moye,        
Dockery,     Myers,       
Edwards,     Pasteur,     
Etheridge,   Pollock,     
Exum,        Reid,        
Faison,      Ribelin,     
Gaither,     Selby,       
Hargrave,    Sloan,       
Hawkins,     Spruill,     
Hill,        Waddell,     
Houlder,     Whitfield,   
Johnson,     Williams,    
Larkins,     Wilson,      
          Worth—36.
Received from the House of Commons the following resignations: Sol. Efird, a Justice of the Peace for the county of Montgomery; A. Myers, a Justice of the Peace.
for the county of Anson; Delany Harper, a Justice of the Peace for the county of Greene; and Thomas D. Wright, a Justice of the Peace for the county of Franklin; which were severally read and accepted.

Mr. Morehead presented the petition from a volunteer company in the town of Greensborough, praying the Legislature to incorporate the "Greensborough Guards;" which was read, and on his motion, referred to the committee on Military Affairs.

Mr. Mitchell presented the following resolution:

Resolved, That the Committee on Internal Improvement be instructed to inquire into the expediency of appropriating fifteen hundred dollars to the improvement of the State road from the foot of the Blue Ridge to its summit at Reddie's River Gap.

Which was read and adopted.

On motion of Mr. Waddell,

Ordered, That Mr. Andrew Joyner, Speaker, have leave of absence from the service of the Senate, from and after Thursday the 24th instant, until Thursday the 31st instant.

On motion of Mr. Edwards, the Senate adjourned until Monday morning ten o'clock.

Monday, December 21, 1840.

Mr. Worth presented the petition of Jacob Harman, of Randolph county, praying the Legislature to emancipate his two negroes, Abram and Elick; which was, on his motion, referred to the Committee of Propositions and Grievances.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution relative to amending 102d chapter of the Revised Statutes, reported a bill entitled a bill to amend the 102d chapter of the Revised Statutes, entitled revenue; which was read the first time and passed.
Mr. Moore, from the Committee of Propositions and Grievances, to whom was referred the engrossed resolution in favor of Isaac Hunter, reported the same to the Senate with an amendment; which was read and ordered to lie on the table.

Mr. Moore, from the same committee, to whom was referred the bill entitled a bill to add a part of Carteret county to Hyde county, reported unfavorably thereto, and asked to be discharged from its further consideration.

The bill was ordered to lie on the table.

On motion of Mr. Moore, from the same committee, to whom was referred the bill entitled a bill to add a part of Carteret county to Hyde county, reported unfavorably thereto, and asked to be discharged from its further consideration.

The bill was ordered to lie on the table.

On motion of Mr. Morehead,

Ordered, That Mr. Edwards have leave of absence from the service of the Senate, from and after Thursday the 21st inst., till Monday 28th instant.

On motion of Mr. Reid,

Ordered, That Mr. Arrington have leave of absence from the service of the Senate, from and after Thursday the 24th instant, till Monday 28th inst.

The Senate took up for consideration the engrossed bill entitled a bill to abolish the Fair at or near Laurel Hill, in the county of Richmond; the engrossed resolution in favor of Phillip Hodnet, late entry taker for the county of Caswell; and the engrossed resolution in favor of Travis Elmore, of Macon county; which were severally read the third time and passed, and ordered to be enrolled.

The engrossed bill entitled a bill concerning jurors in Yancey county, and the engrossed resolution in favor of William Young, of Macon county, were taken up and read the third time and passed and ordered to be enrolled.

On motion of Mr. Clingman, the Senate took up for consideration the engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee.

Mr. Clingman moved to add, after the word South Carolina, in the third section, the words, and in addition to which, the agent may, and he is hereby required to receive from all debtors for Cherokee Lands, whose permanent residence may be west of the Blue Ridge, the notes of the specie paying Banks of Georgia, payable at Augusta and Savannah.

Which was rejected.

Mr. Reid further moved to amend by inserting after the word collected, in the 5th section, the words, Provided that
the salary of such commissioner shall not exceed fifteen hundred dollars per annum.

Which was also rejected.

Mr. Edwards moved that the vote by which was rejected the amendment proposed by Mr. Clingman, be now reconsidered; which was agreed to.

The question was then taken on said amendment, and decided in the affirmative—yeas 25, nays 23. The yeas and nays were demanded by Mr. Clingman.

Those who voted in the affirmative were,

Messrs. Arrington, Bynum, Clingman, Dockery, Etheridge, Gaither, Hargrave, Hawkins, Johnson, Melchor, Mitchell, Moore, Montgomery,


Those who voted in the negative were,

Messrs. Bond, Cooper, Edwards, Exum, Faison, Hellen, Hill, Houlder, Kerr, Larkins, Melvin, McDiarmid,


The question then was, shall the bill as amended, pass the third reading; which was decided in the affirmative—yeas 25, nays 23.

The yeas and nays were demanded by Mr. Reid.
Those who voted in the affirmative were,

MESSRS. Arrington, Bynum, Clingman, Dockery, Etheridge, Gaither, Hargrave, Hawkins, Johnson, Melchor, Mitchell, Moore, Morehead,

MESSRS. Montgomery, Moye, Myers, Parks, Puryear, Selby, Speed, Spiers, Spruill, Waddell, Ward, Worth—25.

Those who voted in the negative were,

MESSRS. Bond, Cooper, Edwards, Exum, Faison, Hellen, Hill, Houlder, Kerr, Larkins, Melvin, McDiarmid,

MESSRS. Orr, Pasteur, Pollock, Reid, Ribelin, Shepard, Sloan, Whitaker, Whitfield, Williams, Wilson—23.

The engrossed bill, entitled a bill to amend an act entitled an act concerning the Seat of Government and Public Buildings, was taken up and read the third time and passed, and ordered to be enrolled.

Mr. Wilson moved that the engrossed bill, entitled a bill to lay off and establish a county by the name of Stanly, be now taken up. The question thereon was decided in the affirmative—yeas 32, nays 12. The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative were,

MESSRS. Arrington, Bond,

MESSRS. Moye, Myers,
Bynum, 
Parks, 
Pasclet,
Clingman, 
Pastor,
Dockery, 
Pollock,
Etheridge, 
Reid,
Exum, 
Speed,
Paison, 
Spiers,
Gaither, 
Spruill,
Hawkins, 
Waddell,
Hellen, 
Ward,
Houlder, 
Whitaker,
Melvin, 
Whitfield,
Mitchell, 
Williams,
Moore, 
Wilson,
Morehead, 
Worth—32.

Those who voted in the negative were,

MESSRS. Cooper, 
MESSRS. Melchor, 
Edwards, 
McDiarmid, 
Hill, 
Montgomery, 
Johnson, 
Orr, 
Kerr, 
Puryear, 
Larkins, 
Ribelin—12.

Whereupon, on motion of Mr. Montgomery, the bill was made the order of the day for Friday week next.
The Senate entered upon the orders of the day, and took up the bill entitled a bill for the establishment and better regulation of Common Schools; which was read the second time.
Mr. Shepard proposed an amendment thereto; which, after debate, the bill and amendment were, on motion of Mr. Morehead, postponed until to-morrow.
On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o’clock.

TUESDAY, DEC. 22, 1840.

Mr. Arrington presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee of two on
the part of each House, to report at what time the Legislature can adjourn sine die.

Which was read and rejected.

Mr. Moore presented the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of giving to one or three magistrates, out of Court, jurisdiction over all plain and minor cases of assaults and batteries, with a specified fine, where the defendants plead guilty.

Which was read and adopted.

Mr. Dockery presented the following resolution, to wit:

Resolved, That the Committee on Internal Improvement be instructed to inquire into the expediency of appropriating dollars for a survey, by a competent Engineer, under the direction of the Board of Internal Improvement, of Lumber River, from the South Carolina line to McFarland's Turnpike Bridge, and a canal from Lumber River, commencing at or near Lumberton, the most eligible route to Cape Fear River.

Which was read and adopted.

Mr. Moye presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing that the Legislature adjourn sine die on Monday 4th day of January next; and that the Clerks of the two Houses be directed to make up the estimates accordingly.

Which was read and adopted.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the Engrossed bill to expedite legal process.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, proposing to print the communication from the Public Treasurer relative to the expenses incurred by the Board of Internal Improvement, &c., therewith transmitted to the Senate; which was read and concurred in.
The Speaker announced to the Senate that Messrs. Clingman and Arrington form our branch of the Committee on Enrolled Bills for this week; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Russell, F. Williams, D. A. Graham and Brannock form their branch of the Committee on Enrolled Bills for this week.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to prevent betting on elections.

The engrossed bill entitled a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 '39, was taken up and read the third time and passed, and ordered to be enrolled.

On motion of Mr. Hellen, the Senate took up the bill entitled a bill to add a part of Carteret county to Hyde county; which was read the second time and rejected.

Received from the House of Commons the resignation of Jordan Winston, a Justice of the Peace for the county of Perquimons, and Casper Holshouser, a Justice of the Peace for the county of Rowan; which were read and accepted.

Received from the House of Commons the pension certificate of the Court of Pleas and Quarter Sessions of the county of Mecklenburg, in favor of Martha Thompson; which was read, and on motion of Mr. Orr, ordered to be countersigned by the Speaker.

On motion of Mr. Moore, the Senate took up the engrossed resolution in favor of Isaac Hunter; which was read the second time, amended and passed.

On motion of Mr. Arrington, the bill entitled a bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes, was taken up and read the second time and passed.

The engrossed bill entitled a bill to lay off and establish a county by the name of Union, was taken up, and on motion of Mr. Whitaker, laid on the table.

On motion of Mr. Spiers, the resolutions on Internal Improvement, heretofore laid on the table, were taken up.

Mr. Shepard moved to amend the resolutions by striking out the 5th resolution, and inserting in lieu thereof the following, to wit:
Resolved, That the Governor of the State be required to employ a competent Engineer to survey a route for a Turnpike Road from Raleigh to Ashe ville; also, a route from Fayetteville to the Tennessee Line, by the way of Wilkesboro', intersecting the former route at some point east of the Yadkin; and that the Engineer, in making his report, shall indicate what route is preferable on account of cheapness, directness, and facility of construction; and whether there is material for paving said route throughout the entire length of the road, sufficiently abundant and durable.

Resolved moreover, That said engineer give an estimate in his report, as accurate as he can make it, what will be the cost of paving said road per mile; and what will be the expense of said road, if it is only graded; and in order to carry this resolution into effect, the sum of $2,000 is hereby appropriated out of any monies in the Treasury.

Which was read, and on motion of Mr. Waddell, the resolution and amendment were laid on the table.

The bill, entitled a bill to compel the militia Captains to muster their companies four times in each and every year, was taken up and read the second time and rejected.

The engrossed bill, entitled a bill to establish a county by the name of Cleveland, being the order of the day, was taken up, and, on motion of Mr. Bynum, postponed until to-morrow.

Mr. Worth, from the select committee to whom was referred a bill, entitled a bill concerning pilots and commissioners of navigation for Cape Fear River, reported the same to the Senate, and recommended its passage; which was laid on the table.

Mr. Exum, from the joint select committee appointed to superintend the election for cavalry officers of the 5th brigade attached to the 7th division, reported that Sam'l B. Spruill, for Col. Commandant; Ralph McNair, as Lieutenant Col.; and Charles Harrison, as Major, having each received a majority of the votes given, were duly elected; in which report the Senate concurred.

Mr. Mitchell presented a bill, entitled a bill to amend the 53d chapter of the Revised Statutes concerning the Governor; which was read the first time and passed.

On motion of Mr. Dockery, the bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up
the Pedee and main Yadkin rivers, was taken up, and read the second time and passed.

On motion of Mr. Pasteur, the bill, entitled a bill to incorporate a Light Artillery Company in the town of Newbern, was taken up, and read the second time and passed, ordered to be engrossed.

Mr. Wilson, from the committee on the Judiciary, to whom was referred the bill, entitled a bill to incorporate a Light Artillery Company in the town of Newbern, was taken up, and read the third time and passed; ordered to be engrossed.

Mr. Wilson, from the committee on the Judiciary, to whom was referred the bill, entitled a bill to amend an act for the better regulation of the town of Wilkesboro', reported the same to the Senate, and asked to be discharged from its further consideration; the committee was discharged accordingly. On motion of Mr. Mitchell, the bill was laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate Orr Lodge, at Washington, in the county of Beaufort; in which they ask the concurrence of the Senate. The bill was read the first time and passed.

On motion of Mr. Hellen, the Senate adjourned until to-morrow morning, ten o'clock.

Wednesday, Dec. 23, 1840.

Mr. Moore, from the Committee of Propositions and Grievances, to whom was referred the engrossed bill, entitled a bill repealing the act relating to the public road in Buncombe county, reported the same to the Senate, and recommended its passage.

Ordered said bill lie on the table.

Mr. Moore, from the same committee, to whom was referred the bill entitled a bill to alter the laws now in force relating to pilots legally authorised by the commissioners of navigation for Ocracoke, reported the same to the Senate, and recommended that it be referred to the members from the counties of Currituck, Camden, Pasquotank, Perquimons, Gates, Chowan, Washington, Tyrrell, Beaufort, Hyde, Carteret, Jones and Craven; which was agreed to. And the bill was ordered to lie on the table.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred the bill, entitled a bill to incorporate the Greensboro' Guards, in the county of
Guilford, reported the same to the Senate with an amendment; which was read and laid on the table.

Mr. Waddell presented the following resolutions, to wit:

Resolved, That a committee be appointed, whose duty it shall be to prepare an extract from the Census of this State, for the year 1840, showing, in separate columns, the aggregate population of each county of the State, the white, black and federal population of the same, the number of minors between the age of five and twenty, together with the amount of public tax paid, according to the Comptroller's report—and that one copy thereof be printed for each member of the Legislature.

Resolved, That the printer of the laws be, and he is hereby directed to publish the same with the Journals of this Legislature.

Which were read and adopted.

Mr. Clingman presented a bill entitled a bill to incorporate the Nantahalah Turnpike Company of the counties of Macon and Cherokee; which was read the first time and passed.

Received from the House of Commons a message, proposing to refer to a Joint Select Committee of five on the part of each House, the message of his Excellency the Governor on the subject of the French Spoliations, with the memorial and accompanying documents therewith transmitted to the Senate; which was read and concurred in.

The bill entitled a bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up the Pedee and Main Yadkin Rivers, was taken up and read the third time, and passed and ordered to be engrossed.

Received from the House of Commons the resignation of William Ray, a Justice of the Peace for the county of Cumberland; and E. Joiner, a Justice of the Peace for the county of Wayne; which were read and accepted.

The Senate took up for consideration the engrossed resolution in favor of Isaac Hunter; which was read the third time, and on motion of Mr. Edwards, amended and passed—yeas 32—nays 16.
The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative, were

**MESSRS.** Albright, Bond, Clingman, Cooper, Dockery, Edwards, Faison, Gaither, Hargrave, Hellen, Johnson, Kerr, Larkins, Melchor, Mitchell, Morehead,

**MESSRS.** McDiarmid, Montgomery, Moye, Parks, Pasteur, Puryear, Reid, Selby, Shepard, Sloan, Spiers, Spruill, Waddell, Ward, Williams, Worth—32.

Those who voted in the negative, were

**MESSRS.** Arrington, Bynum, Etheridge, Exum, Hawkins, Hill, Houlder, Melvin,

**MESSRS.** Myers, Orr, Pollock, Ribelin, Speed, Whitaker, Whitfield, Wilson—16.

The bill entitled a bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes, was taken up and read the third time and passed—yeas 28, nays 18. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

**MESSRS.** Arrington, Bond, Bynum, Cooper, Edwards, Etheridge, Exum,

**MESSRS.** Montgomery, McDiarmid, Moore, Moye, Orr, Pollock, Reid,
Ordered, That said bill be engrossed.

The Senate entered on the order of the day, and took up the bill entitled a bill for the establishment and better regulation of Common Schools; which was read the second time, and after debate, on motion of Mr. Cooper, laid on the table.

Mr. Morehead moved that the vote by which was adopted the resolutions appointing a committee to prepare an abstract of the census, &c. be reconsidered; which was agreed to.

The resolutions were then amended and adopted.

On motion of Mr. Bynum, the engrossed bill entitled a bill to establish a county by the name of Cleveland, was taken up and read the second time and rejected—yeas 22, nays 26. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Moore, Bynum, Montgomery, Clingman, Myers, Dockery, Orr, Gaither, Puryear, Morehead, Parks, Hargrave, Puryear, Hawkins, Ried, Johnson, Ribelin,
Melchor, Waddell,  
Mitchell, Ward,  
McDiarmid, Worth—23.

Morehead,  

Those who voted in the negative, were

| Messrs. Arrington, | Messrs. Moye, |
| Bond, | Pasteur, |
| Cooper, | Pollock, |
| Edwards, | Selby, |
| Etheridge, | Shepard, |
| Exum, | Sloan, |
| Faison, | Speed, |
| Hellen, | Spiers, |
| Hill, | Spruill, |
| Houlder, | Whitaker, |
| Kerr, | Whitfield, |
| Larkins, | Williams, |

The bill entitled a bill making an appropriation for completing the Capitol of the State and for other purposes, was taken up and read the third time, and on motion of Mr. Speed, laid on the table.

On motion of Mr. Bynum, the bill entitled a bill to alter the time of holding the County Courts of Lincoln, was taken up and read the second time and passed.

The Speaker announced to the Senate that Messrs. Waddell, Dockery, Gaither, Mitchell and Worth form the committee to whom is referred the resolution on the subject of making an abstract of the census, &c.

Mr. Mitchell presented a bill entitled a bill to amend an act passed at the session, A. D. 1833, entitled an act to divide the counties into School Districts and other purposes; which was read the first time and passed, and on motion of Mr. Spruill, ordered to be printed.

On motion of Mr. Clingman, the resolution in favor of J. R. Siler and D. R. Lowry was taken up and read the second time and passed.

Mr. Hellen, from the Committee on Internal Improvement, to whom was referred the memorial of sundry citizens of the county of Hyde, relative to the erection of locks and gates on the canal leading from the Mattamuskeet Lake, reported the following resolution:
Resolved, That the Literary Board be directed to ascertain the nature and amount of injuries sustained by a portion of the citizens of Hyde county, from the operation of the State on a ditch intended to drain the waters of Mattamasseket Lake to Wyserking Creek; and if they determine it to be obligatory on the State to redress the said injuries, then the said board are directed to move the said nuisance, Provided, the cost does not therefor amount to more than two thousand five hundred dollars; which amount they are hereby authorized to take from the sum heretofore appropriated for the draining of swamp lands.

Which was read and ordered to lie on the table.

Mr. Bynum, from the Committee on the Judiciary, to whom was referred the engrossed bill entitled a bill to amend the several revised statutes, entitled an act concerning sheriffs, an act concerning clerks of the County and Superior Courts, and an act concerning constables, reported the same to the Senate with an amendment; which was read and laid on the table.

Mr. Montgomery presented the resignation of Green Palmer, a Justice of the Peace for the county of Montgomery; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Mitchell, the Senate adjourned until to-morrow morning ten o'clock.

Thursday, Dec. 24, 1840.

The Senate met according to adjournment. The Speaker having heretofore obtained leave of absence from the service of the Senate for one week from and after this day—whereupon the Senate proceeded to elect a Speaker pro tem.

On motion of Mr. Gaither, Hugh Waddell was nominated for the appointment of Speaker, and, on motion of Mr. Cooper, Mr. Dockery was added to the nomination. On motion of Mr. Reid, Messrs. Spruill and Bynum were appointed to superintend the election.

The Senate then voted as follows:
Messrs. Albright, Bond, Bynum, Clingman, Dockery, Gaither, Hargrave, Hawkins, Hellen, Johnson, Melchor, McDiarmid, Moore, Montgomery, Moye, Myers, Puryear, Speed, Spiers—19.

FOR MR. DOCKERY,


FOR MR. WILSON,

Messrs. Reid, Williams—2.

Mr. Spruill from the Select Committee appointed to superintend the election for Speaker pro tem., reported that no person had received a majority of the votes given, and there was no election; whereupon the name of Mr. Waddell was withdrawn from the nomination.

The Senate then proceeded to vote again for Speaker pro tem.; which resulted as follows:

FOR MR. DOCKERY,

Messrs. Albright, Bond, Bynum, Moore, Montgomery, Morehead,
Clingman, Moye,
Cooper, Myers,
Etheridge, Pasteur,
Exum, Pollock,
Faison, Puryear,
Hargrave, Ribelin,
Hawkins, Selby,
Hill, Sloan,
Houlder, Speed,
Johnson, Spiers,
Kerr, Spruill,
Larkins, Waddell,
Melchor, Ward,
Melvin, Whitaker,
Mitchell, Whitfield—37.
McDiarmid,

FOR MR. WADDELL,

MESSRS. Gaither,
Hellen—2.

FOR MR. WILSON,

MESSRS. Orr,
Williams—2.

Mr. Reid voted for Mr. Kerr.

Mr. Spruill from the committee appointed to superintend the election for Speaker pro tem., reported that Mr. Dockery had received a majority of the votes given, and was duly elected. Whereupon, Mr. Spruill conducted Mr. Dockery to the chair. The Senate then proceeded to business.

Mr. Cooper presented the following resolution:

Resolved, That we send a message to the House of Commons, proposing to raise a Joint Select Committee of two on the part of each House, whose duty it shall be to examine the condition that the public arms are in, which are deposited in the arsenal in the city of Raleigh; and that they have leave to report to this General Assembly, by bill or otherwise.

Which was read and adopted.
Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution relative to the discharge of securities in certain cases, reported adversely thereto, and asked to be discharged from its further consideration; the committee was discharged accordingly.

Mr. Morehead, from the same committee, to whom was referred the resolution requiring them to inquire into the expediency of giving to magistrates jurisdiction over assaults and batteries, reported adversely thereto, and asked to be discharged from its further consideration; the committee was discharged accordingly.

Mr. Speed, from the Committee of Privileges and Election, to whom was referred the contested election from the Senatorial district, composed of the counties of Greene and Lenoir, reported the following resolution, to wit:

Resolved by the Senate, That James B. Whitfield, the sitting member from the Senatorial district composed of the counties of Greene and Lenoir, received a majority of the whole number of legal votes polled for Senator in said district, in August last; that he was duly elected, and is entitled to his seat as a member of this House.

Which was read and laid on the table.

Mr. Waddell presented the memorial of Joshua Carman, of Cumberland county, praying the Legislature to emancipate his slave, Abel Payne; which was, on his motion, referred to the Committee of Propositions and Grievances.

Mr. Clingman presented a memorial from sundry citizens of Tennessee, praying the Legislature to grant a charter for a Turnpike road; which was read, and on his motion, referred to the Committee on Propositions and Grievances.

Mr. Waddell, from the committee to whom was referred the message of the Governor, transmitting a report from the Hon. George E. Badger, in relation to the suits recently pending in the Circuit and Supreme Court of the United States, reported the following resolutions:

Resolved, That it is just and proper that the sum of two thousand five hundred dollars be paid to the Hon. George E. Badger, as the additional sum contemplated in the original engagement entered into with him by the Governor of this State.
Resolved, That the sum of five hundred dollars, returned to the Public Treasurer by the Hon. David L. Swain, under the agreement with the Governor before mentioned, be refunded to him, with interest from the date of said return.

Which were read the first time and passed.

Received from the House of Commons a message, proposing to print the communication of his Excellency, the Governor, in relation to the affairs and condition of the University, therewith transmitted to the Senate; which was read and concurred in.

The Senate took up for consideration the bill; entitled a bill to amend the 53d chapter of the Revised Statutes concerning the Governor; and the engrossed bill, entitled a bill to incorporate Orr Lodge, at Washington, in the county of Beaufort; which were read the second time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate that the two Houses of this General Assembly adjourn sine die on the 4th of January next.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill concerning Jurors in Yancey county.

Ordered, That said bill be enrolled.

The bill entitled a bill to alter the time of holding the County Courts of Lincoln, was taken up and read the third time and passed, and ordered to be engrossed.

Mr. Clingman presented a bill entitled a bill to amend an act passed at the last session of the General Assembly, entitled an act to authorise the making of a Turnpike Road in Haywood county; which was read the first time and passed.

Mr. Mediarmid presented a bill supplementary to an act passed A. D. 1839, chapter the 30th, entitled an act to amend the inspection laws; which was read the first time and passed.

Mr. Waddell presented a bill entitled a bill to incorporate Fairfield Academy, in the county of Orange; which was read the first time and passed.

Mr. Shepard presented a bill, entitled a bill to grant certain privileges to the Princess Ann and Kempville Canal Companies; which was read the first time and passed.
Mr. Waddell presented a bill to amend and explain the Revised Statute, entitled an act for limiting the time within which action may be brought, and quieting the titles to land and slaves, and prescribing the time within which presumption of satisfaction may arise; and to repeal part of the said statute; which was read the first time and passed.

The resolution in favor of Robert B. Davis and others, was taken up and read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for officers of Cavalry attached to the 15th brigade of militia; and stating that Thomas A. Allison is in nomination for Colonel Commandant; Amos Weaver, for Lieutenant Colonel; and Edwin Falls, for Major; which was read and agreed to.

Whereupon the Speaker announced to the Senate that Messrs. Hill and Worth form our branch of the committee to superintend the election for officers of cavalry attached to the 15th brigade of militia—and the House of Commons was informed thereof by message.

The bill entitled a bill to incorporate the Greensboro' Guards, in the county of Guilford, was taken up and read the third time, and on motion of Mr. Morehead, amended and passed and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. McLaughlin and Ennett form their branch of the committee to superintend the election for Cavalry officers attached to the 15th brigade of militia; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. ALLISON,

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Cooper,
Etheridge,
Exum,
Faison,
Gaither,
Hawkins,
Hellen,
Hill,

MESSRS. Morehead,
Montgomery,
Moye,
Myers,
Orr,
Pasteur,
Pollock,
Reid,
Ribelin,
Selby,
Puryear,
Shepard,

23
FOR MR. WEAVER, Lieutenant Colonel.

MESSRS. Cooper,
Mitchell—2.

FOR MR. J. P. CALDWELL, L. Colonel,

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Etheridge,
Exum,
Faison,
Gaither,
Hawkins,
Hellen,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melchor,
Melvin,
McDiarmid,
Morehead,

MESSRS. Montgomery,
Moye,
Myers,
Orr,
Pasteur,
Pollock,
Reid,
Ribelin,
Selby,
Puryear,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Whitaker,
Whitfield,
Wilson,
Worth—38.

FOR MR. FALLS, as Major.

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Cooper,
Etheridge,
Exum,

MESSRS. Melvin,
Montgomery,
Moye,
Myers,
Orr,
Pasteur,
Pollock,
The Senate took up for consideration the engrossed bill entitled a bill to amend the several revised statutes, entitled an act concerning sheriffs, an act concerning Clerks of the Superior and County Courts, and an act concerning constables; which was read the third time, the amendments agreed to and passed.

The resolution in favor of J. R. Siler and D. R. Lowry, was taken up and read the third time, and on motion of Mr. Bynum, amended and passed and ordered to be engrossed.

Mr. Hellen moved that the vote by which was rejected the engrossed bill to establish a county by the name of Cleaveland, be re-considered.

Mr. Spruill moved to lay that motion on the table; which was agreed to.

The engrossed bill entitled a bill concerning pilots and commissioners of navigation for Cape Fear River, was taken up and read the second time, and on motion of Mr. McDiarmid, postponed indefinitely—yeas 23, nays 22.

Those who voted in the affirmative, were

**Messrs.** Cooper, Etheridge, Exum, Hill, Houlder, Kerr, Larkins, Melvin, McDiarmid, Reid, Ribelin, Selby, Puryear, Shepard, Speed, Spiers, Spruill, Waddell, Whitaker, Whitfield, Wilson, Worth—40.
Montgomery, Williams,
Orr, Wilson—23.
Pasteur,

Those who voted in the negative, were

Messrs. Albright, Messrs. Morch, Bond, Mitchell,
Bynum, Moore, Clingman, Moye,
Faison, Myers, Gaither, Puryear,
Hargrave, Shepard, Hawkins, Speck,
Hellen, Spiers, Johnson, Waddell,
Melchor, Worth—22.

Mr. Worth, from the joint select committee appointed to superintend the election for cavalry officers attached to the 15th brigade of militia, reported that Messrs. Allison, as Col. Commandant; Weaver, as Lieutenant Col.; and Falls as Major, each having received a majority of the votes given, were duly elected—in which report the Senate concurred.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill authorising the Governor to appoint an agent in the county of Macon or Cherokee.

Ordered that said bill be enrolled.

The bill to amend the 102d chapter of the Revised Statutes, entitled revenue, was taken up, and read the second time and passed.

Also, the bill, entitled a bill to incorporate the Nantahalah Turnpike Company, of the counties of Macon and Cherokee; which was read the second time and passed.

The Senate then took up for consideration the bill, entitled a bill making an appropriation for completing the Capitol, and for other purposes; which was read the third time, on motion of Mr. Spruill, amended, and, on motion of Mr. Moore, laid on the table,

Mr. Hellen moved that the Senate have a recess until Saturday Morning, ten o'clock; which motion was decided in the negative—yeas 17—nays 25. The yeas and nays were demanded by Mr. Moye.
Those who voted in the affirmative, were

**Messrs.** Albright, Bynum, Clingman, Exum, Faison, Gaither, Hawkins, Hellen, Hill,

**Messrs.** Johnson, Larkins, Montgomery, Pasteur, Selby, Sloan, Whitaker, Worth—17.

Those who voted in the negative, were

**Messrs.** Bond, Cooper, Etheridge, Houlder, Kerr, Melchor, Melvin, Mitchell, McDiarmid, Moore, Morehead, Moye, Myers,


Whereupon, Mr. Speed moved that the Senate adjourn until Saturday morning, ten o'clock; which motion was also decided in the negative—yeas 15—nays 26.

Those who voted in the affirmative, were

**Messrs.** Albright, Bynum, Clingman, Exum, Gaither, Hawkins, Hellen, Johnson,

**Messrs.** Larkins, Montgomery, Sloan, Speed, Whitaker, Whitfield, Worth—15.

Those who voted in the negative, were

**Messrs.** Bond, Cooper,

**Messrs.** Myers, Orr,
Mr. Moore then moved that the Senate adjourn until to-morrow morning, ten o'clock; which motion was decided in the affirmative—yeas 23—nays 15. The yeas and nays were demanded by Mr. Bynum.

Those who voted in the affirmative, were

| Messrs. Albright, Bond, Cooper, Etheridge, Faison, Kerr, Larkins, Melchor, Melvin, Mitchell, McDiarmid, Moore, Moye, Myers, Orr, Pasteur, Pollock, Purney, Ribelin, Selby, Spruill, Waddell, Ward, Williams, Worth—23. |

Those who voted in the negative, were


So the Senate adjourned.
Mr. Hill presented a petition from sundry citizens of the county of Duplin, praying the Legislature to authorize the Court of Pleas and Quarter Sessions of said county to appoint inspectors; which, on his motion, was referred to the Committee of Propositions and Grievances.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution relative to giving each magistrate the first volume of the Revised Statutes, reported adversely thereto, and asked to be discharged from its further consideration. The committee was discharged accordingly.

Mr. Waddeell, from the Select Committee appointed to make an abstract of the census, reported a detailed account thereof. The committee was discharged from the further consideration of the subject.

Ordered, That the report be printed.

Mr. Clingman presented the following resolution:

Resolved, That the Public Treasurer be instructed to pay to Samuel Waters twenty dollars, the amount originally paid to the State by him for two hundred acres of land lying in Macon county, in 17th district, on the west side of Tennessee River, granted on the 23rd day of February, 1838, Provided nevertheless, that the said Samuel Waters shall first surrender up the said grant, No. 84, to the Secretary of State, to be cancelled.

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

Mr. Pollock moved that the Senate adjourn until tomorrow morning ten o'clock; which motion was decided in the negative—yeas 6, nays 28.

The yeas and nays were demanded by Mr. Speed,

Those who voted in the affirmative, were

Messrs. Hellen,
   Hill,
   Larkins,
   Messrs. Pasteur,
   Pollock,
   Sloan—6.

Those who voted in the negative, were

Messrs. Bynum,
   Messrs. Moore,
Mr. Ribelin moved that the vote by which was postponed indefinitely the engrossed bill entitled a bill concerning pilots and commissioners of navigation for Cape Fear River, be re-considered.

Mr. Morehead moved to lay the motion on the table; which was agreed to.

Mr. Cooper moved that the Senate adjourn until to-morrow morning ten o'clock; which motion was decided in the negative—yeas 8, nays 30.

The yeas and nays were demanded by Mr. Mitchell.

Those who voted in the affirmative, were,


Those who voted in the negative, were

Mr. Morehead presented a bill entitled a bill to make trespass upon land and other property indictable in certain cases; which was read the first time and passed.

Mr. Clingman presented a bill entitled a bill concerning jurors in Cherokee county; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills:
A bill for the relief of the Wilmington and Raleigh Rail Road Company.
A bill to amend the Revised Statutes, entitled an act for the appointment of Electors to vote for President and Vice President of the United States.
A bill to make elections uniform throughout the State, and amendatory of the Revised Statute concerning the General Assembly of the State, concerning the mode of choosing the Representatives in the Congress of the United States, concerning the Governor of the State, concerning the Sheriffs, and concerning the Clerks of the County and Superior Courts.

In which they ask the concurrence of the Senate.

Said bills were each read the first time and passed.

The bill for the relief of the Wilmington and Raleigh Rail Road Company was ordered to be printed.

Mr. Bynum, from the Committee on the Judiciary, to whom was referred the bill to incorporate the North Carolina Land and Mining Company, reported the same to the Senate, and asked to be discharged from its further consideration. The report and bill were ordered to lie on the table.

On motion of Mr. Speed, the resolution relative to the contested election of James B. Whitfield, was taken up, read and adopted.

On motion of Mr. Speed, Messrs. Harper and Whitfield are permitted to withdraw from the files of the Senate the documents of each relative to the contested election of said Whitfield.

The Senate took up for consideration the bill entitled a bill to incorporate the Nantahalah Turnpike Company, of the counties of Macon and Cherokee; a bill to amend the 53rd chapter of the Revised Statutes concerning the Gov-
error; a bill to amend the 102d chapter of the Revised Statutes, entitled revenue; and the resolution in favor of Robert B. Davis and others: which were severally read the third time and passed, and ordered to be engrossed.

The engrossed bill entitled a bill to incorporate Orr Lodge, at Washington, in the county of Beaufort, was taken up and read the third time and passed and ordered to be enrolled.

On motion of Mr. Waddell, the bill entitled a bill to incorporate Fairfield Academy, was taken up and read the second time and passed.

Mr. Larkins moved that the Senate adjourn until tomorrow morning ten o'clock; which motion was decided in the negative—yeas 14, nays 21. The yeas and nays were demanded by Mr. Pollock.

Those who voted in the affirmative, were,

MESSRS. Bond, Cooper, Exum, Faison, Hellen, Hill, Kerr,

MESSRS. Larkins, Melvin, McDiarmid, Morehead, Orr, Reid, Worth—14.

Those who voted in the negative, were

MESSRS. Bynum, Clingman, Etheridge, Gaither, Hargrave, Houlder, Johnson, Melchor, Mitchell, Moore, Montgomery,


Mr. Clingman moved that the vote by which was adopted the recommendation of Justices of the Peace for the county of Macon, be re-considered; which was agreed to; and on his motion laid on the table.

The bill supplementary to an act passed A. D. 1839,
chapter 30, entitled an act to amend the inspection laws, was taken up and read the second time and passed.

Mr. Reid moved that the Senate adjourn until to-morrow morning ten o'clock; which motion was decided in the negative—yeas 12, nays 25. The yeas and nays were demanded by Mr. Melvin.

Those who voted in the affirmative, were

**MESSRS.** Bond, Melchor,
Cooper, Moore,
Hargrave, Morehead,
Hellen, Reid,
Hill, Sloan,
Kerr, Worth—12.

Those who voted in the negative, were

**MESSRS.** Bynum, Moye,
Clingman, Myers,
Etheridge, Orr,
Exum, Pollock,
Faison, Puryear,
Gaither, Ribelin,
Houlder, Selby,
Johnson, Speed,
Larkins, Spiers,
Melvin, Waddell,
Mitchell, Ward,
McDiarmid, Wilson—25.

Montgomery,

On motion of Mr. Waddell, the bill "entitled a bill to amend and explain the Revised Statute, entitled an act for limiting the time within which actions may be brought, and for quieting titles to land and slaves, and prescribing the time within which presumption of satisfaction may arise, and to repeal part of the said Statute, was taken up, and on his motion referred to the Committee on the Judiciary.

The bill entitled a bill to grant certain privileges to the Princess Anne and Kempville Canal Companies, was taken up, and on motion of Mr. McDiarmid, laid on the table.

Mr. Moore moved, that the Senate adjourn till to-mor-
row morning 10 o'clock, which motion was decided in the affirmative—Yeas 18—Nays 18.

The Yeas and Nays were demanded by Mr. Gaither.

Those who voted in the affirmative, were

Messrs. Bond, Coopér, Etheridge, Hargrave, Hellen, Hill, Kerr, Larkins, Melchor,


Those who voted in the negative, were

Messrs. Bynum, Clingman, Exum, Faison, Houlder, Johnson, Mitchell, McDiarmid, Montgomery,

Messrs. Moye, Myers, Pollock, Puryear, Rheelin, Selby, Speed, Waddell—18.

The Speaker voted in the affirmative. So the Senate adjourned until to-morrow morning ten o'clock.

Saturday, Dec. 26, 1840.

The Speaker presented a memorial from sundry citizens of the county of Robeson, praying the Legislature to grant them a charter for a canal from Lumber river to Cape Fear river; which was read, and on motion of Mr. Spruill, referred to the Committee on Internal Improvement.

Mr. Spruill, from the Committee on Finance, reported the following resolution, to wit:

Resolved, That the Public Treasurer be directed to pro-
ceed to the speedy collection of all the notes or bonds now on file in the Treasury Office, other than Cherokee bonds.

Which was read the first time and passed.

Mr. Clingman presented the following resolution:

Resolved, That the Committee on the Judiciary, be instructed to enquire whether the General Assembly have power to repeal the law, giving banking privileges to the Louisville, Cincinnati and Charleston Rail Road Company; and also to enquire whether any action is necessary at this time, in relation to that matter.

Which was read and adopted.

Mr. Shepard, from the select committee, to whom was referred the communication from the Hon. William Gaston, relative to repairing the Statue of Washington, reported the following Preamble and Resolution:

Whereas, in a communication from the Hon. William Gaston, information has been received that Mr. John Frazer, of New York, a native artist, and a man of the most respectable standing, will undertake to replace whatever part of the Statue of Washington has been destroyed, or is missing; and unless he succeeds to the entire satisfaction of the committee, (who may be appointed to superintend the work) he will not charge a cent, and that no advances of any sort will be required:

Be it therefore resolved, That the Governor be requested to inform Mr. Frazer, of New York, that he has the permission of the Legislature of North Carolina, to examine and experiment upon the remains of the Statue of Washington, provided he does not remove said remains from the City of Raleigh, and shall conduct said experiments at his own expense.

Which were read the first time and passed.

Mr. Gaither presented a bill, entitled a bill concerning Jurors, in Burke county; which was read the first time and passed.

The bill, entitled a bill to incorporate Fairfield Academ-
my, in the county of Orange, was taken up, and read the third time and passed, and ordered to be engrossed.

Also the bill, entitled a bill supplementary to an act, passed A. D. 1839, chapter 30, entitled an act to amend the inspection laws; which was read the third time, and, on motion of Mr. McDiarmid, amended and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the 73d chapter of the Revised Statutes, entitled an act concerning the militia—in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

The Senate proceeded to consider the engrossed bill, entitled a bill to make elections uniform throughout the State, and amendatory of the Revised Statutes concerning the mode of choosing representatives in the Congress of the United States; concerning the Governor of the State; concerning Sheriffs; and concerning Clerks of the County and Superior Courts; which was read the second time and passed, and, on motion of Mr. Moore, referred to the Committee on the Judiciary.

The engrossed bill, entitled a bill to amend the Revised Statute, entitled an act providing for the appointment of Electors to vote for President and Vice President of the United States, was taken up and read the second time and passed, and, on motion of Mr. Spruill, referred to the Committee on the Judiciary.

The Senate then took up for consideration the bill, entitled a bill concerning Jurors in Cherokee county; and the bill, entitled a bill to amend an act passed at the last session of the General Assembly, entitled an act authorising the making a Turnpike Road in Haywood county; which were read the second time and passed.

The bill, entitled a bill to make trespass on land and other property, indictable in certain cases, was taken up and read the second time; and on motion of Mr. Bynum, referred to the Committee on the Judiciary.

The engrossed bill, entitled a bill for the relief of the Wilmington and Raleigh Rail Road Company, was taken up and read the second time. Mr. Wilson moved to amend the bill by adding after the 12th section, the following:

*Be it further enacted, That the private property of the*
individual stockholders in said company, shall be liable to the amount of stock owned by each, in addition to the property of said company, for the payment of the principal and interest of the loan authorised to be made by this act; and before this act goes into operation, there shall be a general meeting of the stockholders, who shall agree to accept the credit of the State on the terms herein proposed; and, in said general meeting, those who own three-fifths in amount of the individual stock shall agree to accept the same; and the President of the Company shall officially make known to the Public Treasurer the names of the individual stockholders, who shall agree to accept the same, with the amount of stock held by each in said company.

Which was read and rejected by the following vote:

Those who voted in the affirmative, were

MESSRS. Bynum, Cooper, Etheridge, Exum, Faison, Houlder, Kerr, Larkins, Melvin, Mitchell,

MESSRS. McDiarmid, Moye, Orr, Pasteur, Pollock, Reid, Ward, Whitaker, Williams, Wilson—20 yea.

Those who voted in the negative, were

MESSRS. Albright, Bond, Clingman, Gaither, Hargrave, Hellen, Hill, Melchor, Moore, Morehead, Montgomery, Myers,

MESSRS. Parks, Puryear, Ribelin, Selby, Shepard, Sloan, Speed, Spiers, Spruill, Waddell, Worth—23 nays.

The bill was then put upon its passage, and the ques-
tion was decided in the affirmative—yeas 24, nays 19.—
The yeas and nays were demanded by Mr. Houlder.

Those who voted in the affirmative, were

MESSRS. Albright, Bond, Bynum, Clingman, Gaither, Hargrave, Hellen, Hill, Melchor, Mitchell, McDiarmid, Moore,
MESSRS. Morehead, Montgomery, Myers, Parks, Puryear, Ribelin, Selby, Shepard, Sloan, Spiers, Waddell, Worth—24 yeas.

Those who voted in the negative, were

MESSRS. Cooper, Etheridge, Exum, Faison, Houlder, Kerr, Larkins, Melvin, Moye, Orr,
MESSRS. Pasteur, Pollock, Reid, Speed, Spruill, Ward, Whitaker, Williams, Wilson—19 nays.

Mr. Clingman presented a bill, entitled a bill supplemental to an act passed at this session, authorising the Governor to appoint an agent to collect the Cherokee bonds; which was read the first time and passed.

On motion of Mr. Exum, the Senate adjourned until Monday morning, ten o'clock.
Mr. Shepard, from the Committee on Internal Improvement, to whom was referred the Resolution relative to Lumber River, reported the following Resolution:

Resolved, That Two Thousand Seven Hundred and Fifty Dollars, be appropriated out of any money in the Treasury, not otherwise appropriated, to be spent under the superintendence of the Board of Internal Improvements, for removing obstructions in Lumber River, and for the survey of the shortest and most practicable route between Lumber River and the Cape Fear, and report the same to the next Legislature.

Which was read the first time, and passed.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill to make elections uniform throughout the State, and amendatory of the Revised Statutes, concerning the mode of choosing Representatives in the Congress of the United States, concerning the Governor of the State, concerning Sheriffs, and concerning Clerks of the County and Superior Courts, reported the same to the Senate, without amendment; which was read and laid on the table.

Mr. Morehead, from the same Committee, to whom was referred the Engrossed bill to amend the Revised Statutes, entitled an act, providing for the appointment of Electors to vote for President and Vice President of the United States, reported the same to the Senate without amendment; which was read and laid on the table.

Mr. Faison, from the Joint Select Committee, to whom was referred the petition of Jesse W. Moore and others, Citizens of Greene County, reported the following Resolution, to wit:

Resolved, That the Treasurer pay to Jesses W. Moore, Thomas Hughes and William V. Dupree, out of any money not otherwise appropriated, Ten Dollars each, for services rendered agreeable to the Laws of North Carolina, for attending a Court Martial in the County of Craven, for the trial of Col. Russell.

Which was read the first time, and passed.
Mr. Reid presented a bill, entitled a bill, to regulate stays and appeals, so far as they concern the collection of Bank Notes; which was read the first time and passed.

The bill, entitled a bill, concerning Jurors in Cherokee County, and the bill, entitled a bill, to amend an Act passed at the last Session of the General Assembly, entitled an Act to authorise the making a Turnpike Road in Haywood County, were taken up and read the third time, and passed, and ordered to be engrossed.

The Senate took up for consideration, the bill, entitled a bill supplemental to an Act passed at this Session, authorising the Governor to appoint an Agent to collect the Cherokee bonds; which was read the second time, and passed.

The Engrossed bill entitled a bill for the relief of the Wilmington and Raleigh Rail Road Company, was taken up and read the third time, and passed by the following vote—Yea 23—Nay 19.

The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,
BOND,
Bynum,
Clingman,
Gaither,
Hargrave,
Hellen,
Hill,
Melchor,
Mitchell,
Moore,
Morehead,

MESSRS. Montgomery,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Sloan,
Spiers,
Waddell,
Worth—23.

Those who voted in the negative, were

MESSRS. Arrington,
Cooper,
Etheridge,
Edwards,
Faison,
Hawkins,
Kerr,
Larkins,
Melvin,
Moye,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Spruill,
Ward,
Whitaker,
Wilson,
Williams—19.
The Resolution concerning the draining of Lake Mattamuskeet, was taken up, and read the second time, and on motion Mr. Waddell, laid on the table.

Received from the House of Commons a message, stating that Messrs. Gray, Dickson, Monroe and Holt, form their branch of the committee on enrolled bills for this week.

Whereupon the Speaker announced to the Senate that Messrs. Reid and Moye form our branch of the committee on enrolled bills for this week—and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Shepard, Spruill, Hill, Hellen and Cooper, form our branch of the committee to whom was referred the subject of French Spoliations—and the House of Commons was informed thereof by message.

The engrossed bill, entitled a bill to lay off and establish a county by the name of Caldwell; and the bill, entitled a bill to lay off and establish a county by the name of McDowell, were taken up and read the second time, and laid on the table.

On motion of Mr. Waddell, the Senate took up for consideration, the resolutions in favor of George E. Bandger and D. L. Swain; which were read the second time and passed.

On motion of Mr. Clingman, the engrossed bill, entitled a bill repealing the act relating to the public road in Buncombe county, was taken up and read the second time and passed.

On motion of Mr. Shepard, the Senate took up the bill, entitled a bill in favor of Princess Ami Kempville Canal Company; which was read the second time; and on motion of Mr. Etheridge, amended and passed.

On motion of Mr. Spruill, the bill, entitled a bill making an appropriation for completing the Capitol of the State, and for other purposes, was taken up and read the third time and passed, and ordered to be engrossed.

On motion of Mr. Montgomery,

Ordered, That Mr. McDiarmid have leave of absence from the service of the Senate, from and after to-day until Wednesday next.

The resolution concerning the Statue of Washington, was taken up read the second time and passed.

On motion of Mr. Bynum, the Senate adjourned until to-morrow morning; ten o'clock.
Mr. Moore, from the committee of Proposition and Grievances, to whom was referred the memorial of Joseph Harman of Cumberland county, relative to the emancipation of his negro Abel Payne, reported adversely thereto; which was read and concurred in.

Mr. Bond; from the committee on claims, to whom was referred the resolution in favor of Sam'l Waters, reported the same to the Senate without amendment; which was read and laid on the table.

Mr. Whitaker presented the following resolution:

Resolved, That the Public Treasurer pay to William Stronach, twelve dollars and seventy cents, for labor done in the Capitol; and that the same be allowed him in the settlement of his account.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions:

Resolution in favor of Peter Fausts' representative.
Resolution directing the Secretary of State to deposit certain documents in the library of the University.
Resolution in favor of Mark H. Hill. Also an engrossed bill, to amend the Revised Statute, entitled an act, concerning registers. In which they ask the concurrence of the Senate.

Said resolutions and bill were severally read the first time and passed.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to repeal in part the 9th section of the 23d chapter of the Revised Statutes, concerning the Comptroller.

Received from the House of Commons a message, stating that J. O'K. Williams, Guyther, Kerr, W. N. H. Smith and Farrar, form their branch of the committee on the subject of French Spoliations.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed resolution in favor of Isaac Hunter.

Ordered that said resolution be enrolled.
Received from the House of Commons the resignation of Charles E. Johnson, a Justice of the Peace; and James McDowell, a Justice of the Peace for the county of Burke; which were read and accepted.

The resolution concerning the Statue of Washington, was taken up, and read the third time and passed by the following vote—yeas 25—nays 19. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

**MESSRS. Bond,**
Bynum,
Clingman,
Edwards,
Etheridge,
Faison,
Gaither
Hargrave,
Hawkins,
Hellen,
Hill,
Melchor,
Mitchell,

**MESSRS. Moore,**
Morehead,
Montgomery,
Myers,
Parks,
Pollock,
Puryear,
Selby,
Shepard,
Speed,
Spiers
Waddell—25.

Those who voted in the negative, were

**MESSRS. Albright,**
Arrington,
Cooper,
Houlder,
Kerr,
Larkins,
Melvin,
Moye,
Orr,
Pasteur,

**MESSRS. Reid,**
Ribelin,
Sloan,
Spruill,
Ward,
Whitaker,
Williams,
Wilson,
Worth—19.

Ordered that said resolution be engrossed.

The bill, entitled a bill in favor of the Princess Anne and Kempville Canal Company, was taken up, and read the third time and passed, and ordered to be engrossed.

Mr. Wilson moved the following resolution:
Resolved, That the resolution in regard to the payment of two thousand five hundred dollars to Geo. E. Badger, and to refund five hundred dollars to Hon. D. L. Swain, be referred to the Committee on Claims, with instructions to enquire what fees have been paid to Counsel for attending to the suits in the Supreme Court of the State, for vacating the grants of Esselmore, Holdeman, Lattimore and others; and also for attending to the suits in the Federal Court and the Supreme Court of the United States.

Which was read and agreed to. Said resolution was then taken up, and referred accordingly.

The bill, entitled a bill supplemental to an act, passed at this session, authorising the Governor to appoint an agent to collect the Cherokee bonds, was taken up, and read the third time, and, on motion of Mr. Mitchell, amended and passed, and ordered to be engrossed.

The engrossed bill, entitled a bill to amend the Revised Statute, entitled an act providing for the appointment of electors to vote for President and Vice President of the United States, was taken up and read the third time and passed, and ordered to be enrolled.

On motion of Mr. Worth, the Senate took up for consideration the bill, entitled a bill, for the establishment and better regulation of Common Schools, which was read.

Mr. Shepard moved to amend the bill by striking out the word white, in the first section, and insert in lieu thereof the word federal.

Mr. Waddell called for a division of the question.

The question on striking out the word white, was decided in the affirmative—Yea 21—Nay 21.

The Yeas and Nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Arrington, Bond, Cooper, Edwards, Etheridge, Faison, Hawkins, Hill, Houlder, MESSRS. Moye, Pasteur, Pollock, Reid, Selby, Shepard, Sloan, Speed, Spiers,
Those who voted in the negative, were

**Messrs.** Albright, Bynum, Clingman, Gaither, Hargrave, Hellen, Kerr, Melchor, Mitchell, Moore, Morehead,

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Those who voted in the negative, were

**Messrs.** Albright, Bynum, Clingman, Gaither, Hargrave, Hellen,

**Messrs.** Albright, Bynum, Clingman, Gaither, Hargrave, Hellen,
Kerr,
Melchor,
Mitchell,
Moore,
Morehead,
Waddell,
Ward,
Williams,
Worth— nays 21.

Mr. Mitchell then moved to amend the bill by striking out all after the enacting clause; and then, on his motion, the bill and amendment were laid on the table.

On motion of Mr. Moye, Mr. Puryear was added to the committee on Claims.

Mr. Morehead, from the committee on the Judiciary, to whom was referred the resolution requiring them to examine into the expediency of repealing the act conferring banking privileges on the Louisville, Cincinnati and Charleston Rail Road Company, reported adversely thereto, and asked to be discharged from its further consideration. The committee was discharged accordingly.

Mr. Morehead, from the same Committee, to whom was referred the bill concerning the Banks established, and those which may hereafter be established in this State, reported the same to the Senate without amendment; which was read and laid on the table.

Mr. Morehead, from the same Committee, to whom was referred the bill, entitled an Act to amend and explain the Revised Statute; entitled an Act for limiting the time within which actions may be brought, and for quieting titles to land and slaves, and prescribing the time within which presumption of satisfaction may arise, and to repeal part of the said Statute, reported the same to the Senate without amendment, and recommended its passage; which was read and laid on the table.

Mr. Morehead, from the same Committee, to whom was referred the bill concerning the collection of debts by the Banks of this State, reported adversely thereto, and asked to be discharged from its further consideration; which was read and laid on the table.

The bill for the relief of the Raleigh and Gaston Rail Road Company, and the bill to regulate stays and appeals, so far as they concern the collection of Bank Notes, were taken up and ordered to lie on the table.

Mr. Moore presented the following Resolution:

Resolved, That from and after this day, the Senate will hold evening Sessions.
Which was read and adopted.

A bill, entitled a bill concerning Jurors in Burke County, was taken up and read the second time and passed.

The Resolution in favor of Thomas W. Moore and others, was then taken up and read the second time, and on motion of Mr. Whitfield, laid on the table.

Mr. Bynum presented a bill, entitled a bill to incorporate the town of Rutherfordton; which was read the first time and passed.

On motion of Mr. Speed, the Senate adjourned until to-morrow, ten o'clock.

Wednesday, Dec. 30, 1840.

The Speaker presented to the Senate a memorial from sundry citizens of Robeson county, praying the Legislature to pass an act to restrain free persons of color from selling spiritous liquors; which was read, and on motion of Mr. Melchor, referred to the committee of Propositions and Grievances.

Mr. Moore, from the committee of Propositions and Grievances, to whom was referred the memorial of sundry citizens of Tennessee, relative to a turnpike road, reported adversely thereto; which was concurred in.

Mr. Moore, from the same committee, to whom was referred the petition of sundry citizens of Duplin county, relative to the appointment of inspectors, reported adversely thereto; and asked to be discharged from the further consideration of the subject. The committee was discharged accordingly.

Received from the House of Commons a message, stating that they had passed the engrossed bill directing the conveyance of the commons adjoining the town of Murphy, to the chairman of the county court of Cherokee, with the following amendment, to wit: strike out in the 7th line of the 2nd section, the words five dollars, and insert fifty cens; in which they ask the concurrence of the Senate; which was read and not concurred in.

Received from the House of Commons a message, stating that they have passed the following engrossed bills.
A bill to enlarge the limits of the town of Wadesborough, in Anson county.

A bill to empower the County Court of Burke to regulate the Jury for the Superior and County Courts.

A bill giving the Court of Pleas and Quarter Sessions of Cherokee County jurisdiction over the State Road in said County.

A bill to attach a part of the County of Iredell to the County of Wilkes.

A bill to amend an Act, entitled an Act to amend the 5th Chapter of the Revised Statutes, entitled Insolvent Debtors.

A bill to amend an Act of 1838, laying off a road from Burnsville in Yancey County, to the Tennessee line.

In which they asked the concurrence of the Senate.

Said bills were severally read the first time and passed.

Received from the House of Commons a message, proposing that the Joint Select Committee on so much of the Governor's Message as relates to Banks, and the increase of Banking Capital in this State, be instructed to report forthwith, and for that purpose that the said Committee have leave to hold their sittings during the sittings of the two houses, which was read and laid on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions:

Resolution directing a loan of ten thousand dollars to Wake Forest College.

Resolution in favor of John S. Smith, former commissioner of the Nantahala Mountain.

In which they ask the concurrence of the Senate.

Said resolutions were read the first time and passed.

Received from the House of Commons a message, stating they have passed the following engrossed bills:

A bill to alter and amend the 9th chapter of the Revised Statutes, entitled auctions and auctioneers.

A bill providing for restoring to the rights of citizenship, persons convicted of infamous crimes.

A bill to lay off and establish a road down the Blue
Ridge, from the line of the county of Yancy to Turkey Cove Creek, in Burke county.

A bill to authorise the laying off and establishing a Turnpike Road from Laxton Linehe's, in Rutherford county, to the Widow Sails', in Buncombe county.

In which they ask the concurrence of the Senate.

Said bills were severally read the first time and passed.

On motion of Mr. Shepard, the Senate resolved itself into a Committee of the Whole, Mr. Spruill being called to the Chair; the resolution relating to Lumber river was then taken up, and read the second time and amended; whereupon, the committee rose, and the Chairman reported the resolution and amendments to the House; the amendments were agreed to; the resolution then passed, as amended.

On motion of Mr. Larkins, the bill for the establishment and better regulation of Common Schools, was taken up; whereupon, on motion of Mr. Bynum, the Senate resolved itself into a Committee of the Whole, Mr. Edwards being called to the Chair. The amendment to strike out all after the enacting clause, proposed by Mr. Mitchell, was decided in the negative. The committee then rose, and the Chairman reported the bill to the House, and asked leave to sit again; which was agreed to.

Mr. McDiarmid presented the following resolution:

Resolved, That the Board of Internal Improvement pay to the Treasurer and Director of the Fayetteville and Western Rail Road Company, the sum of five thousand one hundred and eighty dollars and thirty cents, being two-fifths of the cost of the survey and estimates of the road made by said company.

Which was read the first time and passed, and, on his motion, referred to the Committee on Internal Improvements.

Mr. Speed presented a bill, entitled a bill to authorise the making a Turnpike Road from Gatesville to the Chawan river, and to incorporate a company for that purpose; which was read the first time and passed.

Mr. McDiarmid presented a bill, entitled a bill to incorporate the Little River Manufacturing Company; which was read the first time and passed.
On motion of Mr. Moye, the Senate took a recess until half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met, agreeably to adjournment.

The bill concerning Jurors in Burke county, was taken up, and read the third time and passed, and ordered to be engrossed.

The engrossed bill, entitled a bill repealing the act relating to the public road in Buncombe county, was taken up, and read the third time and passed, and ordered to be enrolled.

The engrossed bill, entitled a bill to amend the Revised Statute, entitled an act concerning Registers, was read the second time and passed.

The resolution in favor of William Stronach, was taken up and read the second time, and on motion of Mr. Whitaker, referred to the Committee on Claims.

The Senate took up for consideration, the engrossed resolution in favor of Peter Faust's representatives; which was read the second time and rejected.

The engrossed resolution directing the Secretary of State to deposite certain documents in the Library of the University, was read the second time and passed.

The engrossed bill, entitled a bill to make elections uniform throughout the State, and amendatory of the Revised Statutes, concerning the mode of choosing representatives in the Congress of the United States; concerning the Governor of the State; concerning Sheriffs; and concerning Clerks of the County and Superior Courts, was read the second time. Mr. Moye moved to amend the bill, by striking out the words "the first Thursday in August," and inserting in lieu thereof the words "the last Thursday in July;" which was rejected. Mr. Spruill moved to amend the first section, by inserting in the 7th line, after the word "counties," the words "except the county of Tyrrell;" which motion did not prevail. Mr. Spruill also moved to strike out in the third section, all after the word "of" in the 11th line, to the first "of" in the 12th line; which was not agreed to. He further moved to strike out in the 3d section and 11th line the word "also;" which was also rejected. The bill was then put
upon its passage, and decided in the affirmative—yeas 37, nays 7. The yeas and nays were demanded by Mr. Moye.

Those who voted in the affirmative, were

MESSRS. Albright, Arrington, Bond, Bynum, Cooper, Edwards, Etheridge, Exum, Faison, Gaither, Hargrave, Hawkins, Hellen, Hill, Houlder, Kerr, Larkins, Melchor, Melvin,


Those who voted in the negative, were

MESSRS. Johnson, Moore, Moye, Pollock,

MESSRS. Ried, Spruill, Williams—7.

The bill fixing the time at which the Superior Courts of Law and Equity shall be held hereafter, in the several counties composing the 7th Judicial circuit, was taken up and read the third time, and, on motion of Mr. Gaither, amended and passed, and ordered to be engrossed.

Mr. Albright presented the following resolution:

Resolved, That a message be sent to the House of Commons, asking their concurrence in rescinding the resolution adopted to adjourn on Monday next.

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

The bill, entitled a bill to incorporate the town of Ruth-
erfordton, was then taken up, and read the second time, on motion of Mr. Bynum, amended and passed.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, 10 o’clock.

Thursday, Dec. 31, 1840.

Mr. Moore presented the resignation of David Hendricks, a justice of the peace for the county of Stokes; which was read and accepted.

Received from the House of Commons a message, transmitting to the Senate the report of the committee on Finance, proposing to print it; which was read and concurred in.

Received from the House of Commons the resignation of Edward Nelson, a justice of the peace for the county of Craven; Stephen Woodward, a justice of the peace for the county of Wayne; and A. Polk, a justice of the peace for the county of Anson; which were severally read and accepted.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions:

A resolution in favor of James Erwin;
A resolution in favor of W. G. Lamb.
In which they ask the concurrence of the Senate.
Said resolutions were read the first time and passed.

The engrossed resolution directing the Secretary of State to deposite certain documents in the Library of the University, was taken up and read the third time and passed, and ordered to be enrolled.

Also the engrossed bill entitled a bill to amend the Revised Statute, entitled an act concerning Registers, was read the third time and passed and ordered to be enrolled.

The Senate then took up for consideration the bill entitled a bill to incorporate the town of Rutherfordton; which was read the third time and passed, and ordered to be engrossed.

The engrossed bill, entitled a bill to make elections uniform throughout the State, and amendatory of the Revised Statutes, concerning the mode of choosing representatives in the Congress of the United States, concerning
the Governor of the State, concerning sheriffs, and concerning clerks of the County and Superior Courts; which was read the third time and passed, and ordered to be enrolled.

The resolution concerning Lumber river, was read the third time and passed, and ordered to be engrossed.

Mr. Bynum presented the following resolution:

Resolved, That the Public Treasurer be requested to furnish a statement of the amount of surplus revenue received from the General Government, and of the disposition and investment of the same; and also a statement of the whole Literary Fund, specifying what portion of it has been received from the General Government, and what from other sources.

Which was read and adopted.

On motion of Mr. Clingman, the resolution in favor of Samuel Waters, was taken up, and read the second time and rejected.

On motion of Mr. Shepard, the Senate took up the resolution concerning the draining of lake Mattamuskeet; which was read the second time and rejected by the following vote:—Yea 14, nay 30. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

Messrs. Bynum,
Clingman,
Edwards,
Etheridge,
Gaither,
Hawkins,
Hellen,

Messrs. Mitchell,
Montgomery,
Selby,
Shepard,
Speed,
Spiers,
Spruill—14.

Those who voted in the negative, were

Messrs. Albright,
Arrington,
Bond,
Cooper,
Exum,
Faison,

Messrs. Moye,
Myers,
Orr,
Parks,
Pasteur,
Pollock,
Hill, Puryear, 
Houlder, Reid, 
Johnson, Reid, 
Kerr, Ribelin, 
Melchor, Sloan, 
Melvin, Ward, 
McDiarmid, Whitaker, 
Moore, Whitfield, 
Morehead, Williams, 
Wilson—30. 

On motion of Mr. Gaither, the Senate took up the engrossed bill to lay off and establish a road down the Blue ridge, from the line of the county of Yancey, to Turkey Cove creek, in Burke county; which was read the second time.

Mr. Moye moved to strike out, in the third section, the words, "in the Treasury," and insert in lieu thereof the words, "belonging to the Internal Improvement Fund;" which was agreed to.

Mr. Reid then moved to strike out the third section of the bill; which motion did not prevail.

The bill then passed as amended.

On motion of Mr. Orr, the engrossed bill to lay off and establish a county by the name of Union, was taken up and read the second time and rejected.

On motion of Mr. Shepard, the bill for the establishment and better regulation of common schools, was taken up and made the special order of the day for Saturday next, at 11 o'clock, and each day thereafter till disposed of.

The Speaker presented to the Senate a communication from the Public Treasurer, transmitting therein the receipts, disposition and investment of the surplus revenue; which was read, and, on motion of Mr. Bynum, ordered to be printed.

Mr. Orr moved that the vote by which was rejected the engrossed resolution in favor of Peter Faust's representatives, be reconsidered; which was agreed to. The resolution was then read and rejected.

On motion of Mr. Mitchell, the Senate took a recess till half past three o'clock.
The Senate met agreeably to adjournment.

The bill, entitled a bill to incorporate the Little River Manufacturing Company, was taken up and read the second time and passed.

On motion of Mr. Gaither,

Ordered, That a message be sent to the House Commons to make the necessary arrangements for the qualifications of the Governor elect to-morrow.

On motion of Mr. Shepard, the Senate resolved itself into a Committee of the whole, Mr. Edwards being called to the chair: the bill, entitled a bill for the establishment and better regulation of Common Schools, was taken up. Several amendments being made, on motion of Mr. Hellen, the committee rose; the Speaker resumed his chair, the chairman reported progress and asked leave to sit again.

On motion of Mr. Bynum,

Ordered, That Mr. Hargrave have leave of absence, from the service of the Senate from and after to-day, the remainder of the session.

On motion of Mr. Faison, the Senate adjourned until to-morrow morning, ten o'clock.

Friday, Jan. 1, 1841.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill, entitled a bill to make trespass upon laud and other property indictable in certain cases, reported the same to the Senate with amendments; which was read and laid on the table.

Mr. Puryear, from the Committee on Claims, to whom was referred a resolution directing them to inquire what amount of money has heretofore been paid to counsel, in the suits brought by Esselmore and others, reported thereon; which was read, and on motion of Mr. Wilson, laid on the table.

Mr. Worth presented a bill, entitled a bill to incorporate the Union Institute Library Society; which was read the first time and passed.
Received from the House of Commons a message, stating that Messrs. Mendenhall, Biggs, J. B. Jones, and Russell, form their branch of the committee to make arrangements for the qualification of the Governor elect.

Whereupon, the Speaker announced to the Senate, the Messrs. Gaither, Wilson, Waddell and Ward, form our branch of the committee to make arrangements for the qualification of the Governor elect—and the House of Commons was informed thereof by message.

The engrossed bill, to lay off and establish a road down the Blue Ridge, from the line of the county of Yancy, to Turkey Cove Creek, in Burke county, was taken up and read the third time, amended, on motion of Mr. Gaither, and passed.

On motion of Mr. Montgomery, the engrossed bill, to lay off and establish a county by the name of Stanly, was taken up and put upon its passage the third reading; which question was decided in the affirmative—yeas 25—nays 71. The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative, were

Messrs. Albright, Bynum, Clingman, Dockery, Gaither, Hawkins, Hellen, Hill, Johnson, Kerr, Larkins, Melchor, Mitchell,


Those who voted in the negative, were

Messrs. Arrington, Bond, Cooper, Edwards, Exum, Faison,

Messrs. Pasteur, Pollock, Reid, Speed, Spruill, Whitfield,
Ordered, That said bill be enrolled.

The engrossed bill, to incorporate the Little River Manufacturing Company, was taken up and read the third time.

Mr. Wilson moved to amend the bill, by striking out the word "perpetual."

Pending the question, Mr. Melvin moved to lay the bill on the table; which was agreed to.

Mr. Ward moved that the motion to reconsider the bill, to lay off and establish a county by the name of Cleaveland, heretofore laid on the table, be taken up; which was agreed to.

The question was then taken on reconsidering the bill; which was decided in the affirmative—yeas 22—nays 20.

Mr Exum demanded the yeas and nays.

Those who voted in the affirmative, were


Those who voted in the negative, were

The bill, then on motion of Mr. Bynum, was laid on the table.

Mr. Gaither, from the joint select committee, appointed to make arrangements for the qualification of the Governor elect, reported thereon.

The report was then transmitted to the House of Commons.

Received from the House of Commons a message, stating that they are now ready to receive the Senate in their Hall, to proceed to the qualification of the Governor elect. Whereupon the Senate repaired to the Commons Hall.

Received from the House of Commons a message, stating that they insist on their amendment to the engrossed bill, directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the county court of Cherokee, and propose to raise a committee of conference to consist of three on the part of each House on the subject of this disagreement; which was read and concurred in.

Mr. McDiarmid, from the Committee on Internal Improvement, to whom was referred the resolution in favor of the Treasurer and Directors of the Fayetteville and Western Rail Road Company, reported the same to the Senate, and recommended its adoption; which was read and laid on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions:

A resolution respecting the re-opening the Roanoke Inlet.
A resolution in favor of James C. Turrentine.
In which they ask the concurrence of the Senate.

The first named resolution was read the first time and passed, and on motion of Mr. Reid, ordered to be printed.

The last named resolution was read the first time and passed.

The engrossed bill to attach a part of the county of Iredell, to the county of Wilkes, was read the second time and passed.

The engrossed bill to amend the 73d chapter of the Revised Statutes, entitled an act concerning the militia, was then taken up and read the second time and rejected.

The resolution concerning certain bonds in the Treasury office, was taken up and read the second time.

Mr. Clingman moved to amend the resolution by adding the words, "and the bonds given by the Justices of Haywood county for lands in that county purchased of the State;" which was rejected.
The question then was, shall the resolution pass? which was decided in the affirmative—yeas 29—nays 12. The yeas and nays were demanded by Mr. Clingman.

Those who voted in the affirmative, were


Those who voted in the negative, were

**Messrs.** Bynum, Clingman, Gaither, Hawkins, Hellen, Moore, Montgomery, Myers, Puryear, Selby, Speed, Ward—12.

On motion of Mr. Speed, the resolution concerning the day of adjournment, was taken up, read and adopted.

The engrossed resolution in favor of W. G. Lamb, and the engrossed resolution in favor of James Erwin, were read the second time and passed.

Mr. Morehead moved that the vote by which was rejected the resolution concerning the draining of lake Mattamuskeet, be reconsidered; which motion prevailed. The resolution was then laid on the table.

The engrossed resolution in favor of Mark H. Hill, was read the second time and rejected.

The bill to authorise the making a turnpike road from Gatesville to the Chowan river, and to incorporate a company for that purpose, was taken up and read the second time and passed.
The Senate proceeded to consider the engrossed bill to incorporate the town of Henderson, in the county of Granville; and the bill to authorise the laying off and establishing a turnpike road from Laxton Lynch's, in Rutherford county, to the widow Sail's, in Buncombe county; which were read the second time and passed.

On motion of Mr. Spruill, the Senate took a recess until half past 3 o'clock.

Half past 3 o'clock, p. m.

The Senate met agreeably to adjournment, and took up the engrossed bill, entitled a bill to alter and amend the 9th chapter of the Revised Statutes, entitled Auctions and Auctioneers; which was read the second time, and, on motion of Mr. Morehead, referred to the committee on the Judiciary.

On motion of Mr. Worth, the Senate resolved itself into a committee of the Whole, Mr. Edwards being called to the chair. The bill for the establishment and better regulation of common schools, was taken up. Some time having been spent therein, on motion of Mr. Morehead, the committee rose, the speaker resumed the chair, and the chairman reported progress and asked leave to sit again.

On motion of Mr. McDiarmid, the bill to incorporate the Little River Manufacturing Company, was taken up and read the third time, and, on motion of Mr. Wilson, amended and passed, and ordered to be engrossed.

On motion of Mr. Bynum, the Senate adjourned until to-morrow morning, 10 o'clock.

Saturday, January 2, 1841.

The Speaker announced to the Senate that Messrs. Clingman, Bynum and Bond form our branch of the committee of conference on the disagreement of the Senate
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to the amendment proposed by the House of Commons to
the bill directing the conveyance of the commons adjoin-
ing the town of Murphy to the chairman of the county
court of Cherokee; and the House of Commons was in-
formed thereof by message.

Received from the House of Commons a message, con-
curring in the proposition of the Senate, to rescind the re-
solution heretofore adopted by the two Houses, to adjourn
sine die on Monday next.

Mr. Shepard, from the committee on Internal Improve-
ment, to whom was referred the resolution inquiring into
the expediency and practicability of removing the ob-
bruction of Neuse river, reported that they recommend
it as a work urgently demanding the attention of the Le-
gislature; which was read, and, on motion of Mr. Shep-
ard, laid on the table and ordered to be printed.

Mr. Morehead, from the committee on the Judiciary, to
whom was referred the engrossed bill to alter and amend
the 9th chapter of the Revised Statutes, entitled Auctions
and Auctioneers, reported the same to the Senate without
amendment, and recommended its passage; which was
read and laid on the table.

Mr. Clingman introduced a bill, entitled a bill to incor-
porate the Embie Turnpike Company, in the county of
Cherokee; which was read the first time and passed.

Mr. Worth presented a bill, entitled a bill to incorpo-
rate the Trustees of the Union Institute Academy; which
was read the first time and passed.

Received from the House of Commons a message, state-
ing that they have passed the engrossed resolution in fa-
vor of John S. Russwurm; in which they ask the concurrence
of the Senate. Said resolution was read the first
time and passed.

Received from the House of Commons a message, state-
ing that they have passed the following engrossed resolu-
tions:

A resolution in favor of John Davis, sheriff of Lenoir;
A resolution in favor of claimants for French spolia-
tions, prior to the year 1800.
In which they ask the concurrence of the Senate.
Said resolutions were read the first time and passed.
The engrossed bill, entitled a bill to incorporate the
town of Henderson, in the county of Granville; and the
engrossed resolution in favor of W. G. Lamb, were taken
up, and read the third time and passed, and ordered to
be enrolled.
On motion of Mr. Wilson, the bill concerning the banks established, and those which may hereafter be established in this State, was taken up, and, on his motion, the consideration thereof postponed for the present.

The Senate resolved itself into a Committee of the Whole, Mr. Edwards being in the Chair, entered upon the orders of the day, and took up the bill for the establishment and better regulation of common schools; having spent some time therein, on motion of Mr. Cooper, the committee rose, the Speaker resumed the chair, and the chairman reported the bill and amendments to the Senate; after the amendments had been passed upon by the Senate, Mr. Mitchell moved to amend the bill, by striking out all of the first section except the enacting clause. Pending that question, on motion of Mr. Moore, the bill and motion were laid on the table.

On motion of Mr. Speed, the Senate adjourned until Monday morning ten o'clock.

Monday, January 4, 1841.

The Speaker presented to the Senate a communication from George Templeman, proposing to furnish the State of North Carolina with a full set of the Laws, Documents and Journals of Congress, and other books necessary for the formation of a State Library; which was read, and, on motion of Mr. Dockery, laid on the table.

Mr. Dockery, from the Committee on Claims, to whom was referred a resolution in favor of William Stronach, reported the same to the Senate, and recommended its passage; which was read and laid upon the table.

Mr. Wilson, from the Committee on the Judiciary, to whom was referred the resolution enquiring into the expediency of passing a law to prevent the transportation of slaves, or free persons of color on board Steam Boats, Rail Roads, or Stages, reported a bill to prevent the transportation of slaves upon Rail Roads, Steam Boats or Stage Coaches, without written permission from their owners; which was read the first time and passed.

Mr. Wilson presented the following resolution, to wit:
Resolved, That the President of the Raleigh and Gaston Rail Road Company, be required to furnish the Public Treasurer, officially, under the seal of the corporation, with a copy of the proceedings, and a list of the names of the Stockholders present, by proxy or in person, and the amount of stock owned by each, at the general meeting of the Stockholders, convened in Raleigh on the day of 1839, for the purpose of accepting the guarantee of the State for the loan authorised to be made at the last session of the General Assembly for the sum of $500,000.

And resolved further, That in case the President of said Raleigh and Gaston Rail Road Company, shall fail or refuse to furnish the proceedings and list aforesaid, the Attorney General is hereby instructed to file a bill in the Superior Court of Wake county against the President and Directors of said company, requiring them to comply with the provisions of the foregoing resolution, to perpetuate evidence of those present at said general meeting of Stockholders.

Which were read the first time and passed.

Mr. Worth presented the following resolution:

Resolved, That the Comptroller of the State be, and he is hereby allowed a fee of ten cents on each and every certificate he may hereafter make to the Secretary of State on payments made into the Public Treasury for entries of vacant lands, the person claiming the entry to be responsible for the payment of said fee.

Which was read the first time and passed.

Mr. Selby presented a bill, entitled a bill to authorise Isaac Brooks, sheriff of Hyde county, to collect the arrears of taxes due him in said county; which was read the first time and passed.

Mr. Moore, from the Committee of Propositions and Grievances, to whom was referred the petition of Jacob Harman of Randolph county, praying the Legislature to emancipate his two slaves, reported adversely thereto. The report of the committee was concurred in.

Mr. Moore, from the same committee, to whom was referred the petition of sundry citizens praying the Legislature to repeal an act passed at the session of 1829 & '30, entitled an act concerning the liability of certain hands in
the town of Lincolnton to work on roads, reported unfavorably thereto; which report was read and concurred in.

On motion of Mr. Whitfield, the resolution of Thomas W. Moore and others was taken up, read the second time, amended and passed.

The engrossed resolution in favor of James Erwin was taken up, read the third time and passed, and ordered to be enrolled.

Mr. Morehead, from the Joint Select Committee to whom was referred so much of the Governor's message as relates to the expediency of uniting the Board of Internal Improvement and the Literary Board, reported a bill entitled a bill to unite the Board of Internal Improvement and the Literary Board, and to amend the 60th, 61st, 66th and 67th chapters of the Revised Statutes; which was read the first time and passed, and on motion of Mr. Spruill,

Ordered, That the bill and report be printed.

The Senate entered upon the order of the day, and took up the bill entitled a bill for the establishment and better regulation of Common Schools, being the unfinished business of Saturday. The question was then taken on striking out all of the first section of the bill, except the enacting clause, which was decided in the negative—yeas 19, nays 27. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were


Those who voted in the negative, were

MESSRS. Arrington, Bond, Cooper, Edwards, MESSRS. Pasteur, Pollock, Ried, Selby,
Mr. Clingman moved to strike out the proviso of the 5th section; which motion was decided in the affirmative—yeas 32—nays 14.

The yeas and nays were demanded by Mr. Exum.

Those who voted in the affirmative, were


Those who voted in the negative, were

Mr. Mitchell moved to strike out the 28th section and insert in lieu thereof the following, to wit:

Be it further enacted, That forty dollars out of the Literary Fund shall be, and is hereby appropriated to each School District of six miles square in those counties which have not heretofore drawn from the Literary Fund the appropriation under the act of 1838, and which have complied with the requisitions of the said act of 1838, by building school houses and laying taxes.

Which was read, and the question thereon was decided in the negative—yeas 22, nays 25. The yeas and nays were demanded by Mr. Myers.

Those who voted in the affirmative, were

Messrs. Bynum, Clingman, Cooper, Etheridge, Gaither, Helleu, Hill, Kerr, Larkins, Melvin, Mitchell,

Messrs. McDiarmid, Moye, Myers, Parks, Pasteur, Pollock, Sloan, Speed, Whitaker, Whitfield, Williams—22.

Those who voted in the negative, were

Messrs. Albright, Arrington, Bond, Dockery, Edwards, Exum, Faison, Hawkins, Houlder, Johnson, Melchor, Moore, Morehead,


The question was then taken on the passage of the bill
the second reading; which was decided in the affirmative.

Mr. Spruill then moved that the rules of the Senate be suspended, so as to read the bill the third time; which motion prevailed.

Whereupon, Mr. Moye moved to strike out the word "three" in the 6th line of the 8th section, and insert the words, "not less than three, nor more than six"; which was agreed to.

Mr. Reid moved to strike out in the fifteenth section the words "to designate the kind of books to be used in their respective schools;" which was decided in the affirmative by the following vote:

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Exum moved to strike out the 28th section, and insert an amendment proposed by him.
Mr. Myers then moved to amend the amendment, by substituting therefor the words following:

*Be it further enacted, That forty dollars out of the Literary Fund shall be, and is hereby appropriated to each school district of six miles square in those counties which have not heretofore drawn from the Literary Fund the appropriation under the act of 1838, to be paid to the chairman of the board of superintendents of common schools of said counties, or his lawful attorney, upon the warrant of the Comptroller; which shall be distributed by the superintendents among the several school districts in said counties, as provided in the sixteenth section of this act.*

Mr. Wilson called for a division of the question.

The question then recurred on striking out the 28th section; which was decided in the affirmative—yeas 27—nays 16.

The yeas and nays were demanded by Mr. Houlder.

Those who voted in the affirmative, were

**Messrs.** Arrington,  
Bynum,  
Clingman,  
Cooper,  
Etheridge,  
Exum,  
Hellen,  
Houlder,  
Johnson,  
Larkins,  
Melchor,  
Melvin,  
Mitchell,  
McDiarmid,  

**Messrs.** Morehead,  
Montgomery,  
Moye,  
Myers,  
Orr,  
Parks,  
Sloan,  
Waddell,  
Ward,  
Whitaker,  
Whitfield,  
Williams,  
Wilson—27.

Those who voted in the negative, were

**Messrs.** Albright,  
Bond,  
Dockery,  
Edwards,  
Paison,  
Hawkins,  

**Messrs.** Pasteur,  
Pollock,  
Puryear,  
Reid,  
Ribelin,  
Spiers,
Mr. Exum then withdrew his amendment.
Mr. Morehead then moved to amend Mr. Myers' amendment, by inserting after the words 1838, "and which have complied with the requisitions of the said act of 1838, by building school houses and levying taxes;" which was rejected by the following vote:

**Those who voted in the affirmative, were**

**Messrs.** Faison,  
Mitchell,  
Morehead,  
Spruill,  
Worth—16.

**Those who voted in the negative, were**

**Messrs.** Arrington,  
Bond,  
Bynum,  
Clingman,  
Cooper,  
Dockery,  
Edwards,  
Etheridge,  
Exum,  
Hawkins,  
Hellen,  
Hill,  
Houlder,  
Johnson,  
Kerr,  
Larkins,  
Melvin,  
Melchor,  
Moore,  
McDiarmid,  
Montgomery,  
Moye,  
Myers,  
Orr,  
Parks,  
Pollock,  
Puryear,  
Reid,  
Sloan,  
Spiers  
Speed,  
Waddell,  
Whitaker,  
Whitfield,  
Williams,  
Wilson—36.

The question then recurred on the amendment of Mr. Myers; which was decided in the affirmative—yeas 30—nays 13.

The yeas and nays were demanded by Mr. Houlder.

**Those who voted in the affirmative, were**

**Messrs.** Albright,  
Mitchell,
Those who voted in the negative, were

**MESSRS.** Clingman, Dockery, Edwards, Etheridge, Hawkins, Moore, Morehead,

**MESSRS.** Pastur, Puryear, Reid, Spruill, Wilson, Worth—13.

Whereupon, Mr. McDiarmid moved to amend the bill; by striking out the 6th section; which was rejected by the following vote:

Those who voted in the affirmative, were

**MESSRS.** Exum, Gaither, Hill, Houlder, Johnson, Kerr, Melvin, Mitchell, McDiarmid, Moore,

**MESSRS.** Montgomery, Orr, Pollock, Reid, Ribelin, Whitaker, Whitfield, Williams, Wilson—19:

Those who voted in the negative, were

**MESSRS.** Albright, Morehead,
Mr. Dockery moved to strike out the words “federal population,” and insert in lieu thereof the words, “one half to each district of six miles square, and the other half in the ratio of white population”; which was rejected by the following vote:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Moore, Morehead, Montgomery, 
Bynum, Myers, 
Clingman, Orr, 
Dockery, Parks, 
Gaither Puryear, 
Hellen, Ribelin, 
Melchor, Waddell—18.
Mitchell, 
McDiarmid, 

Those who voted in the negative, were

Messrs. Arrington, Messrs. Moye, 
Bond, Pasteur, 
Cooper, Pollock, 
Edwards, Reid, 
Etheridge, Sloan, 
Exum, Speed, 
Exum, Spiers, 
Faison, Spruill, 
Hawkins, Whitaker, 
Hill, Whitfield, 
Houlder, Williams, 
Johnson, Wilson, 
Kerr, Worth—27. 
Larkins, 
Melvin, 

29
Mr. Bynum then moved to amend the bill by striking out all after the enacting clause of the first section, and inserting the following words:

"That the nett annual income of that portion of the Literary Fund derived from the General Government, shall annually be distributed among the several counties in this State in the ratio of their federal population; and the nett annual income of the remainder of said fund according to white population, to be ascertained by the census next preceding such distribution."

Which was rejected by the following vote:

Those who voted in the affirmative, were

MESSRS. Albright, Bynum, Clingman, Hellen, Melchor, McDermid, Moore, Montgomery,

MESSRS. Morehead, Myers, Orr, Puryear, Ribelin, Waddell, Worth—15.

Those who voted in the negative, were

MESSRS. Arrington, Bond, Cooper, Dockery, Edwards, Etheridge, Exum, Faison, Gaither, Hawkins, Hill, Houlker, Johnson, Kerr,


Whereupon Mr. Morehead moved that the bill be postponed indefinitely; which motion was decided in the negative—yeas 11, nays 33. The yeas and nays were demanded by Mr. Speed.
Those who voted in the affirmative, were

MESSRS. Bynum, Messrs. Morhead,
Clingman, Montgomery,
Gaither, Orr,
Melchor, Puryear,
Mitchell, Ribein—11.
Moore,

Those who voted in the negative, were

MESSRS. Albright, Messrs. McDiarmid,
Arrington, Moye,
Bond, Myers,
Cooper, Pasteur,
Dockery, Pollock,
Edwards, Reid,
Etheridge, Sloan,
Exum, Speed,
Faison, Spiers,
Hawkins, Spruill,
Hellen, Waddell,
Hill, Whitaker,
Houlder, Whitfield,
Johnson, Williams,
Kerr, Wilson,
Larkins, Worth—33.
Melvin,

Mr. Reid then moved that the bill lie on the table; which was agreed to.

Mr. Hellen presented the following resolutions:

Resolved by the General Assembly of the State of North Carolina, That the sum of twenty thousand dollars be, and the same is hereby appropriated to the clearing out and removing of obstructions in the Neuse River, between Newbern and Smithfield.

Resolved further, That the Board of Internal Improvements be and they are hereby authorised and directed to apply the said appropriation to the purposes aforesaid, so as to render the Neuse River navigable for steam boats.

Which were read the first time and passed.
Received from the House of Commons a message, proposing to refer a bill to amend the act passed at the last session of the General Assembly, entitled an act for the relief of the Raleigh and Gaston Rail Road Company, and to secure the State against loss, in consequence of the guaranty by the said act directed of certain bonds of the said company, and for other purposes, to a Joint Select Committee of five on the part of each House; which was read and concurred in.

Whereupon the Speaker announced to the Senate that Messrs. Edwards, Waddell, Shepard, Mitchell and Kerr form our branch of the committee to whom is referred a bill to amend the act passed at the last session of the General Assembly, entitled an act for the relief of the Raleigh and Gaston Rail Road Company—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Pope, McMillan, J. W. Covington and Pemberton form their branch of the Committee on enrolled bills for this week.

Whereupon Messrs. Mitchell and Orr were appointed a committee on the part of the Senate on enrolled bills for this week—and the House of Commons was informed thereof by message.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

Tuesday, January 5, 1841.

Received from the House of Commons a message, stating that Messrs. Barringer, C. Jones, Rand, McClennehan and Eaton form their branch of the Joint Select Committee to whom is referred the bill for the relief of the Raleigh and Gaston Rail Road Company.

Received from the House of Commons a message, stating that Messrs. Reid, Moore and McClennehan form their branch of the Committee of Conference on the disagreement between the two Houses upon the amendment to the engrossed bill directing the conveyance of the Commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee; and that the report of the
Committee of Conference therewith transmitted to the Senate, is concurred in by the House of Commons.

Mr. Bynum, from the Joint Select Committee to which was referred so much of the Governor's message as relates to a Bank of the United States, and to an increase of our Bank capital, reported the following resolutions, to wit:

Resolved, That Congress has the constitutional power to charter a National Bank, as a fiscal agent of the Federal Government, and a regulator of the exchanges of the country.

Resolved, That it is the duty of Congress to establish such an institution with a moderate capital; but as the time of creating the same may be highly material, it is deemed proper to submit that time to the wisdom of Congress.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Which were read the first time and passed, and ordered to be sent to the House of Commons, proposing to print.

Mr. Montgomery presented a bill entitled a bill supplemental to an act, entitled an act to lay off and establish a county by the name of Stanly and for other purposes; which was read the first time and passed.

Mr. Montgomery then moved to suspend the rules of the Senate, so as to read the bill the second and third times; which was agreed to.

The bill was then read the second and third times and passed, and ordered to be engrossed.

The Senate entered upon the order of the day, and took up the bill for the establishment and better regulation of Common Schools.

Mr. Worth moved that the proviso in the fifth section, which was stricken out on yesterday, be re-instated; which was decided in the affirmative—yeas 31, nays 13. The yeas and nays were demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Myers, Orr,
Arrington, Parks, Pasteur,
Dockery,
Edwards,
Etheridge, Etheridge, Etheridge, Etheridge,
Exum, Exum, Exum, Exum,
Paison, Paison, Paison, Paison,
Gaither, Gaither, Gaither, Gaither,
Hawkins, Hawkins, Hawkins, Hawkins,
Houlder, Houlder, Houlder, Houlder,
Johnson, Johnson, Johnson, Johnson,
Kerr, Kerr, Kerr, Kerr,
Larkin, Larkin, Larkin, Larkin,
Melchor, Melchor, Melchor, Melchor,
Melvin, Melvin, Melvin, Melvin,
Moore, Moore, Moore, Moore,
Moye, Moye, Moye, Moye,
Pollock, Pollock, Pollock, Pollock,
Puryear, Puryear, Puryear, Puryear,
Reid, Reid, Reid, Reid,
Ribelin, Ribelin, Ribelin, Ribelin,
Selby, Selby, Selby, Selby,
Sloan, Sloan, Sloan, Sloan,
Waddell, Waddell, Waddell, Waddell,
Ward, Ward, Ward, Ward,
Whitaker, Whitaker, Whitaker, Whitaker,
Whitfield, Whitfield, Whitfield, Whitfield,
Williams, Williams, Williams, Williams,
Wilson, Wilson, Wilson, Wilson,
Worth, Worth, Worth, Worth—34.

Those who voted in the negative, were

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<th>Messrs.</th>
<th>Bond,</th>
<th>Messrs.</th>
<th>Morehead,</th>
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<td>Bynum,</td>
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<td>McDiarmid,</td>
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Mr. Myers then moved to reconsider the vote by which the 28th section was stricken out, and his amendment inserted in lieu thereof; which was agreed to.

He then asked leave to withdraw his amendment; which was granted.

Mr. Gaither then renewed the amendment of Mr. Myers; which was rejected by the following vote:

Those who voted in the affirmative, were

<table>
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<th>Messrs.</th>
<th>Bynum,</th>
<th>Messrs.</th>
<th>McDiarmid,</th>
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<td>Clingman,</td>
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<td>Mitchell,</td>
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<td>Whitaker—16.</td>
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Those who voted in the negative, were

<table>
<thead>
<tr>
<th>Messrs.</th>
<th>Albright,</th>
<th>Messrs.</th>
<th>Orr,</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Arrington,</td>
<td></td>
<td>Parks,</td>
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</table>
The question was taken on the passage of the bill the third reading; which was decided in the affirmative—yeas 29—nays 17. The yeas and nays were demanded by Mr. Bynum.

Those who voted in the affirmative, were,

MESSRS. Albright, Messrs. Moye, Arrington, Myers, Bond, Pasteur, Cooper, Pollock, Edwards, Reid, Etheridge, Ribelin, Exum, Shepard, Faison, Sloan, Hawkins, Speed, Hawker, Spruill, Kerr, Waddell, Larkins, Ward, Melchor, Williams; Moore, Wilson, Moye, Worth—31. Myers,

Those who voted in the negative, were

MESSRS. Bynum, Messrs. Montgomery, Clingman, Orr, Gaither, Parks, Johnson, Puryear, Melchor, Ribelin, Mitchell, Waddell,
Ordered, That the said bill be engrossed.

On motion of Mr. Gaither, the engrossed bill to lay off and establish a county by the name of Caldwell, was taken up and read the second time and rejected—yeas 21—nays 24. The yeas and nays were demanded by Mr. Arrington.

Those who voted in the affirmative, were


Those who voted in the negative, were


On motion of Mr. Wilson, the bill concerning the banks established, and those which may hereafter be established in the State, was taken up and read the second time.
Mr. Wilson moved the following amendment thereto, to wit:

*Be it further enacted, That if, at any time hereafter, any bank established within this State shall suspend or refuse to pay any of its notes to the holders thereof in specie, when demanded at the bank or place where the said notes may have been issued, it shall not be lawful for any bank, so suspending specie payments, to collect any of its debts due at the time of suspension, until the said bank shall resume specie payments; Provided such person or persons as may be indebted to said bank or banks shall renew their notes as they shall fall due, paying the interest, and giving such security as may be deemed good and sufficient for said debt.*

*And be it further enacted, That if at any time hereafter, any bank or banks as aforesaid, shall suspend specie, or refuse to pay their notes in specie, on demand as aforesaid, it shall not be lawful for the bank or banks so suspending specie payments, to collect any debt or debts made or created by bond, note or otherwise, by such bank or banks during the time of said suspension; and if any action or suit shall be brought in any court of record, or before any justice of the peace to collect such debt or debts, it shall be the duty of the court, or justice before whom the same may be brought, to dismiss the suit with costs.*

*And be it further enacted, That it shall not be lawful for the officer of any bank or banks, that has suspended specie payments, or shall hereafter suspend, to sell or dispose of any bill of exchange, check, or draft, or other instrument of like character, at a greater rate than two per cent. per annum or exchange, nor shall any person or persons, as agent or attorney, or in any other capacity, do so for the benefit of said Bank or Banks; and any officer of said Bank or Banks, or other person or persons, for the benefit of said Bank or Banks, so offending, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment.*

The bill and amendment were then postponed until to-morrow.

Mr. Morehead moved that the motion to reconsider the vote by which was rejected the engrossed bill concerning pilots and commissioners of navigation for Cape Fear River, heretofore laid on the table, be taken up: which was agreed to.

The question was then taken on the reconsideration of
the bill; which was agreed to. The bill was then read the second time and passed—yeas 22, nays 21. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright, Bond, Clingman, Faison, Gaither, Hawkins, Hellen, Johnson, Melchor, Mitchell, Moore, Morehead, Moye, Myers, Parks, Puryear, Ribelin, Shepard, Speed, Spruill, Waddell, Worth—22.

Those who voted in the negative, were


Mr. Clingman, from the Joint Select Committee of Conference on the part of the Senate, to which was referred the disagreement of the two Houses in relation to the bill for directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee, reported thereon; which was read and ordered to lie on the table.

On motion of Mr. Waddell, the Senate took a recess till half past 3 o'clock.
The Senate met agreeably to adjournment, and took up the engrossed bill entitled a bill to attach part of the county of Iredell to the county of Wilkes; which was read the third time and passed, and ordered to be enrolled.

The engrossed bill to authorise the laying off and establishing a turnpike road from Lackson Lynch's, in Rutherford county, to the widow Sails's, in Buncombe county, was taken up and read the third time.

Mr. Moye moved to amend the bill by striking out, in the 12th section, the words "in the Treasury," and inserting the words "belonging to the fund for Internal Improvement," which was agreed to.

Mr. Dockery moved to strike out the words "five thousand," and insert the words "two thousand five hundred," which was agreed to.

The question was then taken on the passage of the bill as amended; which was decided in the affirmative—yeas 25, nays 16. The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative, were

MESSRS. Albright, MESSRS. Montgomery,
Bond,
Bynum,
Clingman,
Dockery,
Etheridge,
Gaither,
Hawkins,
Hellen,
Melchor,
Mitchell,
McDiarmid,
Moore,

Those who voted in the negative, were,

MESSRS. Arrington, MESSRS. Pasteur,
Cooper,
Exum,
Houlder,
Kerr,
Larkins,

Cooper,
Exum,
Houlder,
Kerr,
Larkins,
Melvin, Moye, Williams, Wilson—16.

The resolution in favour of the treasurer and directors of the Fayetteville and Western Rail Road Company, was taken up and read the second time and rejected by the following vote:

Those who voted in the affirmative, were

MESSRS. Clingman, Dockery, Gaither, Hawkins, Hellen, McDiarmid,

MESSRS. Moore, Morehead, Montgomery, Puryear, Spiers—11.

Those who voted in the negative, were

MESSRS. Albright, Arrington, Bond, Bynum, Cooper, Edwards, Etheridge, Exum, Faison, Houlder, Johnson, Kerr, Larkins, Melchor, Melvin, Moye, Myers,

MESSRS. Orr, Parks, Pasteur, Pollock, Reid, Ribelin, Selby, Shepard, Sloan, Speed, Spruill, Ward, Whitaker, Whitfield, Williams, Wilson, Worth—34.

The Senate took up for consideration the bill to authorise the making of a turnpike road from Gatesville to the Chowan River, and to incorporate a company for that purpose; which was read the third time and amended, and passed, and ordered to be engrossed.

The resolution in favor of Jesse W. Moore and others, was read the third time and rejected.

The bill to authorise Isaac Brooks, Sheriff of Hyde
county, to collect the arrears of taxes due him in said county, was taken up and read the second time and rejected.

On motion of Mr. Clingman, the report of the Joint Select Committee of Conference, on the disagreement of the two Houses to the bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee, was taken up and concurred in.

Mr. Whitaker moved that the recommendation of Justices of the Peace for the county of Wake, heretofore laid on the table, be taken up; which was agreed to. The recommendation was then read and accepted.

The engrossed resolution in favor of John S. Russwurm; the resolution in favor of John Davis, Sheriff of Lenoir county; and the engrossed bill entitled a bill giving the Court of Pleas and Quarter Sessions of Cherokee county jurisdiction over the State Road in said county, were severally read the second time and passed.

The engrossed bill to enlarge the limits of the town of Wadesborough, in Anson county, was taken up and read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to amend an act of 1838, laying off a road from Burnsville, in Yancy county, to the Tennessee line, was taken up and read the second time and passed.

The Senate then took up for consideration the engrossed bill to empower the County Court of Burke to regulate the juries for the Superior and County Courts; and the engrossed resolution in favor of John L. Smith, former commissioner of the Nantahala Mountain Road, were read the second time and passed.

The engrossed bill to amend an act entitled an act to amend the 33th chapter of the Revised Statutes, entitled insolvent debtors, was read the second time, and on motion of Mr. Gaither, referred to the Committee on the Judiciary.

The engrossed resolution in favor of James C. Turrentine, was taken up and read the second time and passed.

On motion of Mr. Speed, the Senate adjourned until tomorrow morning ten o'clock.
Wednesday, Jan. 6, 1841.

Mr. Spruill presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of this General Assembly adjourn sine die on Monday the 11th instant, and that the Clerks make up their estimates to that day inclusive.

Which was read.

Mr. Moye moved that the resolution be laid on the table; which motion was decided in the negative—yeas 8, nays 31.

The yeas and nays were demanded by Mr. Larkins.

Those who voted in the affirmative, were

MESSRS. Bond, Dockery, Hawkins, Moore,
MESSRS. Moye, Shepard, Waddell, Whitaker—8.

Those who voted in the negative, were

MESSRS. Albright, Arrington, Bynum, Clingman, Cooper, Etheridge, Exum, Faison, Gaither, Hellen, Houlder, Larkins, Melchor, Melvin, Mitchell, McDiarmid,

Mr. Gaither moved to amend the resolution by striking out the words sine die, and inserting in lieu thereof, the words until the first Monday of January, 1842.
Mr. Gaither then moved that the resolution and amendment be laid on the table; which was decided in the negative—yeas 21—nays 24. The yeas and nays were demanded by Mr. Ward.

Those who voted in the affirmative, were

**Messrs. Albright,**
- Bond,
- Bynum,
- Clingman,
- Dockery,
- Edwards,
- Gaither,
- Hawkins,
- Hellen,
- Johnson,
- Montgomery,
- Myers,
- Parks,
- Puryear,
- Ribelin,
- Selby,
- Shepard,
- Waddell,
- Whitaker,
- Worth—21.

Those who voted in the negative, were

**Messrs. Arrington,**
- Cooper,
- Etheridge,
- Exum,
- Faison,
- Houlder,
- Kerr,
- Larkins,
- Melchor,
- Melvin,
- Mitchell,
- McDarmid,
- Moye,
- Orr,
- Pasteur,
- Pollock,
- Reid,
- Sloan,
- Spiers,
- Spruill,
- Ward,
- Whitfield,
- Williams,

Mr. Edwards moved that the resolution and amendment be postponed till to-morrow; which was decided in the negative—yeas 22—nays 23. The yeas and nays were demanded by Mr. Pollock.

Those who voted in the affirmative, were

**Messrs. Albright,**
- Bond,
- Bynum,
- Clingman,

Those who voted in the negative, were

MESSRS. Arrington, Messrs. Orr, Cooper, Pasteur, Etheridge, Pollock, Exum, Reid, Faison, Selby, Houlder, Sloan, Larkins, Spruill, Melchor, Ward, Melvin, Whitfield, Mitchell, Williams, McDiarmid, Wilson—23, Moye,

Mr. Gaither moved to amend the amendment by striking out the first Monday in the amendment, and inserting "the second Monday."

Mr. Gaither then moved to lay the resolution and amendment on the table; which was decided in the negative—yeas 22—nays 23. The yeas and nays were demanded by Mr. Faison.

Those who voted in the affirmative, were

Those who voted in the negative, were

**Messrs.** Arrington,

Cooper,

Etheridge,

Exum,

Faison,

Houlder,

Larkins,

Melchor,

Melvin,

Mitchell,

McDiarmid,

Moye,

**Messrs.** Orr,

Pasteur,

Pollock,

Reid,

Selby,

Sloan,

Spruill,

Ward,

Whitfield,

Williams,

Wilson—23.

Mr. Gaither, with leave, withdrew his amendment.

Whereupon Mr. Spruill withdrew his resolution.

Mr. Hellen presented a bill, entitled a bill to alter and amend the act entitled an act to incorporate the North Carolina Central Rail Road Company, passed at the session of 1836; which was read the first time and passed.

The engrossed bill giving the Court of Pleas and Quarter Sessions of Cherokee county, jurisdiction over the State road in said county.

The engrossed resolution in favor of John Davis, sheriff of Lenoir county, and the resolution in favor of John S. Russwurm, were severally read the third time and passed, and ordered to be enrolled.

The engrossed bill to establish a county by the name of Cleveland, was taken up and read the third time, and passed by the following vote—yeas 24—nays 21.

The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative, were

**Messrs.** Albright,

Bynum,

Clingman,

Dockery,

Gaither,

Hawkins,

Hellen,

Johnson,

Melechor,

Mitchell,

**Messrs.** Morehead,

Montgomery,

Myers,

Orr,

Parks,

Puryear,

Ribelin,

Selby,

Shepard,

Waddell,
McDiarmid, Ward,
Moore, Worth—24.

Those who voted in the negative, were

**Messrs.** Arrington, **Messrs.** Moye,
Bond, Pasteur,
Cooper, Pollock,
Edwards, Reid,
Etheridge, Sloan,
Exum, Spiers
Faison, Spruill,
Houlder, Whitfield,
Kerr, Williams,
Melvin,

Ordered, That said bill be enrolled.

Mr. Spruill moved that the vote by which was rejected the engrossed bill to lay off and establish a county by the name of Walden be reconsidered, which was agreed to—

yeas 28—nays 17.

The yeas and nays were demanded by Mr. Faison.

Those who voted in the affirmative, were

**Messrs.** Albright, **Messrs.** Montgomery,
Bynum, Myers,
Clingman, Parks,
Dockery, Puryear,
Edwards, Reid,
Gaither, Ribelin,
Hawkins, Sloy,
Hellen, Spiers,
Johnson, Spruill,
Kerr, Waddell,
Melchor, Ward,
Mitchell, Whitaker,
McDiarmid, Williams,
McEachin, Worth—28.

Those who voted in the negative, were

**Messrs.** Arrington, **Messrs.** Moye,
Bond, Pasteur,

The bill was then read the second time and passed, by the following vote:

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Speed moved that the rules of the Senate be suspended, so as to read the bill the third time. The bill was then read the third time and passed, and ordered to be enrolled.

Mr. Reid moved to suspend the 15th rule of order; which was decided in the affirmative—yeas 24—nays 21.
Those who voted in the affirmative, were

**MESSRS.** Arrington,    **MESSRS.** Morehead,  
Bynum,               Montgomery,  
Clingman,           Myers,  
Dockery,             Orr,  
Gaither,            Parks,  
Hawkins,            Puryear,  
Hellen,             Reid,  
Kerr,               Spiers,  
Melchor,            Spruill,  
Mitchell,           Ward,  
McDiarmid,          Williams,  

Those who voted in the negative, were

**MESSRS.** Albright,  **MESSRS.** Moye,  
Bond,               Pasteur,  
Cooper,            Polloock,  
Edwards,          Selby,  
Etheridge,        Shepard,  
Exum,             Speed,  
Faison,            Sloan,  
Houlder,          Waddell,  
Johnson,         Whitaker,  
Melvin,       Whitfield—20.

Mr. Myers gave notice that he would on to-morrow move to suspend the 14th rule of order of the Senate.

The engrossed bill concerning pilots and commissioners of navigation for Cape Fear river, was taken up and read the third time.

Mr. Melvin moved to amend the bill by striking out in the first section the words "appointed by the commissioners of the town of Wilmington," and inserting the words, "elected by the qualified voters of the county of New Hanover"; which was rejected by the following vote:

Those who voted in the affirmative, were

**MESSRS.** Arrington,    **MESSRS.** Orr,  
Cooper,            Pasteur,  
Etheridge,        Polloock,  
Exum,             Reid,  
Houlder,        Sloan,
Those who voted in the negative, were

**Messrs. Albright,**  
**Bond,**  
**Bynum,**  
**Clingman,**  
**Dockery,**  
**Faison,**  
**Gaither,**  
**Hawkins,**  
**Hellen,**  
**Johnson,**  
**Melchior,**  
**Moore,**  
**Morehead,**

**Messrs. Montgomery,**  
**Moore,**  
**Moye,**  
**Myers,**  
**Parks,**  
**Puryear,**  
**Ribelin,**  
**Selby,**  
**Shepard,**  
**Speed,**  
**Spruill,**  
**Waddell,**  
**Williams,**  
**Worth—26.**

The question was then taken on the passage of the bill; which was decided in the affirmative—yeas 24, nays 20.

The yeas and nays were demanded by Mr. Larkins.

Those who voted in the affirmative, were

**Messrs. Albright,**  
**Bond,**  
**Bynum,**  
**Clingman,**  
**Dockery,**  
**Faison,**  
**Gaither,**  
**Hawkins,**  
**Hellen,**  
**Johnson,**  
**Melchior,**  
**Moore,**  
**Morehead,**

**Messrs. Moore,**  
**Moye,**  
**Myers,**  
**Parks,**  
**Puryear,**  
**Ribelin,**  
**Selby,**  
**Shepard,**  
**Speed,**  
**Spruill,**  
**Waddell,**  
**Worth—24.**

Those who voted in the negative, were

**Messrs. Arrington,**  
**Cooper,**  
**Etheridge,**  
**Exum,**  
**Houlder,**

**Messrs. Orr,**  
**Pasteur,**  
**Pollock,**  
**Reid,**  
**Sloan,**
Ordered, That said bill be enrolled.

The Senate took up for consideration the engrossed bill to empower the County Court of Burke to regulate the juries for the Superior and County Courts.

The bill to amend an act of 1838, laying off a road from Burnsville, in Yancy county, to the Tennessee line; and the resolution in favor of John S. Smith, former Commissioner of Nantahala Mountain Road; which were severally read the third time and passed, and ordered to be enrolled.

The resolutions in favor of George E. Badger and D. L. Swain were taken up and read the third time and passed, and ordered to be engrossed.

Mr. Sheppard presented the memorial of the executors of Mary McKinly, dec'd. for leave to emancipate her slaves, and to permit them to remain in this State, according to the will of the said Mary McKinly; which was read, and on motion of Mr. Waddell, the prayer of the memorialists was rejected.

On motion of Mr. Hellen, the Senate took a recess until half past 3 o'clock.

Half past 3 O'clock, p. m.

The Senate met agreeably to adjournment.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions in relation to the public domain; in which they ask the concurrence of the Senate. The resolutions were read the first time and passed.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill to lay off and establish a road down the Blue Ridge, from the line of the county of Yancy to Turkey Cove Creek, in Burke county.

Ordered, That said bill be enrolled.
Received from the House of Commons a message, stating that they have passed the engrossed bill giving to the county of Henderson a Superior Court of Law and Court of Equity, with an amendment, to wit: In the 4th line of the 5th section, strike out the words or defendant; in which they ask the concurrence of the Senate. The amendment was concurred in.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill to repeal an act entitled an act to appoint a committee of finance for the county of Richmond, passed at the session of 1829 and 1830.

A bill to amend the 22nd section of the Revised Statutes, chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation.

A bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore.

In which they ask the concurrence of the Senate.

Said bills were severally read the first time and passed.

The engrossed resolution directing a loan of ten thousand dollars to Wake Forest College, was taken up, and read the second time and passed—yeas 23, nays 20.

The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

**Messrs.** Albright, Bond, Bynum, Dockery, Gaither, Hawkins, Heilen, Johnson, Kerr, Larkins, Mitchell, Moore,

**Messrs.** Myers, Orr, Parks, Pasteur, Puryear, Selby, Shepard, Speed, Waddell, Williams, Worth—23.

Those who voted in the negative, were

**Messrs.** Arrington, Cooper, Edwards,

**Messrs.** Morehead, Pollock, Reid.
The resolution concerning certain bonds in the Treasury office, was read the second time, and on motion of Mr. Clingman, laid on the table.

The engrossed resolution in favor of James C. Turrentine was taken up and read the third time and passed—yeas 21, nays 17. The yeas and nays were demanded by Mr. Moye.

Those who voted in the affirmative, were,

Messrs. Albright, Messrs. Myers,
Arrington, Melchor,
Bond, Moore,
Bynum, Puryear,
Cooper, Ribelin,
Dockery, Selby,
Edwards, Shepard,
Etheridge, Speed,
Gaither, Waddell,
Hellen, Worth—21.
Kerr,
Kerr,

Those who voted in the negative, were

Messrs. Exum, Messrs. Pollock,
Faison, Reid,
Houlder, Sloan,
Larkins, Spruill,
Melvin, Whitaker,
Mitchell, Whitfield,
Moye, Williams,
Orr, Wilson—17.
Pasteur,

Ordered, That said resolution be enrolled.

Received from the House of Commons a message, proposing to print the report of the Joint Select Committee on the state, &c. of the Banks, and the accompanying doc-
uments, therewith transmitted to the Senate; which was read and concurred in.

The engrossed bill to incorporate the Turnpike Company, in the county of Cherokee, was read the second time and passed.

The Senate took up for consideration the following bills, to wit:

A bill to incorporate the North Carolina Mining and Manufacturing Company.
A bill to incorporate the Union Institute Library Society.
A bill to incorporate the Trustees of the Union Institute Academy.
And a bill to prevent the transportation of slaves upon rail roads, steam boats or stage coaches without written permission from their owners.

Which were severally read the second time and passed.

On motion of Mr. Reid, the Senate adjourned until tomorrow morning ten o'clock.

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Thursday, Jan. 7, 1841.

Mr. Spruill presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of this Legislature adjourn sine die on Monday the 11th instant, and that the clerks make up their estimates to that day inclusive.

Which was read.

Mr. Gaither moved to amend the resolution by striking out all after the word resolved, and inserting the words "that a message be sent to the House of Commons, proposing that the two Houses vote jointly by ballot tomorrow, at 11 o'clock, whether the General Assembly shall adjourn on Monday next until the first Monday of January, 1842; and that those in favor of such adjournment, shall write adjourn on their tickets, and those against adjourning, shall write not adjourn on their tickets.

Mr. Clingman moved to lay the resolution and amend-
ment on the table; which motion was decided in the negative—yeas 15—nays 31.

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Wilson called for a division of the question. The question was then taken on striking out, which was rejected by the following vote—yeas 12, nays 34.

Those who voted in the affirmative, were

**Messrs.** Albright, Bynum, Clingman, Dockery, Gaither, Hellen, Moore, Myers, Shepard, Spiers, Waddell, Whitaker—12.
Those who voted in the negative, were


The resolution was then adopted by the following vote—yeas 33, nays 14.

Those who voted in the affirmative, were

MESSRS. Arrington, Cooper, Etheridge, Exum, Faison, Gaither, Hill, Hudson, Johnson, Kerr, Larkins, Melchor, Melvin, Mitchell, McDiarmid, Morehead, Montgomery, MESSRS. Orr, Moye, Pasteur, Pollock, Pryyear, Reid, Ribelin, Selby, Sloan, Speed, Spruill, Ward, Williams, Wilson, Worth—33.

Those who voted in the negative, were

MESSRS. Albright, Bond, MESSRS. Hellen, Moore,

Received from the House of Commons a message, concurring in the proposition of the Senate to print the report of the Joint Select Committee on that part of the Governor's message which relates to a Bank of the United States, &c.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill to provide for the better government and regulation of the town of Murfreesborough, in Hertford county.

A bill to compel the militia officers of Mecklenburg county to drill three days in each and every year.

A bill to repeal an act, entitled an act directing the County Courts to pay certain fees to certain officers therein named, as far as respects the county of Randolph.

A bill to regulate the measurement of ton and square timber, and Saw-Mill lumber.

In which they ask the concurrence of the Senate.

Said bills were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill in favor of poor debtors.

A bill relating to vagrants.

A bill to amend the Revised Statutes, entitled an act for preventing of frauds and fraudulent conveyances, and to repeal the third section thereof.

The two first named bills were read the first time and passed. The last named bill was read the first time and passed, and, on motion of Mr. Hellen, referred to the Committee on the Judiciary.

Received from the House of Commons a message, stating that they have passed the following engrossed bills—in which they ask the concurrence of the Senate:

A bill to amend the Revised Statutes, entitled an act concerning the appointment of guardians, and the management of orphans and their estates.
A bill for the better regulation of the County Courts of Cumberland.
A bill to incorporate the Trustees of the Female Academy, in the county of Buncombe.
A bill to encourage the destruction of wolves in the county of Haywood.
A bill to divide the militia of Ashe county in three regiments.
A bill to incorporate the Raleigh Mechanic's Association.
Also, the engrossed resolution for distributing the Revised Statutes; and a resolution in favor of Alexander and Benjamin Morrison.
The first named bill was read the first time and passed, and, on motion of Mr. Morehead, referred to the Committee on the Judiciary.
The last named bills and resolutions were severally read the first time and passed.
On motion of Mr. Clingman, the bill, entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road, was taken up. Mr. Clingman proposed several amendments thereto—then, on motion of Mr. Albright, the bill and amendments were laid on the table.
Mr. Myers asked leave to introduce a bill to establish a county by the name of Caroline, out of parts of the counties of Anson and Mecklenburg.
The Speaker decided that it would be out of order, inasmuch as the bill was one of like provisions of one which had been rejected.
Mr. Myers then moved to suspend the 14th rule, to enable him to introduce the bill; which motion was rejected by the following vote—yeas 18—nays 26.
The yeas and nays were demanded by Mr. Faison.

Those who voted in the affirmative, were

**Messrs.** Arrington, Bynum, Gaither, Johnson, Kerr, Mitchell, McDiarmid, Moore, Morehead, Montgomery, Myers, Orr, Parks, Pollock, Puryear, Reid, Ribelin, Worth—18.
Those who voted in the negative, were

MESSRS. Albright, MESSRS. Pasteur,
Bond, Moye,
Cooper, Selby,
Dockery, Shepard,
Etheridge, Sloan,
Exum, Speed,
Faison, Spiers,
Hellen, Spruill,
Hill, Waddell,
Houlder, Ward,
Larkins, Whitaker,
Melchor, Whitfield,
Melvin, Williams—26.

The bill entitled a bill to incorporate the North Carolina Mining and Manufacturing Company, was taken up and read the third time.

Mr. Reid moved to amend the bill by adding the following words as an additional section:

Be it further enacted, That in the event of the failure of said Company, the stockholders therein shall be bound for the debts and liabilities of the corporation to the amount of stock by them respectively owned.

The question thereon was decided in the affirmative—yeas 25, nays 16. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright, MESSRS. McDiarmid,
Arrington, Moye,
Bond, Myers,
Cooper, Orr,
Etheridge, Pollock,
Exum, Reid,
Faison, Sloan,
Hill, Spruill,
Houlder, Ward,
Kerr, Whitaker,
Larkins, Whitfield,
Melvin, Williams—25.
Mitchell,
Those who voted in the negative, were

MESSRS. Bynum, MESSRS. Puryear,
Clingman, Ribelin,
Dockery, Selby,
Gaither, Shepard,
Hellen, Speed,
Moore, Spiers,
Montgomery, Waddell,
Parks, Worth—16.

The question was then taken on the passage of the bill as amended; which was decided in the affirmative—yeas 39, nays 3.

The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were

MESSRS. Albright, MESSRS. Moore,
Arrington, Montgomery,
Bond, Moye,
Bynum, Myers,
Clingman, Orr,
Cooper, Pollock,
Dockery, Puryear,
Exum, Ribelin,
Faison, Selby,
Gaither, Shepard,
Hellen, Sloan,
Hill, Speed,
Houlder, Spiers,
Johnson, Waddell,
Kerr, Ward,
Kerr, Whitaker,
Larkins, Whitfield,
Melchor, Williams,
Melvin, Worth—39.
Mitchell,
McDiarmid,

Those who voted in the negative, were

MESSRS. Morehead,
Ried,
Spruill—3.

Ordered, That said bill be engrossed.

The bill to incorporate the Trustees of the Union Insti-
tute Academy; the bill to incorporate the Union Institute Library Society; and the bill to prevent the transportation of slaves upon rail roads, steam boats or stage coaches, without written permission from their owners, were taken up and read the third time and passed, and ordered to be engrossed.

The engrossed resolution directing a loan of ten thousand dollars to Wake Forest College was read the third time and passed by the following vote—yeas 23, nays 19. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright, Bond, Bynum, Clingman, Dockery, Gaither, Hellen, Hill, Johnson, Kerr, Mitchell, Moore,

MESSRS. Orr, Myers, Pasteur, Puryear, Shepard, Speed, Spiers, Waddell, Ward, Williams, Worth—23.

Those who voted in the negative, were

MESSRS. Arrington, Cooper, Etheridge, Exum, Faison, Houlder, Larkins, Melchor, Melvin, Morehead,


Ordered, That the said bill be enrolled.

The resolution concerning certain bonds in the Treasury Office was taken up and read the third time, on motion of Mr. Clingman, amended and passed, and ordered to be engrossed.

The bill entitled a bill to incorporate the Hembrie Turn-
pike Company, in the county of Cherokee, was read the third time and passed and ordered to be engrossed.

Mr. Gaitler presented a bill supplemental to an act passed at the present session, to lay off and establish a county by the name of Caldwell; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Bynum, from the Committee on the Judiciary, to whom was referred the memorial of certain citizens of Orange county, praying the Legislature to allow a bounty upon every pound of silk raised and reeled in our State by the citizens thereof, reported adversely thereto, and asked to be discharged from its further consideration. The report was concurred in. The committee was discharged accordingly.

On motion of Mr. Puryear, the Senate took a recess till half past 3 o’clock.

Half past 3 O’clock, P. M.

The Senate met agreeably to adjournment, and took up the engrossed bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore: the engrossed bill to repeal an act entitled an act to appoint a committee of finance for the county of Richmond, passed at the session of 1829 and ’30, and the bill to amend the 22nd section of the Revised Statute, chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation; which were severally read the second time and passed.

The resolution relating to the Comptroller was taken up and read the second time and passed.

The engrossed bill providing for restoring to the rights of citizenship persons convicted of infamous crimes, was read the second time and passed.

The Senate took up for consideration the bill entitled a bill to amend an act entitled an act to incorporate the North Carolina Central Rail Road; which was read the second time.

Mr. Speed moved to amend the bill by adding the following proviso, to wit:
Provided, That the State shall not be bound to take any part in the capital stock of the Rail Road contemplated by this act.

Which was agreed to.

The bill then passed as amended.

The resolution relating to the improvement of Neuse River was taken up and read the second time, and laid on the table by the following vote—yeas 28, nays 17. The yeas and nays were demanded by Mr. Hellen.

Those who voted in the affirmative, were,

**Messrs.** Arrington, Bond, Dockery, Etheridge, Faison, Hawkins, Hill, Houlder, Larkins, Melchor, McDiarmid, Moye, Pasteur, Puryear,


Those who voted in the negative, were

**Messrs.** Albright, Bynum, Clingman, Cooper, Exum, Gaither, Hellen, Johnson, Kerr,

**Messrs.** Melvin, Mitchell, Moore, Montgomery, Myers, Orr, Selby, Spruill—17.

The resolutions relating to the Raleigh and Gaston Rail Road, were read the second time and passed.

On motion of Mr. Selby, the resolution concerning the draining of Lake Mattamuskeet was taken up and read the second time and rejected—yeas 18, nays 28. The yeas and nays were demanded by Mr. Houlder.
Those who voted in the affirmative, were

**Messrs.** Bond, Messrs. Myers, Montgomery, Bynum, Montgomery, Clingman, Puryear, Edwards, Selby, Gaither, Shepard, Hawkins, Speed, Hellen, Spiers, Johnson, Waddell—18. Mitchell,

Those who voted in the negative, were


The resolution in favor of William Stronach, was taken up and read the second time and passed.

Mr. Bynum presented a bill supplementary to an act passed by the General Assembly, entitled an act to lay off and establish a county by the name of Cleaveland; which was read the first time and passed.

Mr. Ward moved to suspend the rule, so as to read the bill the second and third times. The bill was then read accordingly and passed, and ordered to be engrossed.

Mr. Moye presented the resignation of Valentine S. Jordan, a Justice of the Peace for the county of Pitt; which was read and accepted and sent to the House of Commons.

The engrossed bill to alter and amend the ninth chapter of the Revised Statutes, entitled auction and auctioneers, was read the third time, and on motion of Mr. Gaither, postponed indefinitely.
The bill to amend an act for the better regulation of the town of Wilkesborough, was read the second time, and on motion of Mr. Ribelin, was postponed indefinitely.

The Senate proceeded to consider the resolution authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee county; which was read the second time, and on motion of Mr. Clingman, laid on the table.

The bill entitled a bill to protect churches, was read the third time and passed and ordered to be engrossed.

The bill to make trespass upon land and other property indictable in certain cases, was taken up and read the second time, and on motion of Mr. Dockery, postponed indefinitely.

On motion of Mr. Clingman, the resolution authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee county, was taken up and read the third time and passed and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Concord Manufacturing Company, with sundry amendments; which were read and concurred in.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill authorising the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford county, to the widow Sails's, in Buncombe county.

Ordered, That the said bill be enrolled.

On motion of Mr. Gaither, the Senate adjourned until tomorrow morning ten o'clock.

Friday, Jan. 8, 1841.

Mr. Mose presented the resignation of Isaac Joyner, a Justice of the Peace for the county of Pitt; which was read and accepted and sent to the House of Commons.

Received from the House of Commons a message, concurring in the proposition of the Senate, that the two Houses adjourn sine die on Monday next.

Received from the House of Commons a message, stat-
ing that they have passed the following engrossed bills—in which they ask the concurrence of the Senate:

A bill to alter the time of holding the Superior Court of Law and Equity, and the Court of Pleas and Quarter Sessions for the county of Carteret.

A bill to repeal an act, entitled an act to repeal in part the 13th section of an act passed in 1824, authorising the making a Turpike Road in the county of Buncombe.

The first named bill was read the first time and passed.

The last named bill was read the first time and passed; and, on motion of Mr. Clingman, referred to the Committee on Private Bills.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions—in which they ask the concurrence of the Senate:

A resolution in favor of John S. Briggs.

A resolution in favor of Edward Benson.

A resolution in favor of George Little.

Said resolutions were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills—in which they ask the concurrence of the Senate.

A bill concerning the Superior Courts of the counties of Hyde, Davie and Northampton.

A bill altering the mode of drawing Jurors for the Superior Courts of Rutherford county.

A bill to incorporate the Stockholders of the Boarding House of the Asheville Female Academy.

A bill to incorporate the town of Asheville.

A bill to amend the 58th chapter of the Revised Statutes, entitled insolvent debtors.

A bill to authorise the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes.

A bill to appoint commissioners for the town of Kenansville, in the county of Duplin.

Said bills were severally read the first time and passed.

On motion of Mr. Gaither, the engrossed bill to lay off and establish a county by the name of McDowell, was taken up, and read the second time and rejected—yeas 15, nays 28.

The yeas and nays were demanded by Mr. Moye.

Those who voted in the affirmative, were

Those who voted in the negative, were


The bill to amend an act, entitled an act to incorporate the North Carolina Central Rail Road, and the resolutions relating to the Raleigh and Gaston Rail Road, were taken up and read the third time and passed, and ordered to be engrossed.

The engrossed bill to repeal an act, entitled an act to appoint a Committee of Finance for the county of Richmond, passed at the session of 1829 and '30, was taken up, and read the third time and passed, and ordered to be enrolled.

The engrossed bill providing for restoring to the rights of citizenship, persons convicted of infamous crimes was taken up and read the third time and passed—yeas 27—nays 17.

The yeas and nays were demanded by Mr. Edwards.

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Moore,
Those who voted in the affirmative, were

Messrs. Arrington, Bond, Cooper, Etheridge, Exum, Hawkins, Houlder, Kerr, Larkins, Melchor, Melvin, Mitchell, McDiarmid,

Morehead, Moye, Pasteur, Pollock, Reid, Sloan, Spruill, Ward, Whitaker, Whitfield, Wilson, Worth—27.

Those who voted in the negative, were

Messrs. Clingman, Dockery, Edwards, Faison, Gaither, Hellen, Hill, Montgomery, Myers,

Messrs. Orr, Parks, Puryear, Selby, Shepard, Speed, Spiers, Waddell—17.

Ordered, That the bill be enrolled.

Mr. Mitchell, from the committee on the judiciary, to whom was referred the engrossed bill to amend the Revised Statute, entitled an act for preventing of frauds and fraudulent conveyances and to repeal the third section thereof, reported the same to the Senate without amendment. The bill was then read the second time and passed.

Mr. Mitchell, from the same committee, to whom was referred the engrossed bill, to amend the Revised Statute, entitled an act concerning the appointment of guardians and the management of orphans, reported the same to the Senate without amendment. The bill was then read the second time and passed—yeas 35—nays 8. The yeas and nays were demanded by Mr. Hellen.

Those who voted in the affirmative, were

Messrs. Arrington, Morehead,
Bond, Moye,
Clingman, Pasteur,
Cooper, Pollock,
Dockery, Puryear,
Edwards, Reid,
Etheridge, Ribelin,
Exum, Selby,
Gaither, Shepard,
Hawkins, Sloan,
Hill, Speed,
Houilder, Spiers,
Kerr, Waddell,
Larkins, Whitaker,
Melchor, Whitfield,
Melvin, Wilson,
Mitchell, Worth—35.
Moore

Those who voted in the negative, were

MESSRS. Albright, MESSRS. Myers;
Faison, Orr;
Hellen, Parks,
McDiarmid, Spruill—8.

The bill was then read the third time and passed, and ordered to be enrolled.

The resolution relating to the Comptroller, was taken up, and read the third time and passed, and ordered to be engrossed.

Also the resolution in favor of William Stronach, was taken up, and read the third time and passed and ordered to be engrossed.

The Senate took up for consideration the engrossed bill to amend the 22d section of the Revised Statute, chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation; and the engrossed bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore; which were read the third time and passed, and ordered to be enrolled.

On motion of Mr. McDiarmid, the engrossed bill for the better regulation of the County Courts of Cumberland, was taken up and read the second and third times and passed, and ordered to be enrolled.
The bill concerning the banks established, and which may hereafter be established in this State, was taken up, and read the second time. The question was on the adoption of the amendment heretofore proposed by Mr. Wilson. Pending that question, the Senate, on motion of Mr. Gaither, took a recess until half past 3 o'clock.

**Half Past 3 O'clock, P. M.**

The Senate met agreeably to adjournment, and took up the engrossed bill to incorporate the Raleigh Mechanics' Association; the engrossed resolution in favor of Alexander and Benjamin Morrison; and the engrossed resolution for distributing the Revised Statutes; which were severally read the second time and passed.

The engrossed bill to incorporate the Trustees of the Asheville Female Academy, in the county of Buncombe, was taken up and read the second and third times and passed, and ordered to be enrolled.

The bill concerning the Banks established, or which may hereafter be established in this State, was then taken up.

Mr. Speed moved to lay the bill and amendments on the table; which was decided in the negative—yeas 22, nays 23.

Those who voted in the affirmative, were

**Messrs.** Albright, Bond, Bynum, Clingman, Dockery, Faison, Gaither, Hellen, Melchor, Moore, Montgomery,

**Messrs.** Myers, Moye, Pasteur, Puryear, Ribelin, Selby, Shepard, Speed, Spiers, Waddell, Worth—22.

Those who voted in the negative, were

**Messrs.** Arrington, Cooper, Edwards,

**Messrs.** Morehead, McDiarmid, Orr,
Etheridge,  Pollock,
Exum,      Reid,  
Hill,      Sloan,  
Houlder,   Spruill,  
Johnsou,  Ward,  
Kerr,     Whitaker,  
Larkins,  Whitfield,  
Melvin,  Wilson—23.
Mitchell,

Whereupon Mr. Gaither moved that the bill and amendment be indefinitely postponed; which motion was decided in the negative—yeas 19, nays 26.

Those who voted in the affirmative, were

MESSRS. Albright,  MESSRS. Montgomery,  
    Bynum,  Pasteur,  
    Clingman,  Ribelin,  
    Dockery,  Selby,  
    Gaither,  Shepard,  
    Hellen,  Speed,  
    Johnson,  Spriers,  
    Melchor,  Waddell,  
    Moore,  Worth—19.  
    Myers,

Those who voted in the negative, were

MESSRS. Arrington,  MESSRS. McDiarmid,  
    Bond,  Morehead,  
    Cooper,  Moye,  
    Edwards,  Orr,  
    Etheridge,  Pollock,  
    Exum,  Puryear,  
    Faison,  Reid,  
    Hill,  Sloan,  
    Houlder,  Spruill,  
    Kerr,  Ward,  
    Larkins,  Whitaker,  
    Melvin,  Whitfield,  

The first amendment was read; which is as follows:

Be it further enacted, That if, at any time hereafter, any
Bank established within this State shall suspend, or refuse to pay any of its notes to the holders thereof in specie, when demanded at the Bank or place where the said notes may have been issued, it shall not be lawful for any Bank so suspending specie payments, to collect any of its debts due at the time of suspension, until the said Bank shall resume specie payments. Provided, such person or persons as may be indebted to said Bank or Banks, shall renew their notes as they shall fall due, paying the interest, and giving such security as may be deemed good and sufficient for said debt.

The question thereon was decided in the negative—yeas 21, nays 26. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

Messrs. Albright, Messrs. McDiarmid,
Arrington,
Bond,
Cooper,
Etheridge,
Exum,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,

Messrs. Orr,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—21.

Those who voted in the negative, were

Messrs. Bynum,
Clingman,
Dockery,
Edwards
Faison,
Gaither,
Hawkins,
Hellen,
Melchor,
Melvin,
Moore,
Morehead,
Montgomery,
The second amendment was then read; which is as follows:

*And be it further enacted,* That if at any time hereafter, any bank or banks as aforesaid, shall suspend specie payments or refuse to pay their notes in specie on demand as aforesaid, it shall not be lawful for the bank or banks, so suspending specie payments, to collect any debt or debts made or created by bill, bond, note or otherwise, by such bank or banks during the time of said suspension; and if any action or suit shall be brought in any Court of Record, or before any Justice of the Peace to collect such debt or debts, it shall be the duty of the Court or Justice, before whom the same may be brought, to dismiss the suit with costs.

The question was taken on said amendment; which was decided in the negative—yeas 19—nays 29. The yeas and nays were demanded by Mr. Gaither.

Those who voted in the affirmative, were

**Messrs.** Arrington, Bond, Cooper, Etheridge, Exum, Hill, Houlder, Kerr, Larkins, Melvin,  

Those who voted in the negative, were

**Messrs.** Albright, Bynum, Clingman, Dockery, Edwards, Faison, Gaither, Hawkins, Hellen, Johnson,  
**Messrs.** Moye, Myers, Parks, Pasteur, Puryear, Ribelin, Selby, Shepard, Sloan, Speed,
The third amendment was then read; which is as follows:

And be it further enacted, That it shall not be lawful for the officer of any bank or banks that has suspended specie payments, or shall hereafter suspend, to sell or dispose of any bill of exchange, check or draft, or other instrument of like character, at a greater rate than two per cent. per annum or exchange; nor shall any person or persons, as agent or attorney, or in any other capacity do so, for the benefit of said Bank or Banks; and any officer of said Bank or Banks, or other person or persons, for the benefit of said Bank or Banks, so offending, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment.

The question was then taken thereon, which was decided in the negative—yeas 20, nays 27.

Those who voted in the affirmative, were


Those who voted in the negative, were

MESSRS. Albright, Bond, Bynum, Clingman, Dockery, Edwards, Faison, Messrs. Montgomery, Moye, Myers, Parks, Puryear, Ribelin, Selby,
The question then recurred on the passage of the bill; which was decided in the negative—yeas 24—nays 23.

The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

Messrs. Arrington, Messrs. Mitchell,
Cooper, M'Diarmid,
Edwards, Morehead,
Etheridge, Pollock,
Exum, Reid,
Faison, Sloan,
Hawkins, Spruill,
Hill, Ward,
Houlder, Whitaker,
Kerr, Whitfield,
Larkins, Williams,

Those who voted in the negative, were

Messrs. Albright, Messrs. Myers,
Bond, Parks,
Bynum, Pasteur,
Clingman, Puryear,
Dockery, Ribelin,
Gaither, Selby,
Hellen, Shepard,
Johnson, Speed,
Melchor, Spiers,
Moore, Waddell,
Montgomery, Worth—23.
Moye,

The Speaker voted in the negative, making an equal number, consequently the bill was rejected.

On motion of Mr. Hawkins, the bill for the relief of
the Raleigh and Gaston Rail Road Company was taken up.

Whereupon, Mr. Edwards moved to amend the bill by striking out all after the enacting clause, and inserting a substitute therefor.

Mr. Shepard moved an amendment to the amendment; both were agreed to.

The bill then passed the second time, and, on motion of Mr. Shepard, ordered to be printed.

On motion of Mr. Morehead, the bill to unite the board of Internal Improvement and the Literary Board, and to amend the 60th, 61st, 66th and 67th chapters of the revised statutes, was taken up and read the third time, and, on motion of Mr. Waddell, laid on the table.

On motion of Mr. Pasteur, the engrossed bill to regulate the measurement of ton and square timber and saw-mill lumber, was taken up and read the second time.

Mr. Spruill moved to amend the bill, by adding to the third section the following proviso:

*Provided nevertheless, That the provisions of this act shall not extend to the counties of Tyrrell, Washington, Gates, Chowan, Bertie and Northampton.*

The question on the adoption of said amendment was decided in the affirmative—yeas 26—nays 12.

The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were

**MESSRS.** Arrington, Bond, Clingman, Cooper, Dockery, Etheridge, Exum, Gaither, Kerr, Larkins, Melchor, Mitchell, Moore,


Those who voted in the negative, were

**MESSRS.** Albright, Myers,
Bynum, Parks,
Faison, Ribelin,
Hellen, Sloan,
Houlder, Spiers,
Melvin, Worth—12.

The bill was then read the second and third times, and passed as amended.

The engrossed bill, entitled a bill in favor of poor debtors, was taken up, and read the second time.

Mr. Clingman moved to amend the bill, by inserting after the word fish, "the words or any other provisions of like value," which was not agreed to. The bill then passed by the following vote—yeas 33—nays 8.

The yeas and nays were demanded by Mr. Puryear.

Those who voted in the affirmative, were

**MESSRS.** Albright, Messrs. Moye,
Bond, Orr,
Bynum, Parks,
Cooper, Pasteur,
Dockery, Pollock,
Etheridge, Puryear,
Exum, Reid,
Faison, Ribelin,
Gaither, Selby,
Hellen, Speed,
Houlder, Spruill,
Kerr, Waddell,
Larkins, Ward,
Melchor, Whitfield,
Melvin, Williams,
Moore,

Those who voted in the negative, were

**MESSRS.** Arrington, Messrs. Montgomery,
Clingman, Myers,
Edwards, Sloan,
Morehead, Spiers—8.

The bill was then read the third time and passed, and ordered to be enrolled.
On motion of Mr. Bynum, the Senate adjourned until to-morrow morning, ten o'clock.

Saturday, Jan. 9, 1841.

Mr. Moore, from the Committee of Propositions and Grievances, to which was referred the memorial of sundry citizens of Robeson county, praying that some law be enacted by the Legislature restricting the sale of ardent spirits to free persons of color, reported adversely there-to; which was concurred in. The committee was discharged from its further consideration.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the engrossed bill to amend an act, entitled an act to amend the 58th chapter of the Revised Statutes, entitled insolvent debtors, reported the same to the Senate without amendment. The bill was then read the second time and passed.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred the annual report of the Adjutant General, reported that certain officers therein named as delinquents, had all performed their duty as such; which report was concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Cleaveland, with an amendment; which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed bills, as follows; to wit:

A bill to provide for the election of certain militia officers.

A bill to alter the time of holding the Superior Court of Law and Equity for the counties of Cabarrus and Mecklenburg.

A bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland.

In which they ask the concurrence of the Senate.
Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill to enable the Commissioners of Raleigh to appoint Trustees of the Rex Hospital Fund, and to erect such Trustees into a body corporate, and for other purposes.

A bill to prevent free persons of colour from carrying fire arms.

A bill to repeal a part of the 18th section of the Revised Statutes, entitled an act concerning the Supreme Court.

In which they ask the concurrence of the Senate.

The two first named bills were read the first, second and third times and passed, and ordered to be enrolled.

The last named bill was read the first time and passed.

On motion of Mr. Faison, the engrossed bill to authorise the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes, was taken up and read the second and third times, amended on motion of Mr. Faison, and passed.

On motion of Mr. Spruill, the engrossed resolution in favor of claimants for French spoliations prior to 1800, was taken up and read the second time. Mr. Wilson demanded the yeas and nays; whereupon, on motion of Mr. Clingman, the resolution was laid on the table.

On motion of Mr. Edwards, the bill for the relief of the Raleigh and Gaston Rail Road Company, was taken up and read the third time. Several amendments having been made thereto; whereupon Mr. Cooper moved to amend the bill, by adding to the second section the following proviso, to wit:

Provided nevertheless, That it shall be the duty of the stockholders of the Gaston and Raleigh Rail Road Company, before the Treasurer of North Carolina endorses the bonds aforesaid to the said Raleigh and Gaston Rail Road Company, that each stockholder in said Company shall execute a deed in trust to the Treasurer of North Carolina, of all their stock in said company, and also all their real and personal estate, setting forth, on oath, the number of slaves by name, male and female; the number of tracts of land, number of acres in each tract, and where situated, on oath; which shall be proved in the County Court of Wake county, before the Treasurer of the State of North Carolina shall endorse the
credit of the State for the payment of eight hundred thousand dollars, to aid the aforesaid Raleigh and Gaston Rail Road Company.

Which was read, and rejected by the following vote:

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Moore then moved to amend the bill by adding to the 10th section, the following proviso, to wit:

Provided, That the Treasurer, in the event of such sale, shall have power, with the advice and consent of the Governor and his Council, to purchase the property of said Company, both real and personal, thus offered for sale, provided, they shall not give more for said property than the full amount of the liability of the State incurred.

Which was rejected.
The question then was, shall the bill pass the third reading? which was decided in the negative—yeas 20, nays 28. The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative, were

MESSRS.  Albright,    MESSRS.  Moore,  
     Bynum,      Morehead,  
     Clingman,    Montgomery,  
     Dockery,     Parks,  
     Edwards,     Puryear,  
     Gaither,     Ribelin,  
     Hawkins,     Selby,  
     Hellen,      Shepard,  
     Johnson,     Waddell,  
     Melchor,     Worth—20.

Those who voted in the negative, were

MESSRS.  Arrington,    MESSRS.  Myers,  
     Bond,         Orr,  
     Cooper,       Pasteur,  
     Etheridge,    Pollock,  
     Exum,         Reid,  
     Faison,       Sloan,  
     Hill,         Speed,  
     Houlder,      Spiers,  
     Kerr,         Spruill,  
     Larkins,      Ward,  
     Melvin,       Whitaker,  
     Mitchell,     Whitfield,  
     McDiarmid,    Williams,  

Received from the House of Commons a message, stating that they have passed the engrossed bill for the establishment and better regulation of Common Schools, with sundry amendments; which were read.

Mr. Clingman moved to lay the bill on the table; which motion was decided in the negative—yeas 15, nays 28.

Those who voted in the affirmative, were

MESSRS.  Clingman,    MESSRS.  Myers,  
     Dockery,      Montgomery,  
     Gaither,      Orr,  
     Hawkins,      Parks,
Hellen, Puryear,  
Mitchell, Ribelin,  
Moore, Whitaker—15.  
Morehead,  

Those who voted in the negative, were  

MESSRS. Albright,  MESSRS. Moye,  
Arrington, Pollock,  
Bond, Reid,  
Etheridge, Selby,  
Exum, Shepard,  
Faison, Sloan,  
Hill, Speed,  
Houlder, Spiers,  
Kerr, Spruill,  
Larkins, Ward,  
Melchor, Whitfield,  
Melvin, Williams,  
McDiarmid, Wilson,  
Pasteur, Worth—28.  

The amendments were then concurred in.  

On motion of Mr. Wilson,  
Ordered, That Mr. Puryear have leave of absence from the service of the Senate from and after to-morrow, the remainder of the session.  

On motion of Mr. Waddell,  
Ordered, That Mr. Johnson have leave of absence from the service of the Senate from and after to-day, the remainder of the session.  

On motion of Mr. Spruill,  
Ordered, That Mr. Selby have leave of absence from the service of the Senate from and after to-morrow, the balance of the session.  

On motion of Mr. Clingman,  
Ordered, That Mr. Sloan have leave of absence from the service of the Senate from and after Monday next.  

On motion of Mr. McDiarmid,  
Ordered, That Mr. Myers have leave of absence from the service of the Senate, from and after to day, the balance of the session.  

On motion of Mr. Clingman,  
Ordered That Mr. Exum have leave of absence from
the service of the Senate from and after to-morrow, the remainder of the session.
On motion of Mr. Spruill, the Senate took a recess till half past 3 o'clock.

HALF PAST 3 o'clock, p. m.

The Senate met agreeably to adjournment, and took up the engrossed bill to incorporate the Raleigh Mechanics' Association.

The engrossed bill to amend the Revised Statutes, entitled and act for preventing of frauds and fraudulent conveyances, and to repeal the third section thereof.

The resolution for distributing the Revised Statutes.

And a resolution in favor of Alexander and Benjamin Morrison; which were severally read the third time and passed, and ordered to be enrolled.

The Engrossed resolutions in relation to the Public Domain, were taken up and read the second time.

Mr. Reid moved to amend the resolution by striking out all after the word resolved, and inserting in lieu thereof, the following, to wit: "That the Public Domain is the property of the General Government, and any act on the part of Congress ceding it the States in which it lies, or any other disposition of it inconsistent with the deeds of cession, would be a palpable violation of the spirit of the constitution and the interests of the people.

Resolved, That any act on the part of Congress to divide the proceeds of the sales of the public lands among the States, would, under existing circumstances, create the necessity of resorting to an increase of the Tariff, or some other mode of taxation, that would bear heavily upon the people.

Resolved, That the Federal Government does not possess the constitutional power to appropriate the public money to works of Internal Improvement, of a local character, nor for any other State purpose.

Resolved, That we are opposed to the assumption of the State debts, either directly or indirectly, by the General Government.

Resolved, That we are opposed to an increase of the Tariff.

Resolved, That one of the great blessings of free govern-
ment is, that the people are permitted to use the reward of their labor for themselves, and that the system of collecting a surplus revenue for distribution by the federal government, is but saying indirectly to the people, that they shall not be permitted to use the earnings of their own industry; and that such a measure is subversive of the rights of the people, and the first principles of our Republican form of Government."

Which were read.

The question was then taken on striking out; which was decided in the negative—yeas 20, nays 24.

Those who voted in the affirmative, were,


Those who voted in the negative, were


The resolutions were then read the second time and passed by the following vote—yeas 21, nays 20. The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative, were

Those who voted in the negative, were


The resolutions were then read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of three on the part of each House for the purpose of examining what measures shall be taken by the State, in case the Raleigh and Gaston Rail Road Company shall fail to pay the interest on the loan guaranteed by the State, by virtue of the act of 1838; also, to examine whether the said company be insolvent; and that they have leave to sit during the sessions of the two Houses; which was read and concurred in.

Whereupon the Speaker announced to the Senate that Messrs. Worth, Bynum and Pasteur form our branch of the committee on the foregoing proposition—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, transmitting to the Senate a communication from his Excellency the Governor; which, on motion of Mr. Edwards,
was referred to the Joint Select Committee raised on the subject of the Raleigh and Gaston Rail Road.

The engrossed bill concerning the Superior Courts of the counties of Hyde, Northampton and Davie; the bill to alter the times of holding the Superior Courts of Law and Equity for the counties of Cabarrus and Mecklenburg; the bill altering the mode of drawing jurors for the Superior Courts of Rutherford county; the engrossed resolution in favor of Edward Benson; the resolution in favor of John S. Briggs; the resolution in favor of George Little; and the resolutions respecting the re-opening of Roanoke Inlet, were taken up and severally read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Reid, the bill entitled a bill to regulate stays and appeals, so far as they concern the collection of bank notes, was taken up and read the second time, and on motion of Mr. Mitchell, postponed indefinitely—yeas 24, nays 13. The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative, were

MESSRS. Albright, Messrs. Parks,
Bond, Moye,
Bynum, Pasteur,
Clingman, Puryear,
Cooper, Selby,
Dockery, Shepard,
Faison, Speed,
Gaither, Spiers,
Melchor, Spruill,
Mitchell, Waddell,
Moore, Whitaker,
Montgomery, Worth—24.

Those who voted in the negative, were

Messrs. Arrington, Messrs. McDiarmid,
Exum, Pollock,
Hill, Reid,
Houlder, Whitfield;
Kerr, Williams,
Melvin,

Received from the House of Commons a message, pro-
posing that the act passed at the present session of the General Assembly, relating to the establishment of Common Schools be printed, ten copies for each member; which was read and concurred in.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate to the engrossed bill to authorize the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company.

Ordered, That the said bill be enrolled.

The engrossed bill to provide for the better government and regulation of the town of Murfreesborough, in Hartford county; the bill to encourage the destruction of wolves in the county of Haywood; the bill to alter the time of holding the Superior Court of Law and Equity and the Court of Pleas and Quarter Sessions for the county of Carteret; the bill to repeal an act entitled an act directing the County Courts to pay fees to certain officers therein named, as far as respects the county of Randolph; and the engrossed resolution in favor of John B. Love, were taken up and severally read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that Messrs. L. Thompson, J. B. Jones, J. P. Caldwell form their branch of the committee to enquire into the situation of the Raleigh and Gaston Rail Road Company, and stating— that they concur in the proposition of the Senate to refer the message of His Excellency the Governor, to that committee.

The bill entitled a bill to amend and explain the Revised Statute, entitled an act for limiting the time within which actions may be brought, and for quieting titles to land and slaves; and prescribing the time within which presumption of satisfaction may arise, and to repeal part of the said statute, was taken up and read the second time and rejected.

The resolution authorising the erection of a Lunatic Hospital, was taken up and read the second time.

Mr. Moore moved a substitute therefor.

Whereupon, on motion of Mr. Montgomery, the resolution and amendment were laid on the table.

The bill, entitled a bill to unite the board of Internal Improvement and the Literary Board, and to amend the 60th, 61st, 66th and 67th chapters of the revised statutes,
was taken up, and read the third time, amended on motion of Mr. Speed, and on motion of Mr. Spruill, laid on the table.

On motion of Mr. Clingman, the Senate took a recess 'till half past 7 o'clock.

**Half past 7 O'clock, P. M.**

The Senate met agreeably to adjournment, and took up the engrossed bill to incorporate the town of Asheville.

The bill to repeal a part of the 18th section of the revised statutes, entitled an act concerning the Supreme Court; the bill to amend an act entitled an act to amend the 58th chapter of the revised statutes, entitled insolvent debtors; which were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill, entitled a bill relating to vagrants, was taken up and read the second time and passed—yeas 27—nays 10.

The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were


Those who voted in the negative, were

**Messrs.** Arringtor, Faison, Hellen, Mitchell, Moore, Morehead, Moye, Parks, Ried, Williams—10.
The bill was then read the third time and passed—yeas 25—nays 11.

The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Bond,  MESSRS. Orr,
Clingman,  Pollock,
Cooper,  Ribelin,
Etheridge,  Shepard,
Exum,  Speed,
Gaither,  Spiers,
Hawkins,  Spruill,
Houlger,  Waddell,
Kerr,  Ward,
Larkins,  Whitfield,
Melchor,  Williams,
Melvin,  Wilson—25.
Montgomery,

Those who voted in the negative, were

MESSRS. Albright,  MESSRS. Moore,
Arrington,  Morehead,
Dockery,  Moyer,
Faison,  Parks,
Hellen,  Reid—11.
Mitchell,

Ordered that said bill be enrolled.

The engrossed bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was taken up, and read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to amend the 58th chapter of the revised statutes, entitled insolvent debtors; the bill to provide for the election of certain militia officers; the bill to appoint commissioners for the town of Kenansville, in the county of Duplin; the bill to incorporate the stockholders of the Boarding House of the Asheville Female Academy; the bill to compel the militia officers of Mecklenburg county, to drill three days in each and every year; and the bill to divide the militia of Ashe county into three regiments, were taken up, and severally read the second and third times and passed, and ordered to be enrolled.
Received from the House of Commons a message, transmitting to the Senate the communication from the Public Treasurer, and proposing to refer it to a joint select committee of three on the part of each House; which was read and concurred in.

Whereupon the Speaker announced to the Senate that Messrs. Mitchell, Hawkins and Albright form our branch of the committee to whom is referred the communication from the Public Treasurer—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the amendment to the engrossed bill to regulate the measurement of ton and square timber, and saw-mill lumber.

Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions—in which they ask the concurrence of the Senate:

A resolution to pay certain contingent expenses of the General Assembly.

A resolution in favor of the Door Keepers.

Also an engrossed bill to incorporate the Salisbury Manufacturing Company.

Said resolutions and bill were severally read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills—in which they ask the concurrence of the Senate:

A bill to incorporate the Light Infantry Company, in the town of Edenton.

A bill to amend the revised statutes entitled an act to drain the swamp lands of this State, and to create a fund for Common Schools.

Also a resolution for repairing Governor's residence, and for furniture.

The second named bill was read the first, second and third times and passed—yeas 22—nays 10.

The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were

MESSRS. Albright, Arrington, Bond,
MESSRS. Melchor, Moore, Montgomery,
Bynum, Moye,
Clingman, Speed,
Cooper, Spiers,
Dockery, Spruill,
Exum, Waddell,
Gaither, Ward,
Hawkins, Whitfield,
Hellen, Wilson—22.

Those who voted in the negative, were

MESSRS. Houlder, MESSRS. Orr,
  Kerr, Pollock,
  Larkins, Reid,
  Melvin, Ribelin,
  Mitchell, Williams—10.

Ordered, That said bill be enrolled.

The first named was read the first, second and third times and passed, and ordered to be enrolled.

The resolutions for repairing Governor's residence and for furniture, was read the first, second and third times and passed—yeas 24—nays 9. The yeas and nays were demanded by Mr. Pollock.

Those who voted in the affirmative, were

MESSRS. Arrington, MESSRS. Melchor,
  Bond, Moore,
  Bynum, Montgomery,
  Clingman, Moye,
  Cooper, Orr,
  Dockery, Reid,
  Edwards, Ribelin,
  Etheridge, Speed,
  Faison, Spiers,
  Gaither, Waddell,
  Hawkins, Ward,

Those who voted in the negative, were

MESSRS. Exum, MESSRS. Pollock,
  Houlder, Spruill,
Ordered, That said resolution be enrolled.

Received from the House of Commons a message, stating that Messrs. Robards, McLaughlin and Patterson form their branch of the committee on the Public Treasurer's communication.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate:

A bill to establish a Female Literary Institution in the county of Robeson.

A bill to authorise the making a Turnpike Road in the county of Henderson.

Also, the following engrossed resolutions:

A resolution relating to the Secretary of State.

A resolution accepting from the Hon. Edward Stanly the donation of certain books therein named.

Said bills and resolutions were severally read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons the resignation of John R. Gilliam, a Justice of the Peace for the county of Bertie; which was read and accepted.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate:

A bill supplementary to an act entitled an act concerning the draining of low lands.

A bill to incorporate the Franklin Library Society, in the town of Fayetteville.

A bill to provide a copy of the North Carolina Justice for each and every Magistrate in the State.

A bill to extend the time of holding the next term of the Superior Court for Cumberland county.

A bill to revise an act passed in 1835, authorising David T. Sawyer to lay off and construct a road, and for other purposes.

Also, the following engrossed resolutions:

A resolution for Public Treasurer.

A resolution in favor of J. N. Crosby.
Resolution in favor of Commissioners for superintending building the Capitol.

The first named resolution was read the first time and rejected.

The second named resolution was read the first, second and third times and passed, and ordered to be enrolled.

The resolution in favor of the Commissioners for Superintending the building the Capitol, was read the first time and rejected by the following vote—yeas 11, nays 22. The yeas and nays were demanded by Mr. Williams.

Those who voted in the affirmative, were

MESSRS. Bynum, Messrs. Hellen,
    Clingman,               Moore,
    Dockery,               Speed,
    Faison,                Spiers,
    Gaither,               Waddell—11.
    Hawkins,

Those who voted in the negative, were

MESSRS. Albright, Messrs. Montgomery,
    Arrington,            Mitchell,
    Boud,                 Moye,
    Cooper,               Pollock,
    Etheredge,            Reid,
    Exum,                 Ribelin,
    Houlder,              Spruill,
    Kerr,                 Ward,
    Larkins,              Whitfield,
    Melchor,              Williams,
    Melvin,               Wilson—22.

The engrossed bill to extend the time of holding the next term of the Superior Court for Cumberland county; the bill to revise an act passed in 1835, authorising David T. Sawyer to lay off and construct a road, and for other purposes; and a bill to incorporate the Franklin Library Society, in the town of Fayetteville, were taken up and read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Orr, the Senate adjourned until Monday morning 7 o'clock.
The Senate met agreeably to adjournment, and took up the engrossed bill supplementary to an act concerning the draining of low lands; which was read the first, second and third times and passed, and ordered to be enrolled.

The Senate then took up for consideration the engrossed bill to provide a copy of the North Carolina Justice for each and every magistrate in the State; which was read the first time and passed.

The bill was then read the second time, and on motion of Mr. Wilson, postponed indefinitely by the following vote—yeas 28, nays 5.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Hill, Larkins, Melvin, Montgomery, Spruill—5.

Received from the House of Commons a message, stating that they have passed the engrossed bill to purchase a Library, with an amendment; which was read and concurred in.

On motion of Mr. Spruill, the Senate took a recess till ten o'clock.
Ten O'clock, A. M.

The Speaker announced to the Senate that Messrs. Moore and Pasteur form our branch of the Committee on Enrolled Bills for this week.

Mr. Morehead moved that two members on the part of the Senate be added to the Committee on Enrolled Bills; which was agreed to.

Whereupon the Speaker appointed Messrs. Spruill and Moye as said Committee.

Mr. Reid, from the Committee on Private Bills, to whom was referred the engrossed bill to repeal an act entitled an act to repeal in part the 13th section of an act passed in 1824, authorizing the making a turnpike road in the county of Buncombe, reported the same to the Senate; which was read the second time.

Mr. Clingman moved that the bill be indefinitely postponed; which was not agreed to. The bill then passed—yeas 24, nays 10. The yeas and nays were demanded by Mr. Clingman.

Those who voted in the affirmative, were


Those who voted in the negative, were


The bill was then read the third time.

Mr. Clingman moved to amend the bill by striking out
the proviso in the bill, and inserting in lieu thereof the words,

Provided, however, That the citizens of Yancy county, residing in that part of said county which constituted a part of Buncombe county prior to the year 1830, shall not be compelled to pay any tolls for travelling on said road.

Which was read and agreed to.

The bill then passed as amended.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate:

A bill to amend the Revised Statutes, concerning last wills and testaments.

Also, a bill to incorporate Beaver Creek Manufacturing Company; and a resolution in favor of Lunsford Lane.

The first named bill was read the first and second times and passed—yeas 32, nays 5. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were


Those who voted in the negative, were

MESSRS. Bond, Cooper, Larkins, MESSRS. Orr, Whitaker—5.
The bill then passed and was ordered to be enrolled.

The last named bill was read the first, second and third times and passed, and ordered to be enrolled.

The engrossed resolution in favor of Lunsford Lane, was read the first and second times, and rejected by the following vote—yeas 17—nays 19. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

**MESSRS.** Albright, Clingman, Edwards, Faison, Gaither, Hawkins, Hellen, Hill, Melchor,

**MESSRS.** Moore, Morehead, Selby, Shepard, Speed, Spiers, Waddell, Ward—17.

Those who voted in the negative, were

**MESSRS.** Arrington, Bond, Cooper, Etheridge, Houlder, Kerr, Larkins, Melvin, Mitchell, Moye,

**MESSRS.** Orr, Pasteur, Pollock, Reid, Ribelin, Whitaker, Whitfield, Williams, Wilson—19.

Received from the House of Commons a message, stating that they have passed the engrossed resolution concerning the Statue of Washington, with an amendment, to-wit:

*Be it further resolved, That the Governor shall appoint a committee of three to superintend the said work.*

Which was read and not agreed to.—yeas 14—nays 25. The yeas and nays were demanded by Mr. Whitfield.

Those who voted in the affirmative, were

**MESSRS.** Bynum, Edwards,

**MESSRS.** Montgomery, Selby,
Gaither,  
Hawkins,  
Hellen,  
Hill,  
Morehead,  
Shepard,  
Speed,  
Spiers,  
Spruill,  
Waddell—14.

Those who voted in the negative, were

MESSRS. Arrington,  
Albright,  
Bond,  
Cooper,  
Dockery,  
Etheridge,  
Faison,  
Houlder,  
Kerr,  
Larkins,  
Melvin,  
Mitchell,  
McDiarmid,  
Moore,  
Moye,  
Orr,  
Parks,  
Pasteur,  
Pollock,  
Reid,  
Ward,  
Whitaker,  
Whitfield,  
Williams,  
Wilson—25.

Received from the House of Commons a message, stating that Messrs. Brower, Whitehurst, Smith and Rand, form their additional branch of the committee on enrolled bills.

Mr. Speed presented the following resolution:

Resolved, That the private Secretary of the Governor of North Carolina, is hereby authorised and empowered to hire a servant to wait on the Governor's office: provided, that not more than forty-eight dollars shall be appropriated to that purpose for any one year.

Which was read the first and second times and passed—yeas 31—nays 8. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,  
Arrington,  
Bond,  
Bynum,  
Clingman,  
Cooper,  
Edwards,  
Faison,  
Morehead,  
Moye,  
Orr,  
Parks,  
Reid,  
Selby,  
Shepard,
The bill entitled a bill to unite the Board of Internal Improvement and the Literary Board, and to amend the 60th, 61st, 66th and 67th chapters of the Revised Statutes, was taken up and read the third time and rejected.

Mr. Bynum presented a bill entitled a bill to regulate the time of holding the Courts in Rutherford and Cleveland counties; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Speed moved that the vote by which was rejected the bill for the relief of the Raleigh and Gaston Rail Road Company, be re-considered; which motion was decided in the affirmative—yeas 25, nays 18. The yeas and nays were demanded by Mr. Larkins.

Those who voted in the affirmative, were

MESSRS. Albright, Bynum, Clingman, Dockery, Edwards, Faison, Gaither, Hawkins, Hellen, Hill, Melchor, Moore,

MESSRS. Montgomery, Morehead, Orr, Parks, Ribelin, Selby, Shepard, Speed, Spiers, Sprnill, Waddell, Worth—25.
Those who voted in the negative, were

MESSRS. Arrington, Cooper, Etheridge, Houlder, Kerr, Larkins, Melvin, Mitchell, Moye,  

Mr. Clingman then moved a substitute therefor; which he afterwards withdrew.

The bill was then read the third time and passed—yeas 23. nays 20. The yeas and nays were demanded by Mr. Larkins.

Those who voted in the affirmative, were

MESSRS. Albright, Bond, Bynum, Clingman, Dockery, Edwards, Gaither, Hawkins, Hellen, Melchor, Mitchell, Morehead,  
MESSRS. Moore, Montgomery, Parks, Ribelin, Selby, Shepard, Speed, Spiers, Spruill, Waddell, Worth—23.

Those who voted in the negative, were

MESSRS. Arrington, Cooper, Etheridge, Faison, Hill, Houlder, Kerr, Larkins, Melvin, McDiarmid,  
Mr. Edwards moved to amend the title of the bill by striking out the original, and inserting the following, to wit:

"A bill to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same."

Which motion was decided in the affirmative—yeas 27, nays 13. The yeas and nays were demanded by Mr. McDiarmid.

Those who voted in the affirmative, were

**MESSRS.** Albright, Bond, Bynum, Clingman, Cooper, Dockery, Edwards, Etheridge, Gaither, Hawkins, Hellen, Hill, Kerr, Melchor,

**MESSRS.** Mitchell, Moore, Morehead, Montgomery, Moyo, Parks, Ribelin, Selby, Shepard, Speed, Spiers, Spruill, Waddell, Worth—27.

Those who voted in the negative, were

**MESSRS.** Arrington, Houlder, Larkins, Melvin, McDiarmid, Orr, Pasteur,


*Ordered* that said bill be engrossed.

On motion of Mr. Morehead,

*Ordered*, That Mr. Montgomery have leave of absence from the service of the Senate from and after to day, the remainder of the session.

On motion of Mr. Dockery,

*Ordered*, That Mr. Ward have leave of absence from
the service of the Senate from and after to-day, the balance of the session.

On motion of Mr. Spruill, the Senate took a recess 'till 4 o'clock.

Four o'clock, p. m.

The Senate met agreeably to adjournment.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to repeal an act, entitled an act to repeal in part the 13th section of an act passed in 1821, authorising the making a Turnpike Road in the county of Buncombe.

Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that they recede from their amendment to the resolutions concerning the Statue of Washington.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Nantahala Turnpike Company, of the counties of Macon and Cherokee, with sundry amendments; which were read and concurred in.

Received from the House of Commons a message, stating that they have rejected the following engrossed bills and resolutions:

A bill to amend an act in the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State.

A resolution concerning Lumber River.

Mr. Bynum presented a bill concerning the Raleigh and Gaston Rail Road Company; which was read the first time and passed, and on motion of Mr. Wilson, laid on the table.

Mr. Hill presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing to rescind the joint resolution for the adjournment of the two Houses this day, and proposing that the two Houses adjourn to morrow sine die.

Which was read and agreed to.
Mr. Bond moved that the vote by which was rejected the engrossed resolution in favor of Lunsford Lane, be reconsidered; which motion was agreed to.

The resolution was then read the second and third times and passed, and ordered to be enrolled.

Mr. Waddell presented a bill entitled a bill to authorize the construction of the Raleigh and Western Turnpike Road; which was read the first and second times, and on motion of Mr. Arrington, laid on the table by the following vote—yeas 21, nays 10. The yeas and nays were demanded by Mr. Bynum.

Those who voted in the affirmative, were,

MESSRS. Arrington, Cooper, Etheridge, Faison, Hill, Houlder, Kerr, Larkins, Melchor, Melvin, McDiarmid,


Those who voted in the negative, were

MESSRS. Albright, Bond, Bynum, Clingingman, Dockery,

MESSRS. Hellen, Mitchell, Moore, Morehead, Waddell—10.

Received from the House of Commons a message, concurring in the proposition of the Senate to rescind the resolution to adjourn to-day.

They also agree to the proposition of the Senate to adjourn sine die on to-morrow the 12th inst.

Received from the House of Commons a message, stating that they have passed the resolutions directing the Public Treasurer (under certain contingencies) to borrow money, and asking the concurrence of the Senate. Said resolutions were read the first, second and third times and passed, and ordered to be enrolled.
On motion of Mr. Bynum, the bill entitled a bill concerning the Raleigh and Gaston Rail Road Company, was taken up, amended; on motion of Mr. Bynum, the bill was read the second time; and on motion of Mr. Gaither, the bill and amendments were laid on the table—yeas 25, nays 9.

Those who voted in the affirmative, were

Messrs. Arrington, Messrs. Melchor,
Bond,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Faison,
Gaither,
Hawkins,
Hellen,
Houlder,
Kerr,

Messrs. Melvin,
McDiarmid,
Pasteur,
Pollock,
Reid,
Ribelin,
Spiers,
Spruill,
Whitfield,
Williams,
Wilson—25.

Those who voted in the negative, were

Messrs. Albright, Messrs. Morehead,
Bynum,
Larkins,
Mitchell,
Moore,

Messrs. Moye,
Orr,
Worth—9.

On motion of Mr. Clingman, the Senate adjourned until to-morrow morning 7 o’clock.

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Tuesday, January 12, 1841.

The Senate met agreeably to adjournment. Mr. Orr asked and obtained leave to withdraw from the file of the Senate, the documents relative to the Union county bill.

Mr. Bynum presented a bill entitled a bill for the benefit of the Raleigh and Gaston Rail Road Company; which
was read the first, second and third times and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed upon all the business brought before them at this session, and are now ready to adjourn sine die.

Whereupon a message was sent to the House of Commons agreeing thereto.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the thanks of the Senate are due, and are hereby given to Col. Andrew Joyner, Speaker thereof, for the able, dignified and impartial manner in which he has discharged the duties of the Chair.

The question on the resolution being put by Mr. Spruill, it was adopted unanimously.

The Speaker then made an appropriate address to the Senate, and adjourned the same without day.

By Order,

A. JOYNER, S. S.

Thos. G. STONE, C. S.