SENATE JOURNAL
1844-'45.
JOURNAL.

At a General Assembly, begun and held in the City of Raleigh, on the 18th day of November, in the year of our Lord 1844, and in the 69th 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 Perquimons—
  " 2d do  Pasquotank and Perquimons—Caleb Etheridge.
  " 3d do  Gates and Chowan—Whitmel Stallings.
  " 5th do  Northampton—John M. Moody.
  " 6th do  Hertford—Richard G. Cowper.
  " 7th do  Bertie—Lewis Thompson.
  " 8th do  Martin—Asa Biggs.
  " 9th do  Halifax—Andrew Joyner.
 " 10th do  Edgecombe—Louis D. Wilson.
 " 11th do  Pitt—John L. Foreman.
 " 12th do  Beaufort and Hyde—Joshua Tayloe.
 " 13th do  Craven—Thos. J. Pasteur.
 " 14th do  Carteret and Jones—Isaac Hellen.
 " 15th do  Lenoir and Greene—E. G. Speight.
 " 16th do  New Hanover—Owen Holmes.
 " 17th do  Onslow—Wm. Ennett.
 " 18th do  Duplin—James K. Hill.
 " 19th do  Brunswick, Bladen and Columbus—Robt. Melvin.
 " 20th do  Cumberland—Thos. N. Cameron.
 " 21st do  Sampson—E. Gawin.
A quorum consisting of a majority of the whole number of members being present, on motion of Mr. Edwards, Louis D. Wilson was nominated for Speaker; and on motion of Mr. Waddell, Andrew Joyner was added to the nomination.

The Senate then voted as follows:

FOR MR. WILSON.

Messrs. Stallings, Etheridge, Speight, Biggs, Pasteur, Hill, Edwards, Melvin, Cameron, Hester, Gavin, Holmes,

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hollen,
Waddell,
Dockery,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Wilson for Mr. Edwards.
Mr. Joyner for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

Whereupon, on motion of Mr. Waddell, the Senate again proceeded to vote, which resulted as follows:

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes

Messrs. Drake,
Exum,
Tomlinson,
Geo. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. JOYNER.

Messrs. Lewis Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Mr. Joyner voting for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

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

Tuesday, November 19, 1844.

The Senate met according to adjournment, and proceeded to business.

On motion of Mr. Edwards, the Senate proceeded to vote for Speaker.

FOR MR. WILSON.

Messrs. Stalling, Etheridge, Speight, Biggs, Pasteur, Hill, Edwards, Melvin, Cameron, Hester, Gavin, Holmes,

Messrs. Drake, Exum, Tomlinson, G. W. Thompson, Eaton, Jeffreys, Ennett, Boyd, Reich, Walker, Stowe, Gwynn.—24

FOR MR. JOYNER.

Messrs. L. Thompson, Cowper,

Messrs. Worth, Albright,
Mr. Joyner voting for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election. In which report the Senate concurred.

On motion of Mr. Francis, the Senate proceeded to vote again for Speaker.

FOR MR. WILSON.

Messrs. Stallings, Etheridge, Speight, Biggs, Pasteur, Hill, Edwards, Melvin, Cameron, Hester, Gavin, Holmes,

FOR MR. JOYNER.

Messrs. L. Thompson, Cowper, Moody, Halsey, Tayloe, Foreman, Hellen, Waddell, Dockery, Bogle,
Mr. Joyner voted for Mr. Dockery.

Neither of the candidates having received a majority of the votes given, there was no election. Whereupon, on motion of Mr. Gaither, the Senate voted again as follows:

**FOR MR. WILSON.**

Messrs. Stallings, Etheridge, Speight, Biggs, Pasteur, Hill, Edwards, Melvin, Cameron, Hester, Gavin, Holmes,


**FOR MR. JOYNER.**

Messrs. L. Thompson, Cowper, Moody, Halsey, Tayloe, Foreman, Hellen, Waddell, Dockery, Bogle, Boyd, Pharr,

Messrs. Worth, Albright, Hargrave, Gaither, McMillan, Jefferson, Woodfin, Lindsay, Elliott, Smith, Francis.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the candidates having received a majority of the votes given, there was no election. On motion of Mr. Albright, the Senate adjourned until to-morrow morning twelve o'clock.
The Senate met according to adjournment.
On motion of Mr. Cameron, the Senate proceeded to vote for Speaker.

**FOR MR. WILSON.**

Messrs. Stallings, Etheridge, Speight, Biggs, Pasteur, Hill, Edwards, Melvin, Cameron, Hester, Gavin, Holmes,

**FOR MR. JOYNER.**

Messrs. L. Thompson, Cowper, Moody, Halsey, Tayloe, Foreman, Hellen, Waddell, Dockery, Bogle, Boyden, Pharr,

Mr. Joyner voted for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.
Whereupon, on motion of Mr. Boyden, the Senate again voted as follows:

**FOR MR. WILSON.**

Messrs. Stallings, Etheridge,
FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hollen,
Waddell,
Dockery,
Bogle,
Boyd,
Pharr,

Mr. Joyner for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Gaither, Mr. Joyner was withdrawn from the nomination.

Whereupon, on motion of Mr. Dockery, Mr. Waddell was added to the nomination.

The Senate then voted as follows:

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
FOR MR. WADDELL.

Messrs. L. Thompson, Cowper, Moody, Halsey, Joyner, Tayloe, Foreman, Hellen, Dockery, Bogle, Boyd, Boyden, Pharr,

Mr. Waddell voted for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Elliott, the Senate again voted as follows:

FOR MR. WILSON.

Messrs. Stallings, Etheridge, Speight, Biggs, Pasteur, Hill, Edwards, Melvin, Cameron, Hester, Gavin, Holmes,

FOR MR. WADDELL.

Messrs. Lewis Thompson, Cowper, Moody,

Messrs. Worth, Albright, Hargrave, Gaither, McMillan, Jefferson, Woodfin, Lindsay, Elliott, Smith, Francis.—23.

FOR MR. WADDELL.

Messrs. Lewis Thompson, Cowper, Moody,
Mr. Waddell voted for Mr. Dockery.

Neither of the Candidates having received a majority of votes given, there was no election. On motion of Mr. Elliot, Mr. Waddell was withdrawn from the nomination, and the name of Mr. Dockery added thereto.

The Senate then voted as follows:

### FOR MR. WILSON.

|---|---|

### FOR MR. DOCKERY.

|---|---|
Mr. Dockery voting for Mr. Joyner.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Boyden, the Senate again voted as follows:

FOR MR. WILSON.

Messrs. Stallings, Etheridge, Speight, Biggs, Pasteur, Hill, Edwards, Melvin, Cameron, Hester, Gavin, Holmes,


FOR MR. DOCKERY.

Messrs. Lewis Thompson, Cowper, Moody, Halsey, Joyner, Tayloe, Foreman, Hellen, Waddell, Bogle, Boyden, Pharr,

Messrs. Worth, Albright, Hargrave, Gaither, McMillan, Jefferson, Woodfin, Lindsay, Elliott, Smith, Francis.—23.

Mr. Dockery voting for Mr. Joyner.

Neither of the Candidates having received a majority of the votes given, there was no election.

Whereupon, Mr. Waddell presented the following Resolution, viz:

Resolved, That a Committee of six be appointed by this body, who shall confer together for the purpose of recommending Officers for the Senate.
Which was read and adopted.

The Senate then appointed the following Members to constitute said Committee: Messrs. Waddell, Halsey, Boyden, Cameron, Biggs and Jeffreys.

On motion of Mr. Joyner, the Senate adjourned until to-morrow eleven o'clock.

THURSDAY, NOV. 21, 1844.

The Senate met according to adjournment.

Mr. Cameron, on the part of the Committee appointed by a Resolution of the Senate, on yesterday, reported that said Committee had conferred together without effecting any step, which would accelerate the organization of this body, and asked the Senate to take a recess of one hour, in order that the Committee might sit again; which was unanimously agreed to.

Mr. Waddell on the part of the Committee appointed on yesterday by the Senate, reported that they were unable to effect any compromise, and asked to be discharged from the further consideration of the subject. They were discharged accordingly.

On motion of Mr. Elliott, Mr. Dockery was withdrawn from the nomination as Speaker.

On motion of Mr. Biggs, the Senate proceeded to vote for Speaker.

FOR MR. WILSON.


Mr. Joyner voting for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Edwards, Mr. Wilson was withdrawn from the nomination and the name of Mr. Cameron added thereto.

On motion of Mr. Albright, the name of Mr. Gaither was added thereto.

The Senate then voted as follows:

FOR MR. CAMERON.


FOR MR. GAITHER.

Messrs. I. Thompson, Cowper, Moody, Messrs. Pharr, Worth, Albright,
Halsey,  
Joyner,  
Tayloe,  
Foreman,  
Hellen,  
Waddell,  
Dockery,  
Bogle,  
Boyden,  

Hargrave,  
McMillan  
Jefferson,  
Woodfin,  
Lindsay,  
Elliott,  
Smith,  
Francis.—23.

Mr. Gaither voting for Mr. Boyden.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Exum, the Senate again voted for Speaker.

FOR MR. CAMERON.

Messrs. Stallings,  
Etheridge,  
Speight,  
Biggs,  
Wilson,  
Pasteur,  
Hill,  
Edwards,  
Melvin,  
Hester,  
Gavin,  
Holmes,  

Messrs. Drake,  
Exum,  
Tomlinson,  
G. W. Thompson,  
Eaton,  
Jeffreys,  
Ennett,  
Boyd,  
Reich,  
Walker,  
Stowe,  
Gwynn.—24.

FOR MR. GAITHER.

Messrs. L. Thompson,  
Cowper,  
Moody,  
Halsey,  
Joyner,  
Tayloe,  
Foreman,  
Hellen,  
Waddell,  
Dockery,  
Bogle,  
Boyden,  

Messrs. Pharr,  
Worth,  
Albright,  
Hargrave,  
McMillan,  
Jefferson,  
Woodfin,  
Lindsay,  
Elliott,  
Smith,  
Francis.—23.

Mr. Gaither for Mr. Boyden.
Neither of the Candidates having received a majority of votes given, there was no election.

On motion of Mr. Edwards, the name of Mr. Cameron was withdrawn from the nomination.

And on motion of Mr. Biggs, the name of Mr. Edwards was added thereto.

The Senate then voted as follows:

FOR MR. EDWARDS.

Messrs. Stallings, Etheridge, Speight, Biggs, Pasteur, Wilson, Hill, Melvin, Cameron, Hester, Gavin, Holmes,


FOR MR. GAITHER.

Messrs. L. Thompson, Cowper, Moody, Halsey, Joyner, Tayloe, Foreman, Hellen, Waddell, Dockery, Bogle, Boyden,

Messrs. Pharr, Worth, Albright, Hargrave, McMillan, Jefferson, Woodfin, Lindsay, Elliott, Smith, Francis.—23.

Mr. Gaither voting for Mr. Boyden.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Albright, Mr. Gaither was withdrawn from the nomination.
On motion of Mr. Boyd, the Senate again proceeded to vote as follows:

FOR MR. EDWARDS.

Messrs. Stallings, Etheridge, Speight, Biggs, Wilson, Pasteur, Hill, Melvin, Cameron, Hester, Gavin, Holmes,


FOR MR. FRANCIS.

Messrs. Lewis Thompson, Cowper, Moody, Halsey, Joyner, Tayloe, Foreman, Hellen, Waddell, Dockery, Bogle, Boyden,

Messrs. Pharr, Worth, Albright, Hargrave, Gaither, McMillan, Jefferson, Woodfin, Lindsay, Elliott, Smith.—23.

Mr. Francis voting for Mr. Joyner.

Neither of the candidates having received a majority of the votes given, there was no election.

On motion of Mr. Waddell, the Senate again voted as follows:

FOR MR. EDWARDS.

Messrs. Stallings, Etheridge, Speight, Biggs, Wilson,

Messrs. Drake, Exum, Tomlinson, G. W. Thompson, Eaton,

Mr. Joyner voted for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

On motion of Mr. Biggs, Mr. Edwards was withdrawn from the nomination.

On motion of Mr. Halsey the Senate voted again.

FOR MR. WILSON.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

Mr. Francis moved that the Senate adjourn until to-morrow morning ten o'clock; and upon this question, Mr. Boyd demanded the Yeas and Nays; which are as follows:

Those who voted in the affirmative, were

Messrs. L. Thompson,
Cowper,
Moody,
Joyner,
Tayloe,

Messrs. Hellen,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—9.

Those who voted in the negative, were

Messrs. Stallings,
Etheridge,
Speight,
Halsey,
Biggs,
Wilson,
Pasteur,
Foreman,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,

Messrs. Eaton,
Jeffreys,
Enneti,
Dockery,
Boyd,
Bogle,
Boyden,
Reich,
Walker,
Pharr,
Worth,
Hargrave,
Gaither,
McMillan,

The Senate refused to adjourn.
On motion of Mr. Exum, the Senate voted again for Speaker.

FOR MR. WILSON.


FOR MR. JOYNER.


Mr. Joyner voted for Mr. Dockery.

Neither of the candidates having received a majority of the votes given, there was no election.

Mr. Dockery moved that the Senate adjourn until to-morrow morning eleven o'clock.
Which was decided in the negative—Yea's 22, Nay's 27.

Mr. Stallings demanded the Yeas and Nay's, which are as follows:

Those who voted in the affirmative, were

Messrs. Lewis Thompson, Cowper, Moody, Halsey, Joyner, Taylor, Helle, Edwards, Waddell, Dockery, Boyden,

Messrs. Pharr, Worth, Albright, Gaiter, McMillan, Jefferson, Woodfin, Lindsay, Elliott, Smith, Francis.—22.

Those who voted in the negative, were

Messrs. Stallings, Etheridge, Speight, Biggs, Wilson, Pasteur, Foreman, Hill, Melvin, Cameron, Hester, Gavin, Holmes, Drake,

Messrs. Exum, Tomlinson, G. W. Thompson, Eaton, Jeffreys, Ennett, Boyd, Bogle, Reich, Walker, Hargrave, Stowe, Gwynn.—27.

On motion of Mr. Waddell, the Senate proceeded to vote again for Speaker.

FOR MR. WILSON.

Messrs. Stallings, Etheridge, Speight, Biggs, Pasteur, Hill,

Messrs. Drake, Exum, Tomlinson, G. W. Thompson, Eaton, Jeffreys,
Mr. Joyner voted for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

Mr. Moody moved that the Senate adjourn until to-morrow morning ten o'clock.

Which was decided in the negative—Yea's 22, Nays 27.

Mr. Walker demanded the Yeas and Nays, which are as follows:

Those who voted in the affirmative, were

Those who voted in the negative, were

Messrs. Stallings, Etheridge, Speight, Cowper, Biggs, Wilson, Pasteur, Foreman, Melvin, Cameron, Hester, Gavin, Holmes, Drake.


On motion of Mr. Boyden, the Senate proceeded to vote again for Speaker.

FOR MR. WILSON.


FOR MR. JOYNER.


Messrs. Worth, Albright, Hargrave, Gaither, McMillan, Jefferson, Woodfin, Lindsay.
Dockery, Elliott,
Bogle, Smith,
Boyden, Francis.—23.
Pharr,

Mr. Joyner voted for Mr. Waddell

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

FRIDAY, NOV. 22, 1844.

The Senate met according to adjournment.

Whereupon, Mr. Tomlinson nominated Burges S. Gaither for Speaker.

The Senate then voted as follows:

FOR MR. GAITHER.

Messrs. Stallings, Messrs. Ennett, Dockery,
Etheridge, Boyd,
L. Thompson, Boyden,
Cowper, Bogle,
Moody, Reich,
Speight, Walker,
Halsey, Pharr,
Biggs, Worth,
Wilson, Albright,
Pasteur, Hargrave,
Joyner, McMillan,
Tayloe, Jefferson,
Foreman, Woodfin,
Hellen, Lindsay,
Exum, Elliott,
Waddell, Stowe,
Tomlinson, Smith,
G. W. Thompson, Francis,
Eaton, Gwynn.—40.
Jeffreys,
Mr. Gaither having received a majority of the whole number of votes given, was declared duly elected. Whereupon, he was conducted to the Chair by Messrs. Edwards and Joyner; and he made his acknowledgements to the Senate in a neat and appropriate address.

On motion of Mr. Elliott, Thos. G. Stone, of Franklin, was nominated for Principal Clerk.

The Senate then voted as follows:

FOR MR. STONE.

Messrs. Stallings, Eatheridge, Speight, Halsey, Biggs, Wilson, Pasteur, Joyner, Foruman, Hill, Edwards, Melvin, Cameron, Hester, Gavin, Holmes, Drake, Exum, Waddell, Tomlinson, G. W. Thompson, Eaton,

Messrs. Jeffreys, Ennet, Dockery, Boyd, Bogle, Boyden, Reich, Walker, Pharr, Worth, Albright, Hargrave, Gaither, McMillan, Jefferson, Woodfin, Lindsay, Elliott, Stowe, Smith, Francis, Gwynn.—44.

FOR MR. MILLER.

Messrs. L. Thompson, Cowper, Moody,

Messrs. Tayloe, Hellen.—5.

Thos. G. Stone having received a majority of the whole number of votes, was duly elected.
On motion of Mr. Biggs, Mr. Perrin Busbee was nominated as Clerk Assistant.

FOR MR. BUSBEE.

Messrs. Stallings, Elfiereidge, Cowper, Speight, Biggs, Wilson, Pasteur, Foreman, Hill, Edwards, Melvin, Cameron, Hester, Gavvin, Holmes, Drake,


FOR MR. MILLER.

Messrs. L. Thompson, Moody, Halsey, Joyner, Tayloe, Hellen, Waddell, Dockery, Boyden,

Messrs. Worth, Albright, Hargrave, McMillan, Woodfin, Lindsay, Elliott, Smith.—17.

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

Whereupon, Mr. Cameron nominated James Page, of Randolph, as Principal Door-keeper; and on motion of Mr. Dockery, Green Hill was added to the nomination.

The Senate then voted as follows:

FOR MR. PAGE.

Messrs. Stallings, Etheridge,

Messrs. Exum, Tomlinson,
Speight,  
Buggs,  
Wilson,  
Pasteur,  
Hill,  
Edwards  
Melvin,  
Cameron,  
Hester,  
Gavin,  
Holmes,  

G. W. Thompson,  
Eaton,  
Jeffreys,  
Ennett,  
Boyd,  
Reich,  
Walker,  
Stowe,  
Gwynn,  
Drake.—25.

FOR MR. HILL.

Messrs. L. Thompson,  
Cowper,  
Moody,  
Halsey,  
Joyner,  
Taylor,  
Foreman,  
Helen,  
Waddell,  
Dockery,  
Bogle,  
Boyden,  

Messrs. Pharr,  
Worth,  
Albright,  
Hargrave,  
Gaither,  
McMillan,  
Jefferson,  
Woodfin,  
Lindsay,  
Elliott,  
Smith,  
Francis.—24.

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

On motion of Mr. Jeffreys, Mr. Patrick H. McGowan was nominated as Door-keeper Assistant; and on motion of Mr. Boyden, Jehu Crews; on motion of Mr. Waddell, Mr. Tinny, of Orange; on motion of Mr. Dockery, Mr. King, of Wake; on motion of Mr. Albright, Mr. Drake, of Chatham, were added to the nomination.

The Senate then voted as follows:

FOR MR. McGOWAN.

Messrs. Stallings,  
Etheridge,  
Speight,  
Buggs,  
Wilson,  

Messrs. Holmes,  
Drake,  
Exum,  
Tomlinson,  
Eaton,
Hill, Jeffrey,
Pasteur, Ennett,
Edwards, Boyd,
Melvin, Walker,
Cameron, Stowe,
Hester, Gwynn.—23.

FOR MR. CREWS.

Messrs. Lewis Thompson, Messrs. Lewis Thompson,
Cowper, Cowper,
Moody, Moody,
Halsey, Halsey,
Tayloe, Tayloe,
Foreman, Foreman,
Dockery, Dockery,
Bogle, Bogle,
Boyden, Boyden,

Messrs. Reid, Messrs. Reid,
Worth, Worth,
Gaither, McMillan,
Jefferson, Elliott,
Smith, Francis.—17.

FOR MR. DRAKE:

Messrs. Hellen, Messrs. Woodfin,
Albright, Lindsay.—4.

FOR MR. TINNY.

Messrs. Joyner and Waddell.—2.

FOR MR. KING.

Messrs. G. W. Thompson and Pharr.—2.

Mr. Hargrave voting for Mr. Hill.

Neither of the Candidates having received a majority of the votes given, there was no election.

On motion of Mr. Dockery, the name of Mr. King was withdrawn from the nomination.

The Senate then voted again as follows:

FOR MR. MCGOWAN.

Messrs. Stallings, Messrs. Drake,
Etheridge, Exum,
FOR MR. CREWS.

Messrs. L. Thompson, Cowper, Worth,
Moody, Hargrave,
Halsey, Gaither,
Joyner, McMullan,
Taylor, Jefferson,
Foreman, Woodfin,
Hellen, Lindsay,
Waddell, Elliott,
Dockery, Smith,
Bogle, Francis.—23.

Mr. Albright voting for Mr. Drake.

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

On motion of Mr. Edwards,

Ordered, That the Rules of the last session be adopted for the government of the Senate, until otherwise ordered.

On motion of Mr. Joyner,

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 Burges S. Gaither, as Speaker; Thos. G. Stone, as Principal Clerk; Perrin Busbee, as Clerk Assistant; James Page and Patrick McGowan, Door-keepers.

On motion of Mr. Dockery, the Senate adjourned until to-morrow morning, eleven o'clock.
Received from the House of Commons a Message, informing the Senate, that they are duly organized by the appointment of Edward Stanly, Speaker; Charles Manly, Chief Clerk; James R. Dodge, Clerk Assistant; Samuel J. Finch, Doorkeeper; and William Lovell, Assistant Doorkeeper, and are ready to proceed to the despatch of public business.

Mr. Halsey presented the following Resolution:

Resolved, That the Speaker assign seats for the use of Stenographers to note the proceedings of the Senate.

Which was read and adopted.

Received from the House of Commons a Message, proposing to raise a Joint Select Committee, to consist of two members on the part of each House, to wait upon his Excellency the Governor, and inform him of the organization of the Legislature, and their readiness to receive from him any communication he might make; and stating that Messrs. T. Wilson and J. Lea compose the Committee on their part; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Elliott and Cameron compose 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 to go into an election, immediately, for three Engrossing Clerks, and stating that the names of William J. Lewis, James F. Simmons, John D. Cameron, Wm. P. Forest, Joseph Holderby, Henry H. Potter, J. M. A. Drake, Maurice Q. Waddell, Chas. C. Nelson, Chas. C. McCrummen, Joshua Lumsden, Jeremiah Clark, Asa B. Gunter, W. A. Walker, John P. H. Russ, Jas. J. Thomas, and Thos. S. Clark, are in nomination for the appointment, and that Messrs. Caldwell and Scales form their Committee; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Albright and Drake form the Committee on the part of the Senate, to superintend the election; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. WADDELL.

Messrs. Speaker, Messrs. Holmes,
FOR MR. THOMAS.

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Ennett, Etheridge, Exum, Gavin, Gwynn, Hester, Hill,

Mr. Albright voting for Mr. Gunter.—1.

FOR MR. SIMMONS.

Messrs. Biggs, Cowper, Drake, Edwards, Gavin, Halsey,


FOR MR. LEWIS.

Messrs. Speaker, Bogle, Francis, Jefferson,


FOR MR. NELSON.

Messrs. Hellen and Pasteur.—2.
Mr. Hellen voting for Mr. Lumsden.—1.

FOR MR. CLARK.

Messrs. Speaker, Bogle, Boyden, Messrs. Hargrave, Pharr.—5.

FOR MR. CAMERON.


FOR MR. HOLDERBY.


Mr. Jefferson voting for Mr. Potter.—1.

Mr. Eaton voting for Mr. Forest.—1.

FOR MR. WALKER.

Messrs. Halsey, Speight, and Tayloe.—3.

FOR MR. DRAKE.

Mr. Albright from the Joint Select Committee to superintend the election of three Engrossing Clerks, reported that neither of the candidates in nomination having received a majority of the whole number of votes given, there is no election. In which report the Senate concurred.

Mr. Cameron, from the Joint Select Committee 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 Monday next at 12 o'clock.

Received from the House of Commons a Message, proposing to proceed immediately to vote again for three Engrossing Clerks, and that the name of Mr. Potter is withdrawn from the nomination; and that Messrs. R. T. Paine and Brogden compose their Committee. Which was read and agreed to.

The Speaker then announced to the Senate, that Messrs. L. Thompson and Walker form our Committee; and the House of Commons was informed thereof by Message.

The Senate then voted as follows:

FOR MR. RUSS.

Messrs. Cameron, Eaton,

Messrs. Lindsay, Melvin,

FOR MR. SIMMONS.

Messrs. Biggs, Cowper, Drake, Edwards, Francis, Gavin,


FOR MR. T. S. CLARK.


Mr. Albright for Mr. Gunter.—1.

FOR MR. DRAKE.

Messrs. Dockery, Drake, Elliott,


FOR MR. LEWIS.


FOR MR. CAMERON.

Messrs. Biggs, Boyd, Cameron, Cowper, Dockery, Edwards, Ennett, Etheridge, Exum, Messrs. Holmes, Jeffreys, Joyner, Melvin, McMillan, Moody, Reich, Smith, Stallings,
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<th>FOR MR. WADDELL.</th>
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FOR MR. THOMAS.

G. W. Thompson, Walker, Waddell, Wilson.—27.

FOR MR. Holderby.

Messrs. Holmes, Jeffrey, Melvin, Pasteur, Reich, Speight, Stallings, Stowe, Tomlinson, G. W. Thompson, Walker, Wilson.—25.

FOR MR. WADDELL.

Messrs. Holmes, Jayner, Lindsay, Moody, Pharr, Smith, L. Thompson, Waddell, Woodfin, Worth.—21.

Messrs. Albright, Boyd, Boyden, Elliott, Gwynn, Hester, Hill,
FOR MR. J. CLARK.

Messrs. Speaker, Hargrave, Messrs. Hargrave, Pharr.—5.
Bogle,  Boyden,
Mr. Pasteur voting for Mr. Nelson.—1.
Mr. Speight for Mr. Walker.—1.
Mr. Eaton for Mr. Forest.—1.

FOR MR. McCUMMEN.

Messrs. Dockery, Messrs. Tomlinson,
Gwynn,  Wilson,
Smith,  Worth.—7.
Stowe,

Mr. L. Thompson from the Joint Select Committee appointed on the part of the Senate to superintend the election of three Engrossing Clerks, reported that neither of the candidates in nomination having received a majority of the votes given, there is no election. In which report the Senate concurred.

On motion of Mr. Halsey,

Ordered, That a Message be sent to the House of Commons, proposing to go into an election again for three Engrossing Clerks.

Received from the House of Commons a Message agreeing to the proposition of the Senate, to go immediately into an election for three Engrossing Clerks, and that Messrs. Shepard and Guyther form their branch of the Committee; and further stating, that the names of Messrs. Lumsden, Gunter, Walker, and McCrummen, are withdrawn from the nomination.

The Speaker announced to the Senate, that Messrs. Lindsay and Holmes form our branch of the Committee to superintend the election for three Engrossing Clerks, and the House of Commons was informed thereof by Message.

The Senate then voted as follows:

FOR MR. WADDELL.

Messrs. Speaker, Messrs. Hester, Hester,
Albright, Hill,
Bogle, Holmes,
Boyden, Jefferson,
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FOR MR. THOMAS.

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FOR MR. HOLDERBY.

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FOR MR. CAMERÓN.

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Biggs, Jeffreys,
Boyd, Joynor,
Bogle, Melvin,
Boyden, Rich,
Cameron, Smith,
Dockery, Speight,
Eaton, Stallings,
Edwards, G. W. Thompson,
Ennett, Tomlinson,
Etheridge, Waddell,
Exum, Walker,
Francis, Wilson,
Gavin, Worth.—30.

FOR MR. RUSS.

Messrs. Albright, Messrs. G. W. Thompson,
Exum, Tomlinson,
Lindsay, Walker,
Melvin, Woodfin,
Stallings, Worth.—11.
Stowe,

FOR MR. LEWIS.

Messrs. Speaker, Messrs. Hill,
Biggs, Jefferson,
Bogle, McMullan,
Cameron, Moody,
Cowper, Pasteur,
Dockery, Stowe,
Francis, Woodfin.—15.
Halsey,

FOR MR. SIMMONS.

Messrs. Cowper, Messrs. Joyner,
Drake, Moody,
Halsey, Taylor,
Hellen, L. Thompson.—8.

FOR MR. T. S. CLARK.

Messrs. Hellen, Messrs. Taylor,
Pasteur, L. Thompson.—5.
Speight,
The Senate met according to adjournment.

Mr. Lindsay, from the Joint Select Committee on the part of the Senate, to superintend the election of three Engrossing Clerks, reported that Mr. Waddell, having received a majority of the whole number of votes given, was duly elected.

In which report the Senate concurred.

Received from the House of Commons a message, proposing that the Comptroller's Report for the fiscal year ending Nov. 1st, 1843, be printed in pamphlet form, one copy for each member.—Which was read and agreed to.

Whereupon, Mr. Boyden moved that the message relative to printing the Comptroller's Report, be reconsidered. Which was agreed to.

Mr. Boyden then moved that the Resolution be laid on the table; which was also agreed to.

On motion of Mr. Boyden,

Ordered, That a message be sent to the House of Commons, proposing that the Comptroller's Report for the fiscal year ending Nov. 1st, 1843, be printed.

Received from the House of Commons a message, proposing to go into an election for two Engrossing Clerks, and stating that Messrs. Guthrie and Nixon form the Committee on their part; that the name of Jeremiah Clark is withdrawn from the nomination. Which was read and agreed to.
On motion of Mr. Elliott, Mr. Drake, and on motion of Mr. Eaton, Mr. Forest was withdrawn from the nomination; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Smith and Exum form our Committee to superintend the election for two Engrossing Clerks; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

**FOR MR. THOMAS.**

Messrs. Biggs, Boyd, Bogle, Cameron, Drake, Eaton, Edwards, Ennett, Etheridge, Exum, Gavin, Gwynn, Hester,


**FOR MR. HOLDERBY.**

Messrs. Albright, Boyd, Boyden, Dockery, Elliott, Gwynn, Hargrave,

Messrs. Hester, Lindsay, McMillan, Reich, Smith, Worth.—13.

**FOR MR. CAMERON.**

Messrs. Speaker, Albright, Boyden, Cameron, Dockery, Edwards, Elliott, Ennett, Hargrave,

Resolved, That a Committee of five members be appointed to prepare and report permanent Rules of Order for the government of the Senate, during the present Session; which was read and adopted.

The Speaker announced to the Senate that Messrs. Halsey, Joyner, Boyd, Edwards and Wilson, compose the Committee to prepare and report permanent Rules of Order for the government of the Senate, at its present session.

Received from the House of Commons a message, proposing to print in pamphlet form, the Constitution of the United States, the Constitution of the State, the Rules of Order of the Senate and
House of Commons, and the joint Rules of both Houses; a copy for each member of the two Houses; ten copies for the State Library, and one for each of the Clerks of the two Houses; which was read, and on motion of Mr. Joyner ordered to lie on the table.

Mr. Albright presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee, consisting of two members on the part of each House, to prepare joint Rules of Order for the government of the intercourse between the two Houses during the present Session.

Which was read and adopted.

Received from the House of Commons a message, therein transmitting a communication from the Secretary of State, on the public printing; which was read.

Mr. Exum from the Joint Select Committee on the part of the Senate, to superintend the election of two Engrossing Clerks, reported that neither of the candidates in nomination having received a majority of the votes given, there is no election.

In which report the Senate concurred.

On motion of Mr. Jefferson,

Ordered, That a message be sent to the House of Commons, proposing to go into an election for two Engrossing Clerks.

The Speaker announced to the Senate that Messrs. Stallings and McMillan form our Committee to superintend the election for two Engrossing Clerks; and the House of Commons were informed thereof by message.

The Speaker announced to the Senate the following Standing Committees, viz:

**ON PROPOSITIONS AND GRIEVANCES.**

Messrs. Pasteur,
Stallings,
Bogle,
McMillan,

Messrs. Eaton,
Cowper,
Gwynn.

**ON PRIVILEGES AND ELECTIONS.**

Messrs. Francis,
Hellen,
Holmes,
Hill,

Messrs. Pharr,
Moody,
Hester.
ON CLAIMS.


ON THE JUDICIARY.


ON INTERNAL IMPROVEMENT.


ON EDUCATION AND THE LITERARY FUND.


Received from the House of Commons, a communication from His Excellency, the Governor of this State, to the Legislature of North Carolina; which was read, and on motion of Mr. Dockery, was laid on the table.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to go immediately into the election of two Engrossing Clerks; and that Messrs. Graves and Davenport form their Committee to superintend the election for two Engrossing Clerks.

The Senate then voted as follows:

FOR MR. LEWIS.

Messrs. Speaker, Bagle, Boyden, Messrs. Joyner, McMillan, Pharr,
Cowper, Stallings,
Etheredge, Stowe,
Francis, Taylor,
Gavin, L. Thompson,
Halsey, Walker,
Hester, Woodfin,
Hill, Hellen.—21.
Jefferson,

FOR MR. THOMAS.

Messrs. Biggs, Messrs. Hill,
Bogle, Holmes,
Boyd, Jefferson,
Cameron, J. Greys,
Drake, Melvin,
Eaton, Pasteur,
Edwards, Reich,
Emmett, Speight,
Etheridge, Stallings,
Exum, Stowe,
Francis, Tomlinson,
Gavin, Walker,
Gwynn, Wilson,
Hester, Woodfin.—28.

FOR MR. HOLDERBY.

Messrs. Albrit
Boyd,
Boyden,
Duckery,
Elliot,
Gwy

Messrs. Albright,
Exum,

Messrs. Albright,
Exum,

Messrs. Albright,
Exum,

Messrs. G. W. Thompson,
Worth.—4.

FOR MR. CAMERON.

Messrs. Speaker,
Cameron,
Dockery,
Eaton,

Messrs. Speaker,
Cameron,
Dockery,
Eaton,

Messrs. Speaker,
Cameron,
Dockery,
Eaton,
Mr. Stallings from the Joint Select Committee on the part of the Senate to superintend the election of two Engrossing Clerks, reported that neither of the Candidates having received a majority of the votes given, there is no election.

In which report the Senate concurred.

Received from the House of Commons a Message proposing to print the Message of His Excellency, the Governor, to the General Assembly, ten copies for each Member of the Legislature.

Which was read.

Whereupon, Mr. Biggs moved that we disagree to the proposition of the House of Commons to print ten copies of the Message of His Excellency, the Governor.

Upon which question, Mr. Tomlinson demanded the Yeas and Nays.

Those who voted in the affirmative, were:

Boyd, Tomlinson.
Cameron, Wilson.
Cowper, Biggs.—18.
Drake, Messrs. Speight,
Eaton, Tayloe, I. Thompson.
Edwards, Hellen.—9.
Ewett, Messrs. Halsey,
Hargrave, Lindsay,
Holmes, Moody.
Pasteur, Pasteur.
Pharr, Reich.

FOR MR. SIMMONS.

Messrs. Cowper and Drake.—2.

FOR MR. CLARK.

Messrs. Halsey, Messrs. Speight,
Lindsay, Tayloe,
Moody, I. Thompson,
Pasteur, Hellen.—9.
Pharr,
Those who voted in the negative, were:


Mr. Biggs moved a Message be sent to the House of Commons, proposing to print the Message of His Excellency, the Governor. Mr. Halsey moved the following amendment thereto:

That five copies be printed for each Member of the Legislature.

Which proposition was agreed to.

Received from the House of Commons a Message proposing to go into an election for a Solicitor for the First Judicial Circuit, tomorrow at 11 o’clock, A. M. and that David Outlaw is in nomination for that office.

Which was read and agreed to.

The Speaker announced to the Senate, that Messrs. Woodfin and Biggs form our Committee to superintend the election of Solicitor for the First Judicial Circuit; and the House of Commons was informed thereof by Message.

On motion of Mr. Boyden,

Ordered, That a Message be sent to the House of Commons, proposing to go into an election of Solicitor for the Sixth Judicial Circuit to-morrow at 12 o’clock.

The Speaker announced to the Senate, that Messrs. Moody and Speight form our branch of the Committee to superintend the election of Solicitor for the Sixth Judicial Circuit; and the House of Commons was informed thereof by Message.

On motion of Mr. Dockery,

Ordered, That a Message be sent to the House of Commons proposing to go into an election for two Engrossing Clerks.

The Speaker announced to the Senate, that Messrs. Bogle and Eaton form our branch of the Committee to superintend the elec-
tion for two Engrossing Clerks and the House of Commons was informed thereof by Message.

Received from the House of Commons a Message agreeing to the proposition of the Senate to vote for two Engrossing Clerks, and stating that the name of Mr. Simmons is withdrawn from the nomination; and that Messrs. J. F. Poindexter and Saunders form their branch of the Committee to superintend said election.

The Senate then voted as follows:

FOR MR. CAMERON.

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FOR MR. RUSS.

Messrs. Exum and G. W. Thompson.—2.

FOR MR. THOMAS.

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FOR MR. LEWIS.

Messrs. Speaker, Bogle, Cowper, Etheridge, Francis, Gavin, Hargrave, Hellen,


FOR MR. HOLDERBY.

Messrs. Albright, Boyd, Elliott, Gwynn, Hester, Jefferson,

Messrs. Lindsay, McMillan, Reich, Smith, Stowe, Worth.—12.

FOR MR. CLARK.

Messrs. Boyden, Dockery, Francis, Halsey, Hellen, Moody,

Messrs. Pasteur, Pharr, Speight, Tayloe, Thompson, (of B.)—11.

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

TUESDAY, NOV. 26, 1844.

The Senate met according to adjournment.

Mr. Joyner presented the following Resolutions:

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

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

Which were read and adopted.

The Speaker announced to the Senate, that Messrs Joyner, Boyden, Wilson, and Cameron constitute our branch of the Committee to superintend the funeral ceremonies of the late John L. Foreman; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they unanimously concur with the Senate, in the adoption of the Resolutions relating to the lamented death of the late John L. Foreman, and have appointed the following Committee, (to-wit:) Messrs. Perkins, Bridgers, Washington and Shepard, on their part, to unite with the Committee on the part of the Senate, in the manner proposed.

Mr. Boyden, from the Committee on the part of the Senate, to superintend the ceremonies of the late John L. Foreman, reported that they had had the subject under consideration, and that the members would meet at the Capitol to-morrow morning at nine o'clock.

In which report the Senate concurred.

On motion of Mr. Wilson, the Senate adjourned until Thursday morning 10 o'clock.

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**Thursday, Nov. 28, 1844.**

The Senate met pursuant to adjournment.

Mr. Bogle, from the Joint Select Committee on the part of the Senate, to superintend the election of two Engrossing Clerks, re-
ported that Mr. Cameron, 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 recede from their proposition to print ten copies for each member of the Legislature, of the Message of His Excellency the Governor, and agree to the proposition to print five copies for each member of the Legislature. Which was read.

Mr. Worth presented the petition of Francis J. Kron, praying the Legislature to direct how to ascertain the boundaries of the land and title thereto, in the Counties of Montgomery and Stanly, the deeds of which were destroyed by the burning of the Court House; which was read, and on motion of Mr. Worth, was referred to the Committee on Propositions and Grievances.

Mr. Halsey presented the following Resolution:

Resolved, That a writ of election issue to the Sheriff of Pitt County, commanding him to hold an election at the various election precincts in said County, on the 11th of December next, to elect a Senator to represent the 11th Senatorial District in the present Legislature, to fill the vacancy occasioned by the death of John L. Foreman.

Which was read and adopted.

Mr. Boyd presented the resignation of Josiah Settle, a Justice of the Peace for the County of Rockingham, which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing to go into an election immediately for one Engrossing Clerk; the name of Jno. P. H. Russ is withdrawn from the nomination, and that Messrs. Jno. B. Jones and Keener compose their Committee. Which was read and agreed to.

The Speaker announced to the Senate that Messrs. Worth and Stowe form our branch of the Committee to superintend the election for one Engrossing Clerk; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. HOLDERBY.

Messrs. Albright, Messrs. Hill,
Biggs, Holmes,
Boyd, Lindsay,
Boyden, Molvin,
Dockery, Reich,
FOR MR. CLARK.

Messrs. Cameron, Ennett, Exum, Halsey, Hellen, Jeffreys,


FOR MR. THOMAS.

Messrs. Drake and Tomlinson.—2.

FOR MR. LEWIS.

Messrs. Speaker, Bagle, Cowper, Francis,


Mr. Worth, from the Committee on the part of the Senate, to superintend the election of one Engrossing Clerk, reported that Mr. Holderby having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

Mr. Joyner presented the following Resolution:

Resolved, That so much of the Governor's Message as relates to Rail Roads and Internal Improvement, be referred to the Committee on Internal Improvement; so much as relates to Common Schools, be referred to the Committee on Education and the Literary Fund; so much as relates to agriculture, and the geological, mineralogical and agricultural resources of the State, be referred to a Select Committee; so much as relates to Asylums, be referred to a Select Committee; and
that so much as relates to a Penitentiary, be referred to a Select Committee.

Mr. Drake presented a Bill, entitled a Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes; which was read the first time and passed, and on his motion was referred to the Judiciary Committee.

Mr. Bogle presented a Bill, entitled a Bill to lay off and establish a County by the name of Gaston; which was read the first time and passed.

Mr. Jefferson presented a Bill, entitled a Bill to lay off and establish a County to be called Morehead; which was read the first time and passed, and on his motion, was referred to the Committee on Propositions and Grievances.

Received from the House of Commons a message, proposing to go forthwith into an election for Solicitor of the 1st Judicial Circuit, and stating that David Outlaw is in nomination for the office. Which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Cowper and Pasteur form our branch of the Committee to superintend said election, and the House of Commons was informed thereof by Message.

Received from the House of Commons, a Message, stating that Messrs. Cherry and Jones form their branch of the Committee to superintend the election of Solicitor for the first Judicial Circuit, and that they will commence voting on return of the Messenger.

The Senate then voted as follows:

FOR MR. OUTLAW.

Messrs. Speaker, Albright, Biggs, Bogle, Boyd, Boyden, Cameron, Cowper, Dockery, Eaton, Ennett, Elliott, Etheridge, Exum,

Messrs. Jefferson, Jeffreys, Joyner, Lindsay, Melvin, McMillan, Moody, Pasteur, Pharr, Reich, Smith, Speight, Stallings, Stowe,
Mr. Drake voting for Mr. Heath.

Mr. Pasteur from the Joint Select Committee on the part of the Senate, reported, that Mr. Outlaw having received a majority of the votes given, is duly elected.

In which report the Senate concurred.

On motion of Mr. Boyden,

Ordered, That a Message be sent to the House of Commons, proposing to go into an election of Solicitor for the Sixth Judicial Circuit, to-day at 12 o'clock.

Received from the House of Commons, a Message proposing to go into an election this evening at four o'clock, for Secretary of State, and stating that William Hill is in nomination for the Office. Which was read and agreed to.

The Speaker announced to the Senate that Messrs. Tayloe and Thompson (of W.) form our branch of the Committee to superintend the election of Secretary of State, and the House of Commons was informed thereof by Message.

Received from the House of Commons, a Message agreeing to the proposition of the Senate, to go into an election at 12 o'clock to-day, for Solicitor of the Sixth Judicial Circuit; and stating that Messrs. Kirk and Puryear form their branch of the Committee to superintend said election.

The Speaker announced to the Senate, that Messrs. Woodfin and Biggs form our branch of the Committee to superintend the election of Solicitor for the Sixth Judicial Circuit, and the House of Commons was informed thereof by Message.

On motion of Mr. Woodfin, Haywood W. Guion; on motion of Mr. Hellen, Hamilton C. Jones; on motion of Mr. Pharr, James Osborne; and on motion of Mr. Jefferson, James R. Dodge, were nominated for the office of Solicitor for the Sixth Judicial Circuit, and the House of Commons was informed thereof by Message.
The Senate then voted as follows:

FOR MR. JONES.

Biggs,
Bogle,
Boyden,
Cowper,
Dockery,
Ennett,
Etheridge,
Exum,
Francis,
Gwynn,
Halsey,
Hargrave,
Helen,
Hill,
Holmes,
Biggs,
Moody,
Reich,
Reich,
Speight,
Stallings,
Stowe,
Taylor,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Wilson,
Worth,
Joyner.—31.

FOR MR. OSBORNE.

Messrs. Speaker, Messrs. Pharr,
Elliott,
Lindsay,
Smith,
Walker.—6.

FOR MR. DODGE.

Messrs. Eaton, Messrs. Jefferson,
Gwynn,
Hester,
McMillan.—5.

FOR MR. GUION.

Messrs. Cameron, Pasteur, and Woodfin.—3.

Mr. Biggs from the Joint Select Committee on the part of the Senate to superintend the election of Solicitor for the Sixth Judicial Circuit, reported that Mr. Jones having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

Mr. Elliott presented a Bill, entitled a Bill to incorporate the Franklinville Guards, in the County of Randolph; which was read the first time and passed.
Mr. Boyden presented a Bill, entitled a Bill more effectually to suppress the offence of trading with Slaves; which was read the first time and passed, and on his motion was referred to the Judiciary Committee.

Mr. Jefferson presented a Bill, entitled a Bill to prohibit the levying of executions upon growing crops, until said crops are matured; which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

On motion of Mr. Cameron,

Ordered, That a message be sent to the House of Commons, proposing to go into an election of Supreme Court Judge on Monday next, at 12 o'clock; and 'nominating for that office, Frederick Nash, of Hillsboro'.

Received from the House of Commons a message, therein transmitting the report of the Public Treasurer of the State, with a proposition that it be printed; which was read and agreed to.

Mr. Halsey presented a Bill, entitled a Bill to protect the public bridges in the Counties of Tyrrell and Washington; which was read the first time and passed.

Received from the House of Commons a message, proposing to go into an election to-morrow at eleven o'clock, for Solicitor of the Seventh Judicial Circuit, and stating that the names of Messrs. Jno. G. Bynum, Burges S. Gaither, and Michael Francis are in nomination for the appointment; which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Boyden and Woodfin compose our branch of the Committee to superintend the election of Solicitor for the Seventh Judicial Circuit; and the House of Commons was informed thereof by message.

On motion of Mr. Wilson,

Ordered, That Mr. Edwards have leave of absence from the service of the Senate to-day.

Mr. Boyden presented a Bill, entitled a Bill to alter the division line between the Counties of Lincoln and Catawba; which was read the first time and passed.

On motion of Mr. Boyden,

Ordered, That a message be sent to the House of Commons, proposing to go into an election of Judge of the Superior Court of Law and Equity, to supply the vacancy occasioned by the resignation of the Hon. Frederick Nash, on Monday next, at one o'clock.
Mr. Boyden presented a Bill, entitled a Bill to amend the 7th Section of the 45th Chapter of the Revised Statutes, and to repeal the Act of the General Assembly of 1840, entitled an Act in favor of Poor Debtors; which was read the first time and passed.

Mr. Boyden introduced sundry Petitions and Memorials in relation to the subject of altering the dividing line between the Counties of Lincoln and Catawba, and on his motion, it was

Ordered, 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 whom the same shall be referred.

Mr. Halsey, from the Committee appointed to prepare Rules of Order for the government of the Senate, reported the Rules of Order of the last session, with sundry amendments.

RULE I.

When the Speaker takes his Chair, each Member shall take his seat, and on the appearance of a quorum, the Journal of the preceding day shall be read.

RULE II.

After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to-wit:

1. The receiving Petitions, Memorials, Pension Certificates, and Papers addressed either to the General Assembly or to the Senate.
2. Reports of Standing Committees.
3. The reports of Select Committees.
4. Resolutions.
5. Bills.
6. Bills, Resolutions, Petitions, Memorials, Messages, Pension Certificates, and other Papers on the table. Then the order of the day; but motions and messages to elect Officers shall always be in order.

RULE III.

1. 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 the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more mem-
bers happen to rise at once, the Speaker shall name the one who is first to speak.

2. 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.

RULE IV.

All Bills and Resolutions of a public nature shall pass, as a matter of course, the first reading.

RULE V.

1. If any member in speaking, or otherwise, transgresses 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.

2. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor 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.

RULE VI.

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or to amend; which several motions shall have precedence in the order they stand arranged; and the motion for adjournment shall always be in order, and decided without debate.

RULE VII.

1. Questions may be stated by the Speaker sitting, but they 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.

2. 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 affirm-
ative 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 the row of pillars shall be the bar of the Senate.

RULE VIII.

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

RULE IX.

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.

RULE X.

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

RULE XI.

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.

RULE XII.

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.

RULE XIII.

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.

RULE XIV.

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

RULE XV.

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. And no Bill or Resolution of a public nature, shall be sent from the Senate until twelve o'clock the succeeding day.

RULE XVI.

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.

RULE XVII.

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 Com-
committee on the Judiciary, a Committee on Internal Improvement, and a Committee on Education and the Literary Fund; consisting of seven members each.

RULE XVIII.

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.

RULE XIX.

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.

RULE XX.

In case of any disturbance, or disorderly conduct in the lobby or gallery, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

RULE XXI.

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 Bar of the Senate.

RULE XXII.

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

RULE XXIII.

When the House adjourns, the Members shall keep their seats till the Speaker leaves the Chair.
RULE XXIV.

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

RULE XXV.

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.

By Order,

B. S. GAITHER,
Speaker of the Senate.

THOS. G. STONE, Clerk.

The Senate took a recess until 3 o'clock.

The Senate met at 3 o'clock P. M.

Received from the House of Commons a message, proposing to raise a joint select Committee, to consist of three, on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August Election, and that Messrs. Adams, Graves and Atkins form the Committee on their part.

Which was read and agreed to.

Received from the House of Commons a message, stating, that Messrs. Poindexter and Edwards form their branch of the Committee to superintend the Election of Secretary of State.

Received from the House of Commons a message, proposing to raise a Joint Select Committee on the part of each House, to consist of five members, to whom shall be referred so much of the Governor's message as relates to Cherokee Land Bonds, &c.

Which was read and agreed to.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of four on the part of each House, to whom shall be referred so much of the Governor's message as relates to Rail Roads, and their financial connection with the State. Also to raise a Joint Select Committee of three, on the part of each House, to whom shall be referred so much of the
said message, as relates to an Asylum for the Insane, the Deaf and Dumb. Also, to raise a Committee of three, on the part of each House, to whom shall be referred so much of said message as relates to a Penitentiary. Also, a Committee of three, on the part of each House, upon so much of said message as relates to enclosing the Capitol Square: which was read and on motion of Mr. Joyner, ordered to lie on the table.

Mr. Biggs presented the following Resolution:

Resolved, That the Committee on the Judiciary enquire into the expediency of giving to the Courts of Law, jurisdiction of Equitable claims and demands not exceeding in amount fifty dollars.

Which was read and adopted.

Mr. Tayloe presented a Bill, entitled a Bill, to cede to the United States a certain Tract of Land lying on the Island of Portsmouth, Carteret County, for the purpose of erecting a Marine Hospital thereon.

Which was read the first time and passed; and on motion of Mr. Hellen was referred to the Committee on the Judiciary.

Mr. Biggs from the Joint Select Committee on the part of the Senate appointed to prepare Joint Rules for both Houses, reported the Joint Rules of the last Session of the General Assembly, and recommended their adoption.

Which was read and concurred in.

Received from the House of Commons, a message concurring with the Senate in raising a Joint Select Committee to consist of five Members on the part of each House, to whom shall be referred the several Memorials upon the dividing line between Lincoln and Catawba Counties, and stating that their Committee consist of Messrs. Mebane, Haughton, Ellis, Phifer and Wilder.

Whereupon, the Speaker announced to the Senate, that Messrs. Boyden, Stowe, Walker, Joyner and Cameron form our Committee on the dividing line between Lincoln and Catawba; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to go into an election for Judge of the Supreme Court, with this amendment—that said election take place to-morrow at 12 o'clock instead of Monday next; and they concur in our proposition to go into an election for Judge of the Superior Court, on Monday, at one o'clock; which was read and not agreed to.
Received from the House of Commons a message, in which they concur in our proposition to refer the joint Rules for the regulation of the intercourse between the two Houses, to a Committee of two on the part of each House; and state that Messrs. Guthrie and Wilder compose their Committee.

Whereupon, the Speaker announced to the Senate that Messrs. Albright and Biggs constitute our branch of said Committee; and the House of Commons was informed thereof by message.

The hour agreed on by the two Houses, to vote for Secretary of State having arrived, the Senate proceeded to vote as follows:

FOR MR. HILL.


Mr. Tayloe, from the Joint Select Committee on the part of the Senate to superintend the election of Secretary of State, reported that Mr. Hill having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

On motion of Mr. Exum, the Senate adjourned until to-morrow morning 10 o'clock.
The Senate met pursuant to adjournment.

Mr. Ennett presented the following Resolution:

Resolved, That the certificate presented by the Senator from Onslow on Monday, the 18th inst., as well as the one presented by him this day, be referred to a Committee of three, who shall enquire into the facts, and report to this House; and that said Committee have leave to send for persons and papers.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. Keener and Fleming form their branch of the Committee to superintend the election of Solicitor for the 7th Judicial circuit.

The Speaker announced to the Senate the following Joint Committee on Finance, to-wit: Messrs. Dockery, Francis, Cameron, Wilson, Thompson, (of B.) Albright, Walker and Biggs.

Received from the House of Commons a message, proposing to print in pamphlet form, the Constitution of the United States, the Constitution of this State, the Rules of Order of the Senate and House of Commons, and the joint Rules of both Houses—one copy for each member of the two Houses, one copy for each of the Clerks, ten copies for the State Library, and five copies for the University; which was read and agreed to.

On motion of Mr. Halsey,

Ordered, That a message be sent to the House of Commons, proposing to raise a Committee on Military Affairs.

Mr. Stowe presented a Bill, entitled a Bill to change the location of the Court House of the County of Lincoln, and for other purposes; which was read the first time and passed.

Received from the House of Commons a message, receding from their amendment to the message of the Senate, to vote for Judge of the Supreme Court, and agree to vote for Judge of the Supreme Court at 12 o'clock on Monday.

The Speaker presented to the Senate a communication from Weston R. Gales, tendering to the Legislature the use of the bell attached to the City Clock; which was read, and on motion of Mr. Edwards, was ordered to lie on the table.

Received from the House of Commons a message, transmitting to the Senate, the Statement of the Bank of Cape Fear and branches,
made on the 2d Nov. 1844; which was, on motion of Mr. Edwards, ordered to lie on the table and be printed.

The hour agreed on by both Houses, to vote for Solicitor of the Seventh Judicial Circuit having arrived—

The Senate voted as follows:

FOR MR. GAITHER.

Messrs. Biggs, Bogle, Boyd, Cameron, Cowper, Dockery, Drake, Eaton, Edwards, Elliott, Ennett, Etheridge, Exum, Gavin, Gwynn, Halsey, Hargrave,

Messrs. Hester, Holmes, Jeffreys, Joyner, Lindsay, Melvin, McMillan, Smith, Speight, Stallings, Tayloe, Thompson, (of B.), Thompson, (of W.), Tomlinson, Walker, Waddell, Wilson.—34.

FOR MR. BYNUM.

Messrs. Albright, Boyden, Hellen, Hill, Jefferson,


Mr. Stowe voting for Mr. Francis.

Mr. Boyden, from the Joint Select Committee on the part of the Senate, to superintend the election of Solicitor of the Seventh Judicial Circuit, reported that neither of the candidates in nomination having received a majority of the votes given, there was no election.

In which report the Senate concurred.
On motion of Mr. Boyden,

Ordered, That a message be sent to the House of Commons, proposing to go into an election, forthwith, of Solicitor for the Seventh Judicial Circuit.

Received from the House of Commons a message, agreeing to our proposition to go immediately into an election for Solicitor of the Seventh Judicial Circuit; and that the name of Michael Francis is withdrawn from the nomination. Messrs. Kirk and Wadhall form their branch of the Committee.

The Speaker announced that Messrs. Woodfin and Boyden form our branch of the Committee to superintend the election of Solicitor for the Seventh Judicial Circuit; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. GAITHER.

Messrs. Albright, Messrs. Hester,
Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Holmes,
Jeffreys,
Joyner,
Lindsay,
Melvin,
McMillan,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.),
Thompson, (of W.),
Tomlinson,
Waddell,
Walker,
Wilson.—36.

FOR MR. BYNUM.

Messrs. Boyden, Messrs. Woodfin,
Hellen, Jefferson,
Mr. Woodfin, from the Joint Select Committee on the part of the Senate, to superintend the election of Solicitor for the Seventh Judicial Circuit, reported that Mr. Gaither, having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

Mr. Worth presented the following Resolution:

Resolved, That the Treasurer of this State be directed to pay to John L. Christian, late Sheriff of Montgomery County, the sum of two hundred dollars, which amount has been collected from him for failing to fill the Clerk's certificate, relative to blank licenses; and that the same be allowed the Treasurer, in the settlement of his public Accounts.

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

Mr. Woodfin presented the following Resolution:

Resolved, That the Judiciary Committee enquire into the expediency of erecting an eighth Judicial Circuit, for the State of North Carolina.

Which was read and adopted.

Mr. Joyner presented the following Resolution:

Resolved, That the Committee on Internal Improvement be discharged from the further consideration of so much of the Governor's Message as relates to Rail Roads, and that the same be referred to a Select Committee.

Which was read and rejected.

Received from the House of Commons the following resignations of Justices of the Peace: Archilaus Hammonds, of Columbus County; Reuben Harty, of Ashe County; David Campbell, of Randolph County; Thomas Loyth, of the County of McDowell, and Louis D. Wilson, of the County of Edgecomb; which were severally read and accepted.

Mr. Worth presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee, to consist of three members
on the part of each House, to enquire into the expediency of bringing before Congress the subject of rebuilding the Branch Mint at Charlotte, in this State.

Which was read and adopted.

On motion of Mr. Stowe,

Ordered, 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 whom shall be referred the subject of altering the location of the County seat of Lincoln County.

The Speaker announced to the Senate, that Messrs. Waddell, Edwards, and Thompson, (of B.) compose our Committee, to ascertain the time and manner of counting and comparing the votes cast for Governor, at the late August election; and the House of Commons was informed thereof by message.

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

Saturday, Nov. 30, 1844.

The Senate met according to adjournment.

Mr. Francis presented the Memorial of George Southerlin, of the County of Cherokee, praying the Legislature to grant him the privilege of Working a Silver Mine in Macon County, upon certain restrictions.

Which was read, and on his motion was referred, together with the accompanying documents, to the Committee on Propositions and Grievances.

Received from the House of Commons a message, stating that Messrs. Hayes, Keener, Fleming, Mills and Gambill, compose the Committee on their part, on Cherokee Land Bonds, &c.
The Speaker announced to the Senate, that Messrs. Woodfin, Francis, Walker, Thompson, (of W.) and Holmes, form our Committee on Cherokee Land Bonds; and the House of Commons was informed thereof by message.

Messrs. Jeffreys, Hester and Smith form our Committee on the Library, and the House of Commons was informed thereof by message.

Mr. Bogle presented the Pension Certificate of the Clerk of the County Court of Iredell County, in favor of Ann Patterson.

Which was read, and on motion of Mr. Edwards, was ordered to be countersigned by the Speaker, and sent to the House of Commons.

Mr. Boyd presented the resignation of John Matur, a Justice of the Peace for the County of Rockingham.

Which was read and accepted, and sent to the House of Commons.

The Speaker announced to the Senate, that Messrs. Francis, Wilson and Hellen, form the Committee on the Resolution of the Senator from Onslow County.

Mr. Woodfin presented the Petition of the Stockholders of the Howard Gap Turnpike Company, praying the Legislature so to amend their Charter, as for the State to take an equal amount of Stock with the Shareholders, by paying an equal amount into the Company with the Shareholders.

Which was read, and on his motion, was referred to the Committee on Internal Improvement.

On motion of Mr. Bogle,

*Ordered,* That the Bill relative to the erection of a new County by the name of Gaston, together with the accompanying documents, be referred to the Committee on Propositions and Grievances.

Received from the House of Commons a message, transmitting to the Senate a communication from Weston R. Gales, tendering to the Legislature the use of the City Bell, with a proposition to refer it to a Joint Select Committee of two.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate, that Messrs. Lindsay and Speight form our branch of the Committee on said communication; and the House of Commons was informed thereof by message.
On motion of Mr. Jeffreys,

Ordered, That Mr. Eaton have leave of absence from the service of the Senate this day.

On motion of Mr. Joyner, the message of the House of Commons, proposing to raise a Joint Select Committee to consist of four on the part of each House, to whom shall be referred so much of the Governor's message, as relates to Rail Roads and their Financial connection with the State; so much as relates to an Asylum; so much as relates to a Penitentiary; and so much as relates to enclosing the Capitol Square were taken up, read, and not agreed to; and the House of Commons was informed thereof by message.

Mr. Boyden presented a Bill, entitled a Bill, to prevent frauds in levying executions issued by a single Magistrate upon Lands, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under executions.

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

On motion of Mr. Woodfin,

Ordered, That the Comptroller's Report, made to Governor Dudley, ending Nov. 1st, 1837, be printed in Pamphlet form, one copy for each Member, and other copies to be filed in the public offices at the seat of Government, for the purpose of preserving a record of the same.

Mr. Gwynn from the Committee on Propositions and Grievances to whom was referred a Bill, entitled a Bill, to lay off and establish a County to be called Morehead, reported adversely, there to and recommended its rejection.

Which was read.

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

Monday, December 2, 1844.

The Senate met according to adjournment.

Mr. Pasteur presented the pension certificate of the County
Court Clerk of Craven County, in favor of Thomas Ewell, for the years 1843-4, and that of John Rhem; which were severally read, and on his motion, were ordered to be countersigned by the Speaker, and sent to the House of Commons.

Mr. Walker presented the pension certificate of the Clerk of the County Court of Mecklenburg County, in favor of Martha Thompson; which was read, and on his motion, was ordered to be countersigned by the Speaker, and sent to the House of Commons.

Mr. Worth presented a Bill, entitled a Bill to extend the provisions of an Act passed at the Session of the General Assembly of 1830-31, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk’s Office of said County; and also to extend the provisions of an Act passed at the Session of 1831-32, entitled an Act in addition to an Act passed at the last Session of the General Assembly of this State, in relation to the burning of the records of Hertford County, to the Counties of Montgomery and Stanly; which was read the first time and passed, and on his motion, was referred to the Committee on Propositions and Grievances.

Mr. Walker presented a Bill, entitled a Bill to attach a portion of the militia of the sixty-ninth Regiment, to the sixty-eighth Regiment; which was read the first time and passed.

Mr. Halsey presented a Bill, entitled a Bill to alter the mode of appointing Constables in the County of Tyrrell; which was read the first time and passed.

Mr. Lindsay presented a Bill, entitled a Bill to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company; which was read the first time and passed.

The Speaker announced to the Senate, that Messrs. Boyden, Taylor, Pasteur, Gywn and Hargrave form the Committee on so much of the Governor’s Message as relates to a Lunatic Asylum.

Messrs. Elliott, Hill, Moody, Walker and Bogle, on so much of the Governor’s Message as relates to a Penitentiary; and Messrs. Edwards, Halsey, Stallings, McMillan and Gavin, on so much of the Governor’s Message as relates to Agriculture, and to a Geological, Mineralogical and Agricultural survey of the State.

Received from the House of Commons a message, agreeing to the proposition of the Senate to raise a Joint Select Committee of five from each House, on Military Affairs, and stating that Messrs. Hawkins, Waddell, Ehringhaus, Prentiss and Mangum form their Committee.
Whereupon, the Speaker announced to the Senate that Messrs. Dockery, Wilson, Elliott, Pasteur and Cowper form our Committee; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Mills, Cherry, Poindexter, Mebane, Haughton, Atkins, Ellis and Jones form their Committee on Finance. That Messrs. Guthrie, Ellis, and R. P. Williamson form their Committee on the Library; and that Messrs. Wilder and Brower form their Committee on the communication from Weston R. Gales, Intendant of Police.

On motion of Mr. Dockery,

Ordered, That so much of the Governor's Message as relates to the enclosing the Capitol Square, be referred to a Select Committee.

Mr. Francis presented the following Resolution:

Resolved, That so much of the Governor's Message as relates to the altering the times of holding elections in this State, be referred to a Select Committee of five.

Which was read and adopted.

Mr. Halsey presented the petition of the commissioned Officers of the seventh Regiment of North Carolina militia; praying the Legislature to amend or abolish the militia laws of this State; which was, on his motion, referred to the Committee on Military Affairs.

Received from the House of Commons a message, agreeing to the proposition of the Senate to raise a Joint Select Committee of five on the part of each House, on the subject of changing the location of the Court House of Lincoln County, and stating that Messrs. Puryear, T. Wilson, Waddell, Foy and Hamrick form their Committee.

Whereupon, the Speaker announced to the Senate that Messrs. Stowe, Stallings, Francis, Woodfin and Waddell form the Committee on the part of the Senate; 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 raise a Joint Select Committee on the part of each House, upon the subject of memorializing Congress on the subject of rebuilding the Branch Mint at Charlotte,
and stating that Messrs. Kirk, Harris, and Rankin compose the Committee on their part.

Whereupon, the Speaker announced to the Senate, that Messrs. Worth, Walker and Stowe compose said Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that, Messrs. Clayton, Jas. G. Dickson, Doak, and Dunn, form their Committee on Enrolled Bills the present week.

Whereupon, the Speaker announced to the Senate that Messrs. Albright and Biggs form said Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Biggs presented a Bill, entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Statutes; which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

Mr. Dockery presented the following Resolution:

Resolved, That five days compensation, at the usual day pay for said services, be allowed to William Stringer and Green Hill, for assisting this body until its organization.

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

Mr. Elliott presented a Bill, entitled a Bill concerning Jury trials; which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

Received from the House of Commons the resignation of the following Justices of the Peace: Theophilus Slaughter and Willie Nobles, of the County of Pitt, and A. Linville, of the County of Stokes.

Which were severally read and accepted.

The Speaker presented to the Senate, the Memorial of the Mecklenburg Monument Association.

Which was read, and on motion of Mr. Walker was referred to a Select Committee.

The Bill, entitled a Bill to lay off and establish a County to be called Morehead, was taken up, read the second time, and rejected.

Mr. Jefferson demanded the Yeas and Nays, which are as follows:

Those who voted in the affirmative, are

Messrs. Francis and Jefferson.
Those who voted in the negative, are

Messrs. Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Joyner,
Lindsay,
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson (of W.)
Tomlinson,
Walker,
Wilson,
Worth,
Worth.—42.

The Bill entitled a Bill, to change the location of the Court House of the County of Lincoln, and for other purposes, was taken up, and on motion of Mr. Stowe, was referred to the Joint Select Committee on that subject.

The Bill, entitled a Bill, to lay off and establish a County by the name of Gaston, was taken up, and on motion of Mr. Bogle was referred to the Committee on Propositions and Grievances.

Received from the House of Commons, the following Resolution in relation to the time and manner of counting and comparing the votes cast for Governor at the late August election, accompanied by a message asking the concurrence of the Senate therein, viz:

Resolved, That the two Houses of the General Assembly shall assemble in the Hall of the House of Commons, on Thursday the 5th day of December 1844, at 12 o'clock. That one Member shall be appointed Teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared. That the result
shall be delivered to the Speaker of the Senate, who shall announce to
the two Houses assembled as aforesaid, the state of the vote, and the
person elected, if it shall appear that a choice has been made agreea-
bly 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 Journal of the two
Houses.

Which was read and concurred in, and the House of Commons
was informed thereof by message.

The Bill, entitled a Bill, to incorporate the Franklinsville
Guards in the County of Randolph, was taken up, read the second
time, and passed.

The hour agreed on by the two Houses to vote for a Judge of
the Supreme Court having arrived—

The Speaker announced to the Senate, that Messrs. Cameron
and Joyner form our Committee to superintend the election of a
Supreme Court Judge, and the House of Commons was informed
thereof by message.

Received from the House of Commons a message, stating that
Messrs. Mebane and Brame form the Committee on their part to
superintend the election for Judge of the Supreme Court.

The Senate then voted as follows:

FOR MR. NASH.

Messrs. Speaker,
Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Cowper,
Dockery,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Francis,

Messrs. Holmes,
Jefferson,
Jeffreys,
Joyner,
Lindsay,
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Smith,
Speight,
Stowe,
Tayloe,
Thompson, (of B.)
Gavin, Thompson, (of W.)
Gwynn, Tomlinson,
Halsey, Waddell,
Hargrave, Walker,
Hellen, Wilson,
Hester, Woodfin,
Hill, Worth.—44.

Mr. Cameron, from the Joint Select Committee on the part of the Senate to superintend the election for Judge of the Supreme Court, reported that Mr. Nash having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

The Bill, entitled a Bill, to amend the Seventh Section of the Forty-fifth Chapter of the Revised Statutes, and to repeal the Act of the General Assembly, of A. D. 1840, entitled an Act in favor of Poor Debtors was taken up, and on motion of Mr. Boyden, was referred to the Committee on the Judiciary.

The Bill, entitled a Bill, to protect the Public Bridges in the Counties of Tyrrell and Washington, was taken up, read the second time and passed.

The Bill, entitled a Bill, to alter the division line between the Counties of Lincoln and Catawba, was taken up, and on motion of Mr. Worth, was referred to the Joint Select Committee on that subject.

On motion of Mr. Cowper, Augustus Moore, of the County of Chowan, was nominated for the Office of Judge of the Superior Court of Law and Equity, to supply the place occasioned by the resignation of the Hon. Frederick Nash.

And, on motion of Mr. Waddell, David F. Caldwell was added to the nomination.

The Speaker announced to the Senate, that Messrs. Waddell and Cowper constitute our branch of the Committee to superintend the election for Judge of the Superior Court; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Ellis and Ehringhaus form their branch of the Committee to superintend the election for Judge of the Superior Court; and that they will commence voting on return of the messenger.

The Senate then voted as follows:
FOR MR. CALDWELL.

Messrs. Speaker, Bogle, Boyden, Cameron, Dockerty, Edwards, Elliott, Ennett, Francis, Hargrave, Hellen, Jefferson,


FOR MR. MOORE.

Messrs. Biggs, Boyd, Cowper, Eaton, Etheridge, Exum, Gavin, Gwynn, Halsey, Hester,


Mr. Hill voting for W. A. Wright.

Mr. Waddell, from the Joint Select Committee on the part of the Senate to superintend the election for Judge of the Superior Court of Law and Equity, reported that Mr. Caldwell having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

On motion of Mr. Biggs, the Senate adjourned until to-morrow morning ten o'clock.
Tuesday, Dec. 3, 1844.

The Senate met according to adjournment.

Received from the House of Commons the Pension Certificate of the Clerk of the County Court of Cumberland County, in favor of Martha Spears.

Which was read, and on motion of Mr. Cameron, ordered to be countersigned by the Speaker.

Received from the House of Commons, the resignation of B. W. Hathaway, a Justice of the Peace for the County of Chowan.

Which was read and accepted.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to amend the Revised Statutes concerning Executions; and the Engrossed Resolution in favor of Leonard Ziglar, in which they ask the concurrence of the Senate.

Said Bill and Resolution were read the first time and passed, and on motion of Mr. Edwards, the Bill was referred to the Committee on the Judiciary, and the Resolution to the Committee on Claims.

Mr. Eaton presented the following Resolution:

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of reporting a Law, providing that where a Debtor makes a Deed in Trust to secure creditors, the same shall enure to the benefit of all Creditors; and if there should be a deficiency to pay all, the Trust Fund shall be distributed pro rata.

Which was read and adopted.

Mr. Thompson, (of W.) presented the following Resolution:

Resolved, That the Secretary of State be authorized to execute such Deeds as may be necessary to the original purchasers, or present owners of certain Tracts or Lots of Land, of the late John Haywood, deceased, lying on Bushy branch three miles West of the City of Raleigh, containing in the whole, five hundred acres, more or less: Provided, it shall be made to appear to the Public Treasurer, Comptroller, and Secretary of State, that the purchasers thereof have paid for the same, and that through neglect or otherwise, no Deeds have ever been executed to said purchasers.

Which was read, and on his motion, was referred to the Committee on Propositions and Grievances.
Mr. Boyd presented the following Resolution:

Resolved. That the Committee on Education and the Literary Fund, be instructed to enquire into the expediency of so altering the Statute Law in relation to escheats, as to vest them in the Literary Board instead of the University; and that they report by Bill or otherwise.

Which was read and adopted.

Mr. Wilson presented a petition of sundry citizens of the County of Edgecomb, praying the Legislature to prevent the destruction of Fish by the hauling of seines and drag-nets in Great Conetoe creek, above Randolph's mills in Pitt County.

Which was read, and on his motion, was referred to the Committee on Propositions and Grievances.

Mr. Joyner presented the following Resolution:

Resolved, That the use of the Senate Chamber be tendered to the Electoral College, in which to hold their meetings to vote for President and Vice President of the United States.

Which was read and adopted.

Mr. Waddell from the Committee on the Judiciary, to whom was referred the Bill, entitled a Bill, to cede to the United States a certain Tract of Land lying on the Island of Portsmouth, Carteret County, for the purpose of erecting a Marine Hospital thereon, reported the same without amendment.

Mr. Waddell moved that the Rules be so amended as to read the Bill a second time.

The Rule was suspended accordingly.

Mr. Hellen moved to amend the Bill, by striking out the word "all," in the third line, second paragraph, and inserting in lieu thereof, the words "two acres of that piece or parcel of Land."

Which amendment did not prevail.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Hellen and Pharr.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,

Messrs. Jefferson,
Jeffreys,
The Bill then passed the second time.

Mr. Tayloe moved that the Rules of the Senate be suspended so as to read the Bill a third time.

The Rule was suspended accordingly, and the Bill was then read.

Mr. Hellen then moved to amend the Bill, by striking out "all that parcel or part of Land," and inserting "five acres." Which was negatived.

The Bill then passed and was ordered to be Engrossed.

Mr. Speight from the Joint Select Committee, to whom was referred the communication of Weston R. Gales, Intendant of Police, tendering to the Legislature the use of the Bell at the City Hall, reported that they recommended accepting the polite tender made by said communication.

Which was read and concurred in.

Mr. Francis presented the following Preamble and Resolution, to-wit:

WHEREAS, Emily Perry, of Wake County and State of North Carolina, is the holder of three thousand, three hundred dollars in Treasury Notes, emitted by the General Assembly of the State aforesaid, held at New Berne the tenth day of May in the year seventeen hundred and eighty; and that the said State has not redeemed the same,

Therefore be it Resolved, That the Public Treasurer be authorized
to pay the said Emily Perry three thousand, three hundred dollars, and that he be allowed the same in the settlement of his public accounts.

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

Mr. Jefferson presented a Bill, entitled a Bill, to incorporate the North Carolina Mining, Manufacturing and Land Association.

Which was read the first time and passed.

On motion of Mr. Jefferson,

Ordered, That a Select Committee of five be appointed on Private Bills.

Mr. Cameron presented a Bill, entitled a Bill, to incorporate Cross Creek Lodge No. 4, of the Independent Order of Odd Fellows, in the Town of Fayetteville.

Which was read the first time and passed.

The Bill, entitled a Bill, to attach a portion of the Militia of the sixty-ninth Regiment to the sixty-eighth Regiment; and the Bill, entitled a Bill, to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company, were taken up the second time, read and passed.

Mr. Boyden presented a Bill, entitled a Bill, for the more speedy and equitable settlement of the Estates of deceased persons.

Which was read the first time and passed, and on motion of Mr. Edwards, was referred to the Committee on the Judiciary, and ordered to be printed.

The Bill entitled a Bill, to alter the mode of appointing Constables in the County of Tyrrell, was taken up, read the second time and passed.

The Speaker announced to the Senate, that Mr. Dockery will act as Teller on the part of the Senate in counting and comparing the votes cast for Governor at the late August election.

The Bill, entitled a Bill, to incorporate the Franklinsville Guards in the County of Randolph; and the Bill, entitled a Bill, to protect the Public Bridges in the Counties of Tyrrell and Washington, were taken up, read the third time and passed, and ordered to be Engrossed.

The Speaker announced to the Senate, that Messrs. Jefferson, Reich, Speight, Moody and Tomlinson, compose the Committee on Private Bills.

Received from the House of Commons a message, transmitting
to the Senate a communication from His Excellency, the Governor, relative to the informal return of Sheriffs of the election for President and Vice President of the United States.

Which was read and the proposition to print agreed to, and on motion of Mr. Wilson was referred to the Committee on the Judiciary.

Mr. Halsey presented a Bill, entitled a Bill, more effectually to prevent the imprisonment of honest debtors.

Which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary, and ordered to be printed.

The Bill, entitled a Bill, to incorporate the North Carolina Mining, Manufacturing and Land Association was taken up, and on motion of Mr. Jefferson was referred to the Committee on Private Bills.

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

Wednesday, Dec. 4, 1844.

The Senate met according to adjournment.

Mr. Francis presented a memorial of sundry citizens of Macon and Cherokee Counties, relative to granting to G. Southerlin the privilege of working a Silver Mine in the County of Macon; which was read, and on his motion was referred to the Committee on Cherokee Land Funds, &c.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Bill entitled a Bill more effectually to suppress the offence of trading with Slaves, reported the same to the Senate without amendment, and recommended its passage.

Mr. Waddell, from the same Committee, to whom was referred the Bill entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Statutes, reported the same to the Senate without amendment; which was read.
Mr. Waddell, from the same Committee, to whom was referred the Bill entitled a Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes, reported the same to the Senate with sundry amendments, viz: In the 11th line of the first section, fill the blank with the word "fifteen;" and in the 14th line of the same section, strike out the words "Court and having;" and in the place thereof, insert the words, "regular election by the people."

Which was read.

Mr. Gwyn, from the Committee on Propositions and Grievances, to whom was referred a Bill, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk's Office of said County, to the citizens of the Counties of Montgomery and Stanly, reported the same to the Senate without amendment.

Which was read.

Mr. Gwyn, from the same Committee, to whom was referred the Resolution in favor of Jno. L. Christian, Sheriff of Montgomery County, reported the same to the Senate, and recommended its passage.

Which was read.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Bill entitled a Bill concerning Jury trials, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Drake, from the Committee on Claims, to whom was referred a Resolution in favor of William Stringer and Green Hill, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

The Speaker announced to the Senate that Messrs. Woodfin, Walker, Elliott, Biggs, and Thompson, (of B.) form the Committee on the Mecklenburg Monument Association.

Mr. Holmes presented a Bill, entitled a Bill to incorporate a Company of Cavalry in the town of Wilmington, New Hanover County.

Which was read the first time and passed.

Mr. Biggs presented two Resolutions in favor of Arthur S. Mooring, Sheriff of Martin County; which were read the first
time and passed, and on his motion referred to the Committee on Claims.

The Bill entitled a Bill to incorporate Cross Creek Lodge No. 4, of the Independent Order of Odd Fellows in the town of Fayetteville, was taken up and read the second time and passed.

The Bill, entitled a Bill to alter the mode of appointing Constables in the County of Tyrrell, and the Bill entitled a Bill to attach a portion of the militia of the sixty-ninth Regiment to the sixty-eighth Regiment, were taken up, read the third time and passed, and ordered to be engrossed.

The Bill entitled a Bill to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company, was taken up, read the third time, and on motion of Mr. Biggs, amended by striking out the third section thereof.

And on motion of Mr. Wilson, was made the order of the day for to-morrow.

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

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**Thursday, December 5, 1844.**

The Senate met according to adjournment.

On motion of Mr. Halsey, Mr. Shepard appeared, produced his credentials, was qualified before the House, and took his seat.

Received from the House of Commons a message, stating that Messrs. Guthrie and Cunningham form the Committee, on their part, for counting and comparing the votes for Governor.

Received from the House of Commons a message, stating that they have passed the engrossed Bill, entitled a Bill to cede a portion of Rutherford County to the County of Henderson; and the engrossed Bill, entitled a Bill to amend an Act incorporating the Trustees of Edenton Academy; in which they ask the concurrence of the Senate.
Whereupon, said Bills were severally read the first time and passed.

Received from the House of Commons, the resignation of N. Torian, a Justice of the Peace for the County of Person; and that of Oliver Herring, a Justice of the Peace for the County of Lenoir, which were severally read and accepted.

The Bill entitled a Bill to extend the provisions of an Act passed at the Session of the General Assembly of 1830-'31, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk's Office of said County, to the Counties of Montgomery and Stanly, was taken up, and read the second time and passed.

Mr. Hellen presented the following Resolution:

Resolved, That the Committee to whom was referred the Certificates of the Member from Onslow, be authorized and empowered to administer oaths to all such persons as may be brought before them for examination; and that two members be added to said Committee.

Which was read and adopted.

Whereupon, the Speaker announced to the Senate, that Messrs. Boyden and Edwards are added to said Committee.

The Resolution in favor of Emily Perry was taken up and read, and on motion of Mr. Francis was re-committed to the Committee on Claims.

The Resolution in favor of William Stringer and Green Hill, was taken up, and read the second time and passed.

The Bill entitled a Bill concerning Jury trials was taken up, and read the second time, and on motion of Mr. Shepard, made the order of the day for Thursday next.

Mr. Edwards presented the following Resolution:

Resolved, That the Public Treasurer be directed to report to the Senate, the whole amount of Stock held by the State in incorporated Companies—specifying the amount in each Company, and the fund to which it belongs. Also, what investments, if any, have been made since the last Legislature, and for what fund; and what sum or sums, if any, belonging to the Literary or Internal Improvement Fund remains uninvested; and also the several sums or debts due the State, (except Bonds for Cherokee Lands,) and the fund to which they belong.
Which was read and adopted.

The Bill entitled a Bill to incorporate a Company of Cavalry in the town of Wilmington, New Hanover County; the Bill entitled a Bill more effectually to suppress the offence of trading with Slaves; the Bill entitled a Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes; and the Resolution in favor of John L. Christian, Sheriff of Montgomery County, were taken up and severally read the second time and passed.

The Bill, entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Statutes, was taken up, and read the second time and passed.

Received from the House of Commons, the Pension Certificate of the County Court Clerk of Craven County, in favor of Alexander Taylor.

Which was read, and on motion of Mr. Pasteur, was ordered to be countersigned by the Speaker.

The Speaker announced to the Senate that Messrs. Shepard, Edwards, Waddell, Cameron and Francis form the Committee on so much of the Governor's Message as relates to Elections.

The Senate took up the Bill, entitled a Bill to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company.

Which was read the third time.

Mr. Biggs proposed the following amendment thereto:

*Be it further enacted, That to secure the creditors of the Company, in addition to the property of said corporation, each Stockholder shall be liable to the creditors thereof, in such sum as is equal to the stock subscribed or owned by him; and each creditor may have an action of debt against all or any of the Stockholders.*

Mr. Boyden moved the following amendment thereto:

*And that the individuals composing said Company when they make their return, as directed in the section of their charter of incorporation to the County Court, shall in said return make an exhibit of all their private means and liabilities; and said returns shall be open to the inspection of all whomsoever.*

Pending the question, the following message from the House of Commons was announced by the Speaker:

*The hour of twelve having arrived, the Senate are informed that the House of Commons are ready to receive them in their Hall, for the purpose of counting and comparing the votes for Governor, as heretofore agreed on by the two Houses.*
Whereupon the Senate repaired to the House of Commons.—The counting of votes according to the joint Resolution of the two Houses having been concluded, Mr. Dockery, on behalf of the Tellers of both Houses, reported.

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

**Gentlemen of the Senate and House of Commons:**

The returns of votes given at the election, on the first Thursday in August last, for Governor of this State, have been opened and published, according to law, in the presence of a majority of both Houses of the General Assembly.

The Tellers appointed by both Houses, to examine the returns and make a list of the votes, have reported that forty-two thousand, five hundred and eighty-six votes were given for William A. Graham, of the County of Orange, being the highest number given for any person: That thirty-nine thousand, four hundred and thirty-three votes were given for Michael Hoke, of the County of Lincoln.

No objection having been made to the said report, I declare that William A. Graham is duly elected Governor of the State of North Carolina, for two years from the first day 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.

**Counties.**

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

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

FRIDAY, DEC. 6, 1844.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution in favor of Josiah Barnett, and the Engrossed Bill to amend the 9th section of the Revised Statutes, entitled an Act concerning the Comptroller, in which they ask the concurrence of the Senate.

Said Resolution and Bill were severally read the first time and passed.

The Speaker announced to the Senate, that Messrs. Dockery, Cameron, Shepard, Thompson, (of W.) and Wilson, form the
Committee on so much of the Governor's message as relates to enclosing the Capitol Square.

Mr. Francis presented the following Resolution:

Resolved, That the Public Treasurer pay to Wm. J. Lewis fifty dollars, for carrying a Writ of Election to the Sheriff of the County of Pitt.

Which was read the first time and passed, and on motion of Mr. Biggs was referred to the Committee on Claims.

Mr. Biggs presented a Bill, entitled a Bill, to repeal an Act passed in 1828, so far as it extends to the County of Martin.

Which was read the first time and passed.

Mr. Francis presented the following Resolution:

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of so amending the Law, as to require Constables to return civil process to some magistrate residing in the same district with the defendant, or in case of no magistrate in said district, that he shall return before some Justice in an adjoining district, and that they report by bill or otherwise.

Which was read and adopted.

Mr. Wilson presented the resignation of George Howard, a Justice of the Peace for the County of Edgecomb.

Which was read and accepted, and sent to the House of Commons.

Mr. Etheridge presented the resignation of J. Forbes, a Justice of the Peace for the County of Currituck.

Which was read and accepted, and sent to the House of Commons.

Mr. Drake, from the Committee on Claims, to whom was referred the Resolution in favor of Arthur S. Mooring, Sheriff of Martin County, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Drake, from the Committee to whom was referred the Engrossed Resolution in favor of Leonard Ziglar, reported the same to the Senate without amendment, and recommended its adoption.

Which was read.

The Senate took up the unfinished business of yesterday, to wit: the Bill entitled a Bill to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company.
The question was on the amendment of Mr. Boyden, to the amendment of Mr. Biggs.

Which was rejected.

Mr. Hargrave proposed as a substitute for Mr. Biggs' amendment, the following, to-wit:

Strike out all after the words "Be it further enacted," and insert the following: That in case of failure on the part of said corporation, the private or individual property of each Stockholder therein, shall be subject by law to the payment of his part of the debts of the corporation, after the property of the Company is first exhausted, in proportion to the amount of Stock severally owned and held by them at the time of such failure; and not otherwise.

Which was read.

Mr. Wilson asked a division of the question, to strike out, and demanded the Yeas and Nays; which was decided in the negative—22 Yeas to 24 Nays.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Etheridge, Exum, Gavin, Holmes, Jeffreys, Melvin, Pasteur, Reich, Speight, Stallings, Stowe, Thompson (of W.)
The question then was on the amendment of Mr. Biggs, which was decided in the affirmative—Yeas 26, Nays 21.

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Bogle, Messrs. Lindsay, Boyden, McMillan, Cowper, Pharr, Dockery, Shepard, Elliott, Smith, Francis, Taylor, Halsey, Thompson, (of B.), Hargrave, Waddell, Hellen, Woodfin, Jefferson, Worth.—21, Joyner,
utes; the Bill, entitled a Bill to incorporate a Company of Caval-
ry in the town of Wilmington, New Hanover County; the Bill,
entitled a Bill to amend the 5th Section of the 19th Chapter of
the Revised Statutes; the Bill, entitled a Bill to extend the pro-
visions of an Act passed at the Session of the General Assembly
of 1830-31, entitled an Act for the relief of such persons as may
suffer from the destruction of the records of Hertford County, oc-
casioned by the burning of the Court House and Clerk's Offices of
said County; and also to extend the provisions of an Act passed
at the Session of 1831-32, entitled an Act in addition to an Act
passed at the last Session of the General Assembly of this State, in
relation to the burning of the records of the County of Hertford,
to the Counties of Montgomery and Stanly; and the Resolution
in favor of William Stringer and Green Hill, were taken up, sev-
erally read the third time and passed, and were ordered to be en-
grossed.

The Senate then took up the engrossed Bill, entitled a Bill to
cede a portion of the County of Rutherford to the County of Hen-
derson; and the engrossed Bill, entitled a Bill to amend the Act
incorporating the Trustees of Edenton Academy.

Which were severally read the second time and passed.

The Resolution in favor of Jno. L. Christian, Sheriff of Mont-
gomery County, was taken up, read the third time and passed, and
was ordered to be engrossed.

Received from the House of Commons a message, transmitting
therein a communication from His Excellency the Governor, to
President of the Literary Board, together with a Report from said
Board; which they propose to print.

Which was read and agreed to.

On motion of Mr. Francis,

Ordered, That a message be sent to the House of Commons, propo-
sing to go into an election for seven Councillors of State, to-morrow at
12 o'clock.

Received from the House of Commons a message, transmitting
a communication from Samuel F. Patterson, President of the Ra-
leigh and Gaston Rail Road Company, together with a report from
said Company, with a proposition to print it.

Which was read and concurred in.

Mr. Woodfin presented the memorial of the Board of Directors
of the Petersburg Rail Road Company, praying the Legislature
to provide by law, that they may be allowed to retain their Bridge across the Roanoke, at Weldon, in its present state, so long as they shall faithfully continue to transport all produce, upon the request of the owner, from Weldon to the Bridge, and from the Bridge to Weldon, free of charge.

Which was, on motion of Mr. Woodfin, referred to the Committee on Internal Improvement.

Mr. Jeffreys presented the following Resolution:

Resolved, That the Public Treasurer be instructed to report to the Senate, the names of the obligors to the Bonds given to indemnify the State against any loss or damage that may come to the same, in consequence of the endorsement by the State of the Bonds of the Raleigh and Gaston Rail Road, for five hundred thousand dollars; the sum for which each obligor is liable, and also any information in the Treasury Department relative to the insolvency of any of said obligors; and if so, what obligors; and if any suits have been brought on any of said bonds, that he specify the same.

Which was read and adopted.

Mr. Waddell presented the following Resolution:

Resolved, That so much of the Message of His Excellency the Governor, as relates to the Revolutionary History of this State, be referred to a Select Committee.

Whereupon, the Speaker announced to the Senate that Messrs. Waddell, Cameron, Shepard, Wilson and Woodfin compose said Committee.

Mr. Shepard presented the petition of sundry citizens of Pasquotank County, praying the Legislature to grant them some aid in removing obstructions in Pasquotank river; which was read, and on his motion was referred to the Committee on Internal Improvement.

Mr. Woodfin presented a Bill, entitled a Bill to complete the public Road from Burnsville to the Tennessee line; which was read the first time and passed, and on his motion was referred to the Committee on Internal Improvement.

Mr. Joyner presented the following Resolution:

Resolved, That so much of the Governor's Message as relates to an Agricultural School, be referred to the Committee to whom has been referred so much of the Governor's Message as relates to an Agricultural, Geological, and Mineralogical Survey of the State.
Mr. Waddell presented to the Senate the following Resolution:

Resolved, That the Librarian of the State be instructed to inquire what would be the probable cost of having a new edition of Lawson's History of North Carolina published.

Which was read and adopted.
On motion of Mr. Dockery, the Senate adjourned until to-morrow morning ten o'clock.

Saturday, December 7, 1844.

The Senate met according to adjournment.
Received from the House of Commons a message, agreeing to the proposition of the Senate, to go into an election for Councillors of State to-day at 12 o'clock.
Received from the House of Commons the resignation of Joshua Patterson, a Justice of the Peace for the County of Surry; Thomas Lasater, a Justice of the Peace for the County of Chatham; and J. P. Clingman, a Justice of the Peace for the County of Surry.
Which were severally read and accepted.
The Speaker presented to the Senate the report of the Public Treasurer, relative to the amount of Stock held by the State, in incorporated Companies.
Which was read, and on motion of Mr. Biggs, ordered to lie on the table and be printed.
The Speaker presented to the Senate the Report of the Public Treasurer, showing the condition of the Bank of the State of North Carolina, on 23d ultimo.
Which was, on motion of Mr. Wilson, laid on the table, and ordered to be printed.
Mr. Drake, from the Committee on Claims, to whom was re-committed the Resolution in favor of Emily Perry, reported the same to the Senate, and recommended its rejection.
Which was read.

Mr. Drake, from the same Committee, to whom was referred the Resolution in favor of Arthur S. Mooring, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the engrossed Bill, entitled a Bill to amend the Revised Statutes concerning Executions, reported the same to the Senate without amendment, and recommended its passage.

Which was read, and on motion of Mr. Shepard, ordered to be printed.

Mr. Waddell, from the Joint Select Committee to whom was referred a Bill, entitled a Bill to change the location of the Court House of the County of Lincoln, and for other purposes, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Gavin presented a Bill, entitled a Bill to prevent the obstruction of fish passing up the creek called Six Runs, in the County of Sampson.

Which was read the first time and passed.

Mr. Elliott presented the following Resolution:

Resolved, That the Treasurer of the State be requested to lay before the Senate, a communication from the Hon. Edward Everett, American Minister to England, in relation to Colonial documents relative to North Carolina, now in the office of the Board of Trade, and other offices in London.

Which was read and adopted.

Mr. Francis presented the following Resolution:

Resolved, That the Committee on Finance be authorized and instructed to burn all the Treasury notes which may be in the Treasurer's Office, and report the amount to the General Assembly.

Which was read and adopted.

Mr. Tayloe presented a Bill, entitled a Bill to make compensation to the Jurors of Hyde County.

Which was read the first time and passed.

Mr. Boyd presented a Bill, entitled a Bill to re-assess the land of the State; which was read the first time and passed, and on his
motion was referred to the Committee on the Judiciary, and ordered to be printed.

The Speaker announced to the Senate that Messrs. Halsey and Gwyn form the Committee on the part of the Senate, to superintend the election for seven Councillors of State; and the House of Commons was informed thereof by message.

The Senate took up the Resolution in favor of Arthur S. Moor- ing, Sheriff of Martin County.

Which was read the second time.

Mr. Francis moved to amend it, by striking out seventy-four dollars and seventy-three cents, and inserting in lieu thereof, the words sixty-two dollars and seventy-four cents.

Upon this question, Mr. Albright demanded the Yeas and Nays.

Those who voted in the affirmative, were


Those who voted in the negative, were

There being an equal number of votes, the Speaker voted in the affirmative. Consequently the amendment was adopted.

The Resolution then passed as amended.

Mr. Waddell presented the following Resolution:

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, be appointed to inform Wm. A. Graham 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 be convenient for him to appear before the two Houses of this General Assembly, and take the oaths of office.

Which was read and adopted.

On motion of Mr. Francis,

Ordered, That a message be sent to the House of Commons, proposing to set apart the afternoon of Saturday, the 21st inst. for recommending suitable persons for Justices of the Peace.

Received from the House of Commons a message, stating that the following gentlemen are in nomination for Councillors of State, viz: Messrs. Gabriel Holmes, of New Hanover, James Watt, of Rockingham, Henry Fitts, of Warren, Henry W. Connor, of Lincoln, Alexander W. Melbane, of Bertie, David Watson, of Chatham, and David Reid, of Cumberland; Richard O. Britton, of Bertie, James W. Howard, of Jones, Dr. Willie Perry, of Franklin, Dr. Nathaniel Roane, of Caswell, Absalom Myers, of Anson, Josiah Cowles, of Surry, and James Lowry, of Buncombe.

Received from the House of Commons a message, stating that the hour agreed upon by the two Houses for the election of Councillors of State, having arrived, they will proceed to vote on return of the messenger; and that Messrs. Harris and Beaman form their Committee to superintend said election.

The Senate then voted as follows:

FOR MR. BRITTON.

Messrs. Speaker, Messrs. Joyner,
Albright, Lindsay,
Bogle, McMillan,
| Boyden,   | Moody,   |
| Cowper,  | Pharr,   |
| Dockery, | Shepard, |
| Elliott, | Smith,   |
| Francis  | Tayloe,  |
| Halsey,  | Thompson, (of B.) |
| Hargrave,| Waddell, |
| Hellen,  | Woodfin, |
| Jefferson,| Worth.—24. |

FOR MR. HOWARD.

| Messrs. Speaker,  | Messrs. Joyner, |
| Albright,  | Lindsay, |
| Bogle, | McMillan, |
| Boyden,  | Moody, |
| Cowper,  | Pharr, |
| Dockery, | Shepard, |
| Elliott, | Smith, |
| Francis, | Tayloe, |
| Halsey,  | Thompson, (of B.) |
| Hargrave,| Waddell, |
| Hellen,  | Woodfin, |
| Jefferson,| Worth.—24. |

FOR MR. PERRY.

| Messrs. Speaker,  | Messrs. Joyner, |
| Albright,  | Lindsay, |
| Bogle, | McMillan, |
| Boyden,  | Moody, |
| Cowper,  | Pharr, |
| Dockery, | Shepard, |
| Elliott, | Smith, |
| Francis, | Tayloe, |
| Halsey,  | Thompson, (of B.) |
| Hargrave,| Waddell, |
| Hellen,  | Woodfin, |
| Jefferson,| Worth.—24. |

FOR MR. ROANE.
FOR MR. MYERS.

Messrs. Speaker, 
Albright, Bogle, Boyden, Cowper, Dockery, Elliott, Francis, Gwynn, Halsey, Hargrave, Hellen, Jefferson, 

FOR MR. COWLES.

Messrs. Speaker, 
Albright, Bogle, Boyden, Cowper, Dockery, Elliott, Francis, Halsey, Hargrave, Hellen, Jefferson, 

FOR MR. LOWRY.

Messrs. Speaker, 
Albright, 
Lindsay, 
Lowry, 
McMillan, 
Moody, 
Pharr, 
Shepard, 
Smith, 
Tayloe, 
Bogle,  McMillan,
Boyden,  Moody,
Cowper,  Pharr,
Dockery,  Shepard,
Elliott,  Smith,
Francis,  Taylor,
Halsey,  Thompson, (of B.)
Hargrave  Waddell,
Hellen,  Woodfin,
Jefferson,  Worth.—24.

FOR MR. HOLMES.

Messrs. Biggs,  Messrs. Holmes,
Boyd,  Jeffreys,
Cameron,  Pasteur,
Drake,  Melvin,
Eaton,  Reich,
Edwards,  Speight,
Ennett,  Stallings,
Etheridge,  Stowe,
Exum,  Thompson, (of W.)
Gavin,  Tomlinson,
Gwynn,  Walker,
Hester,  Wilson.—25.
Hill,  

FOR MR. WATT.

Messrs. Biggs,  Messrs. Holmes,
Boyd,  Jeffreys,
Cameron,  Melvin,
Drake,  Pasteur,
Eaton,  Reich,
Edwards,  Stowe,
Ennett,  Speight,
Etheridge,  Stallings,
Exum,  Thompson, (of W.)
Gavin,  Tomlinson,
Hester,  Walker,
Hill,  Wilson.—24.

FOR MR. FITTS.

Messrs. Biggs,  Messrs. Holmes,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.),
Tomlinson,
Walker,
Wilson.—25.

FOR MR. CONNOR.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.),
Tomlinson,
Walker,
Wilson.—25.

FOR MR. MEBAINE.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.),
Tomlinson,
Walker,
Wilson.—25.
FOR MR. WATSON.

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Ennett, Exum, Etheridge, Gavin, Gwynn, Hester, Hill,


FOR MR. REID.

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Ennett, Etheridge, Exum, Gavin, Gwynn, Hester, Hill,


Mr. Halsey, from the Joint Select Committee on the part of the Senate to superintend the election of Councillors of State, reported that Messrs. Britton, Howard, Perry, Myers, Cowles, Lowry and Roane, each having received a majority of the votes given, were duly elected.

In which report the Senate concurred.

The Senate took up the Engrossed Bill, entitled a Bill, to amend the 9th section of the Revised Statutes, entitled an Act concerning the Comptroller; and the Resolution in favor of Josiah Barnett, Which were severally read the second time and passed.
The Engrossed Bill, entitled a Bill, to amend the Act incorporating the Trustees of Edenton Academy; and the Engrossed Bill, entitled a Bill, to cede a portion of Rutherford County to the County of Henderson, were taken up, read the third time and passed, and ordered to be enrolled.

The Senate then took up the Bill, entitled a Bill, to repeal an Act passed in 1828, so far as it extends to the County of Martin; and the Engrossed Resolution in favor of Leonard Ziglar.

Which were severally read the second time and passed.

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

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Monday, Dec. 9, 1844.

The Senate met according to adjournment.

Mr. Francis presented the petition of sundry citizens of Cherokee County, praying relief from the pressure under which they now labor, and asking to release the securities on Cherokee Bonds.

Which was read, and on his motion was referred to the Committee on Cherokee Bonds, &c.

Mr. Stallings presented the Pension Certificate of Anna Fanny, of the County of Gates.

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

Mr. Pasteur presented a Statement of the Merchant's Bank of Newbern, on Wednesday the 27th of November 1844.

Mr. Cameron presented the following Resolution:

Resolved, That the President of the Raleigh and Gaston Rail Road Company, be directed to furnish this House with a statement of the amount of Stock in said Company, owned by individuals in North Carolina; also the amount owned by persons in other States.

Which was read and adopted.
Mr. Drake, from the Committee on Claims to whom was referred the Resolution in favor of Wm. J. Lewis, for carrying a Writ of Election to the Sheriff of the County of Pitt, reported the same to the Senate, with the following amendment, to-wit:

Strike out in the third line the word fifty, and insert eighteen.

Which was read.

Mr. Worth presented a Bill, entitled a Bill, to amend an Act, entitled an Act, to change the location of the Court House of the County of Montgomery, and for other purposes, passed at the Session of the General Assembly 1842-3, Chapter 40.

Which was read the first time and passed.

Mr. Biggs presented a Bill, entitled a Bill, to transfer the Fund for Internal Improvement to the President and Directors of the Literary Fund of North Carolina.

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

Mr. Woodfin presented a Bill, entitled a Bill, to amend the Revised Statutes, entitled Courts of Equity.

Which was read the first time and passed, and on motion of Mr. Francis, was referred to the Committee on the Judiciary.

Mr. Cowper presented a Bill, entitled a Bill to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, Section 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the County of Hertford.

Which 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 to inform the Hon. Wm. A. Graham of his election to the office of Chief Magistrate, and to learn from him what time he will be ready to appear before this General Assembly to take the oaths of office; and stating that Messrs. Mills and Jones compose the Committee on their part.

Whereupon, the Speaker announced to the Senate that Mr. Waddell composed the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, therein transmitting to the Senate the Report of the Adjutant General, with a proposition to print.

Which was read and agreed to, and on motion of Mr. Wilson, was referred to the Committee on Military Affairs.
The Speaker presented to the Senate the Report of the Treasurer, relative to the names of the obligors of the bonds given to indemnify the State against any loss that may come to the same, in consequence of the endorsement by the State of the bonds of the Raleigh and Gaston Rail Road Company, for five hundred thousand dollars, and the sum for which each obligor is liable.

Which was read, and ordered to lie on the table.

Mr. Wilson presented the following Resolution:

Resolved, That His Excellency the Governor be requested to furnish a copy of the Mortgage taken to secure the State, from the President and Directors of the Raleigh and Gaston Rail Road Company, under the Act of 1838—9, and 1840—1; and also a copy of the bonds taken from individuals, under the Act of 1840.

Which was read and adopted.

The Speaker of the Senate presented the Report of the Treasurer, relative to Colonial Documents.

Which was read, and on motion of Mr. Elliott, referred to the Committee on Revolutionary History of North Carolina.

Received from the House of Commons a message, therein transmitting to the Senate a Message from His Excellency the Governor, transmitting to the Legislature the resignations of Justices of the Peace received by him since last Session.

Mr. Taylor presented a Bill, entitled a Bill to alter the mode of appointing Constables in Beaufort County.

Which was read the first time and passed.

Mr. Woodfin presented a Bill, entitled a Bill to alter and amend the public road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancy County, to the State line; which was read the first time and passed, and on his motion was referred to the Committee on Internal Improvement.

Mr. Bogle presented a memorial of sundry citizens of the County of Wilkes, remonstrating against the erection of a new County by the name of Gaston; which was read, and on his motion referred to the Committee on Propositions and Grievances.

On motion of Mr. Thompson, (of W.)

Ordered, That Mr. Exum have leave of absence from the service of the Senate until Wednesday next.

Mr. Woodfin, from the minority of the Committee to whom
was referred the Bill providing for the removal of the Court House from Lincolnton, reported adversely thereto.

Which was read.

The Bill, entitled a Bill, making compensation to the Jurors of the County of Hyde, was taken up, read the second time and passed.

The Resolution in favor of Emily Perry, was taken up and read the second time, and rejected by the following vote,

Mr. Tomlinson demanding the Yeas and Nays.

Mr. Francis voted in the affirmative.

Those who voted in the negative, were

Messrs. Albright,                Messrs. Jeffreys,
Biggs,                          Joyner,
Bogle,                          Lindsay,
Boyd,                           Melvin,
Cameron,                        McMillan,
Cowper,                         Moody,
Dockery,                        Pasteur,
Drake,                          Pharr,
Eaton,                          Reich,
Edwards,                        Shepard,
Elliott,                        Smith,
Ennett,                         Speight,
Etheridge,                      Stallings,
Gavin,                          Taylor,
Gwynn,                          Thompson, (of B.)
Halsey,                         Thompson, (of W.)
Hargrave,                       Tomlinson,
Hellen,                         Waddell,
Hester,                         Walker,
Hill,                           Wilson,
Holmes,                         Woodfin,
Jefferson,
The Resolution in favor of Arthur S. Mooring, Sheriff of Martin County; and the Bill, entitled a Bill, to prevent the obstruction of Fish passing up the Creek called Six Runs, in the County of Sampson, were taken up, read the second time and passed.

The Senate then took up the Engrossed Resolution in favor of Leonard Ziglar.

Which was read the third time and passed, and ordered to be Enrolled.

Mr. Francis presented the following Preamble and Resolutions:

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

Therefore be it Resolved, That as a mark of respect to the memory of General Thomas Love, the Senate do now adjourn until to-morrow morning ten o'clock.

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

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

Which was read and adopted.

And the Senate adjourned accordingly.

Tuesday, Dec. 10, 1844.

The Senate met according to adjournment.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred a Memorial of O. P. Earle and Churchwell
Morris, two of the Directors of the Howard Gap Turnpike Road Company, reported adversely thereto, and asked to be discharged from the further consideration of the subject.

The Committee was discharged accordingly.

Mr. Shepard, from the Committee to whom was referred so much of the Governor's Message as relates to Elections, reported the following Bill, entitled a Bill, to change the time for holding elections for Governor, Members of Congress, &c.

Which was read the first time and passed.

Mr. Pharr presented a Bill, entitled a Bill, to prevent the falling of Timber in the creeks and rivers within the County of Cabarrus.

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

Mr. Halsey presented the following Resolution:

Resolved, That the Governor and his successors in Office be authorized, and they are hereby required, to have placed at the Graves of all Members of the Legislature, that have been or hereafter may be interred in the City of Raleigh, (whose remains are not intended to be removed by their friends) a suitable pair of Grave-Stones, containing his name, age, and the County he represented. And that he draw upon the Treasury for the amount thereof, which amount shall be allowed the Treasurer in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Francis presented the following Preamble and Resolution:

Whereas, by the thirteenth section of an Act of Congress, approved the 13th of June 1836, and entitled an Act, to regulate the deposits of the public money, it was enacted that the money which should be in the Treasury of the United States on the first day of January 1837, reserving the sum of five millions of dollars, should be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States; and by the fourteenth section of the said Act, the said deposits were directed to be made as follows: one quarter part on the first of January 1837, or as soon thereafter as may be; one quarter part on the first day of April; one quarter part on the first day of July, and one quarter part on the first day of October of the same year:

And Whereas, after the payment of the first three instalments,
an Act of Congress in that behalf made, the payment of the remain-
ing instalment was postponed, and has never yet been paid:

And Whereas, it appears by a Report of the Public Treasurer of this State, that the Treasurer has borrowed of the Fund for Internal Improvement and the Literary Fund, the sum of seventy thousand, nine hundred and fifty-four dollars and ninety-seven cents, during the past fiscal year, in order to meet demands upon the Treasury of the State; and also that the sum of two hundred and fifty thousand, six hundred and sixty dollars must be provided before the next Session of the General Assembly, in order to meet liabilities of the State beyond the usual expenditures for the support of the State Government:

And Whereas, it appears by the Message of the President of the United States, to both Houses of Congress at their present Session, that there will be in the Treasury of the United States, at the end of the present fiscal year, a surplus beyond the current demands upon the revenue, of more than seven millions of dollars. And consequently, it appears that the necessities of the Government of the United States do not require a further postponement of the deposit of the said fourth instalment—the immediate payment of which is necessary so far as this State is concerned, to meet extraordinary demands upon her revenue, without recourse to additional taxes upon her people. Therefore,

Resolved, by the General Assembly of the State of North Carolina, that the Senators and Representatives in Congress from this State, be requested to use their utmost exertions to obtain the passage of an Act of Congress, or such other action of that body as may be proper and necessary to the speedy payment of the said fourth instalment.

Resolved, That His Excellency the Governor be requested to transmit copies of the above Preamble and Resolutions to the said Senators and Representatives, and to desire on the part of this General Assembly, that the same be laid before the two Houses of Congress.

Which was read, and on motion of Mr. Francis, ordered to be printed, and made the order of the day for Monday next.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill more effectually to prevent the imprisonment of Honest Debtors, reported the same to the Senate with sundry amendments; which was read, and on his motion, was ordered to be printed as amended, and to lie on the table.

Mr. Bogle presented a Bill, entitled a Bill concerning costs.

Which was read the first time and passed, and on motion of Mr. Jeffreys was referred to the Committee on the Judiciary.
Mr. Tomlinson presented the resignation of Jesse Hinnant, a Justice of the Peace for the County of Johnston.

Which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to set apart the afternoon of Saturday, the 21st inst. for the appointment of Justices of the Peace.

Received from the House of Commons the resignation of H. Fowler, a Justice of the Peace for the County of Granville.

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 to amend an Act for the better regulation of the town of Mocksville, in Davie County.

A bill to incorporate the town of Monroe, in the County of Union, and a Bill to keep open French Broad and Tennessee Rivers.

Said Bills were severally read the first time and passed.

The Resolution in favor of Arthur S. Mooring, Sheriff of Martin County, was taken up, read the third time and passed.

Mr. Hellen demanded the Yeas and Nays on the passage, which are as follows:

Those who voted in the affirmative, were

Those who voted in the negative, were

Messrs. Albright,  Messrs. McMillan,
Boyden,           Pharr,
Dockery,          Smith,
Elliott,          Woodfin,
Francis,          Worth.—11.
Hellen,

 Ordered that said Bill be Engrossed.

Mr. Joyner presented a Bill, entitled a Bill, to authorize the Portsmouth and Roanoke Rail Road Company, to charge Tolls on their Bridge over Roanoke river, near the Town of Weldon.

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

Mr. Biggs presented a Bill, entitled a Bill, to amend the 75th section of the 102d chapter of the Revised Statutes, concerning Revenue.

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

The Senate took up the Engrossed Bill, entitled a Bill, to amend the 9th section of the Revised Statutes, entitled an Act concerning the Comptroller.

Which was read the third time and passed, and ordered to be Enrolled.

The Bill, entitled a Bill, to prevent the obstruction of Fish passing up the Creek called Six Runs, in the County of Sampson, was taken up and read the third time, and on motion of Mr. Boyden, amended by striking out the words "free persons of color."

The Bill then passed as amended, and was ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, making compensation to the Jurors of the County of Hyde; and the Bill, entitled a Bill, to repeal an Act passed in 1828, so far as it extends to the County of Martin.

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

The Engrossed Resolution in favor of Josiah Barnett was taken up, read the third time and passed, and ordered to be Enrolled.

The Bill, entitled a Bill, to provide for a vacancy in the Office of County Surveyor;

The Bill, entitled a Bill, to amend an Act, entitled an Act, to
change the location of the Court-house of the County of Montgomery, &c.

The Bill, entitled a Bill, to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, chapter 89, section 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the County of Hertford;

Were taken up, severally read the second time and passed.

The Resolution in favor of Wm. J. Lewis was taken up, and on motion of Mr. Worth was laid on the table.

Mr. Jeffreys presented the following Resolution:

Resolved, That the Committee on the Library, be instructed to enquire into the expediency of abolishing the Office of Keeper of the Capitol, and of imposing the duties of said office on the Librarian, to keep the Library open at all times for the accommodation of the public.

Which was read and adopted.

On motion of Mr. Jefferson, the Resolution in favor of Wm. J. Lewis was taken up and read the second time; and on motion of Mr. Biggs, amended by inserting twenty-four instead of eighteen as recommended by the Committee on Claims.

The Resolution then passed as amended.

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

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Wednesday, December 11, 1844.

The Senate met according to adjournment.

The Speaker announced to the Senate that Messrs. Bogle and Boyd form the Committee on Enrolled Bills the present week; and the House of Commons was informed thereof by message.

Mr. Boyden, from the Joint Select Committee to which was referred the Bill, entitled a Bill to alter the division line between
the Counties of Lincoln and Catawba, reported the same to the Senate with the following amendment: In the first section, strike out all after the word "beginning," and insert, "at a point equi-distant from Lincolnton and Newton, upon a right line from one place to another, and running due East and West from said point parallel to the present dividing line, until it reach Catawba river on the East, and the County line on the West."

Which was read.

Mr. Dockery presented the following Resolution:

Resolved, That the Committee on Finance have power to send for persons and papers, and administer oaths to any witnesses they may think necessary to examine, in any matter now pending before them.

Which was read and adopted.

The Bill, entitled a Bill to re-assess the land of the State was taken up, and on motion of Mr. Shepard, the Committee on the Judiciary was discharged from the consideration of the subject, and the Bill was referred to the Committee on Finance.

Mr. Francis presented a Bill, entitled a Bill to confirm a sale made by James W. Guinn, Agent for the State; which was read the first time and passed, and on his motion was referred to the Committee on Propositions and Grievances.

The engrossed Bill, entitled a Bill to amend the Revised Statutes concerning Executions, was taken up, and on motion of Mr. Joyner, was postponed until to-morrow.

Mr. Boyden, from the Committee on the Judiciary, to whom was referred the Bill, entitled a Bill to prohibit the levying of Executions upon growing crops, until said crops are matured, reported the same to the Senate with the following amendment: Strike out all after the word "any," in the fourth line of the first section, and insert "growing crop."

Which was read.

The Bill, entitled a Bill to change the time for holding the elections for Governor, Members of Congress, &c. was taken up and read the second time, and on motion of Mr. Boyden, postponed until Saturday next.

The Resolution relative to Grave-stones was taken up and read the second time and passed, and on motion of Mr. Halsey, the rule was suspended so as to read the Resolution a third time.

The Resolution was then read and passed, and was ordered to be engrossed.
The Senate then took up the engrossed Bill, entitled a Bill to keep open French Broad and Tennessee Rivers.

The Bill, entitled a Bill to incorporate the town of Monroe, in the County of Union.

And the Bill, entitled a Bill to amend an Act for the better regulation of the town of Mocksville, in Davie County.

Which were severally read the second time and passed.

The Bill, entitled a Bill to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, Section 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the County of Hertford, was taken up and read the third time.

On motion of Mr. Halsey, the County of Tyrrell was added.

And, on motion of Mr. Moody, the Bill was further amended, by adding the County of Northampton thereto.

The Bill then passed as amended, and was ordered to be Engrossed.

Mr. Worth, from the Committee to whom was referred the subject of bringing before Congress the re-building the Branch Mint at Charlotte, in this State, reported the following Resolutions:

Resolved, That our Senators and Representatives in Congress, be respectfully requested to urge upon their respective bodies, the expediency and necessity of making a sufficient appropriation, for re-building the Branch Mint at Charlotte in this State.

Resolved, That His Excellency the Governor, be respectfully requested to transmit to our Senators and Representatives in Congress, a copy of the foregoing Report and Resolutions.

Which was read the first time and passed.

The rule was suspended, so as to read the Resolutions a second time.

The Resolutions were then read.

Mr. Francis then moved to amend the first Resolution, by adding, after the word Charlotte, the words, "or at some convenient point in Western North Carolina."

Which amendment did not prevail.

The Resolutions then passed.

On motion of Mr. Walker, the Rules of the Senate were suspended, so as to read the Resolutions a third time.

The Resolutions were accordingly read, passed and ordered to be Engrossed.
Mr. Waddell, from the Committee on the Judiciary, to whom was referred the communication of His Excellency the Governor, on the subject of prosecuting defaulting officers in making returns of elections of President and Vice President of the United States, reported the following Bill, entitled a Bill, to amend an Act entitled an Act, to punish the defaults of returning officers in the election of Electors of President and Vice President of the United States.

Which was read the first time and passed.

Mr. Waddell, from the same Committee, to whom was referred a Bill to amend the 7th Section of the 45th Chapter of the Revised Statutes, and to repeal the Act of the General Assembly of 1840, entitled an Act in favor of Poor Debtors, reported the same to the Senate without amendment.

Which were read.

Mr. Waddell, from the same Committee, to whom was referred a Bill to prevent frauds in levying executions issued by a single magistrate upon lands, and to encourage and facilitate the practice of taking security for the forthcoming of property, seized under executions, reported the same to the Senate with sundry amendments.

Which were read.

Received from His Excellency the Governor, by his Secretary, Pryor Reynolds, a message, therein transmitting to the Senate, a copy of the Mortgage taken to secure the State, from the President and Directors of the Raleigh and Gaston Rail Road Company, under the Act of 1838-9, and 1840-1, and also a copy of the Bonds taken from individuals under the Act of 1840, &c.

Which was read and ordered to be printed, together with the accompanying documents marked A and E, and No. 3.

The Resolution in favor of Wm. J. Lewis

The Bill, entitled a Bill, to amend an Act, entitled an Act, to change the location of the Court-house of the County of Montgomery.

The Bill, entitled a Bill to alter the mode of appointing Constables in Beaufort County, and the Bill entitled a Bill to provide for a vacancy in the office of County Surveyor, were taken up and severally read the third time and passed, and ordered to be engrossed.

The Senate then took up the Resolution in favor of Arthur S. Mooring, Sheriff of Martin,

Which was read the third time and passed, and ordered to be engrossed.
On motion of Mr. Dockery,

**Ordered**, That a message be sent to the House of Commons, asking their concurrence in the Resolution of the Senate, to authorize the Committee of Finance, to send for persons and papers, and to examine witnesses on oath in any matter now pending before them.

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

Which was read and concurred in.

Whereupon, the Speaker announced to the Senate that Messrs. Shepard, Cameron, Boyden and Edwards form the Committee on the part of the Senate; and the House of Commons were informed thereof by message.

Mr. Tayloe presented a Bill, entitled a Bill, to authorize the Court of Pleas and Quarter Sessions of Beaufort County, to nominate and appoint special Justices of the Peace, and making compensation to such Justices for certain services.

Which was read the first time and passed.

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

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**Thursday, Dec. 12, 1844.**

The Senate met according to adjournment.

Mr. Gwynn, from the Committee on Propositions and Grievances, to whom was referred a Resolution directing the Secretary of State to execute deeds to the purchasers or owners of certain
Tracts of Land therein specified, reported adversely thereto, and recommended its rejection.

Which was read.

Mr. Gwynn, from the same Committee, to whom was referred the Bill, entitled a Bill to confirm a sale made by James W. Guinn, late Agent for the State, reported the same to the Senate, and recommended its immediate passage;

Which was read.

The rule, on motion of Mr. Francis, was suspended.

The Bill was then read the second and third times and passed, and ordered to be engrossed.

Mr. Gwynn, from the same Committee, to whom was referred the Bill, entitled a Bill to prevent the felling of timber in the Creeks and Rivers within the County of Cabarrus, reported the same to the Senate, and recommended its passage.

Which was read.

Mr. Gwynn, from the same Committee, to whom was referred the Bill, entitled a Bill to erect a new County by the name of Gaston, reported the same to the Senate, and recommended its rejection.

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

Mr. Gwynn, from the same Committee, to whom was referred the memorial of George Southerlin, of Cherokee County, reported a Bill, entitled a Bill to lease a Silver Mine to George Southerlin the discoverer, and for other purposes.

Which was read the first time and passed.

The Speaker presented to the Senate the Report of the President of the Raleigh and Gaston Rail Road Company, relative to the amount of stock owned by individuals residing in this State; also the amount owned by persons residing in other States.

Which was read, and on motion of Mr. Edwards, laid on the table and ordered to be printed.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the Bill, entitled a Bill to authorize the Portsmouth and Roanoke Rail Road Company to charge tolls on their Bridge over Roanoke river, near the town of Weldon, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Dockery, from the Committee on Finance, to whom was referred the Bill, entitled a Bill to amend the 75th Section of the
102d Chapter of the Revised Statutes, concerning revenue, reported the same to the Senate with sundry amendments.

Which was read.

Received from the House of Commons a message, stating that Messrs. Mebane, Cherry, Wilder, and Martin compose the Committee on their part, on the insolvency of the Raleigh and Gaston Rail Road Company.

Received from the House of Commons the resignation of the following Justices of the Peace: Robert Ward, Wm. J. Standley, and Jackson Powell, all for the County of Columbus.

Which were severally read and accepted.

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 amend the sections of the Revised Statutes concerning Clerks and Registers;

A Bill to extend the time for registering Grants, Mesne Conveyances, Powers of Attorney, Bills of Sale, and Deeds of Gift; Resolution in favor of Wm. T. Bain;

The Bill concerning the admissibility of evidence against the Sureties of Officers;

A Bill to annex part of Rutherford County to the County of McDowell;

And a Resolution in favor of Henry Addington;

Which were severally read the first time and passed.

The Senate then took up the Bill, entitled a Bill concerning Jury Trials,

Which was read the second time, and on motion of Mr. Shepard, amended by striking out all after the words “law, as well as of fact.”

The Bill was then, on motion of Mr. Waddell, laid on the table by the following vote,

Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyd

Messrs. McMillan, Moody, Pharr,
Cowper, Shepard,  
Edwards, Smith,  
Elliott, Stowe,  
Ennett, Tayloe,  
Francis, Thompson, (of B.)  
Halsey, Thompson, (of W.)  
Hargrave, Waddell,  
Hellen, Walker,  
Jefferson, Woodfin,  
Joyner, Worth.—27  
Lindsay,  

Those who voted in the negative, were

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<th>Messrs. Biggs,</th>
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<td>Gavin,</td>
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<td>Gwynn,</td>
<td>Wilson.—19.</td>
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Received from the House of Commons a message, therein transmitting to the Senate the communication of the Hon. Duncan Cameron, President of the Bank of the State, with accompanying papers, and proposing that the same be printed for the use of the two Houses.

Which was read and concurred in.

Received from His Excellency the Governor, by his Secretary, a communication, requesting that he may be permitted to correct an error in the printed copies of Mortgages given by the Raleigh and Gaston Rail Road Company, to secure the State against liabilities—transmitted by him on yesterday to the Senate.

Which was read and laid on the table.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.
The Senate met according to adjournment.
Mr. Dockery, from the Committee on Finance, made a report to the Senate.
Which was read.
On motion of Mr. Francis,

Ordered, That the Report with the accompanying documents, be sent to the House of Commons, with a proposition to print.

On motion of Mr. Elliott,

Ordered, That a message be sent to the House of Commons, proposing to go into an election of Comptroller, to-day at 12 o'clock.

And, on his motion, Wm. F. Collins was nominated for that appointment, and the House of Commons was informed thereof by message.

Mr. Eaton presented the following Resolution:

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency, of so amending the Law relating to landlords and tenants, as to give more expeditious process to landlords for the removal of tenants holding over after the expiration of their term.

Which was read and adopted.

Mr. Halsey presented the following Resolution:

Resolved, That the Committee on Education and the Literary Fund be instructed to enquire into the expediency of having printed all the Acts of Assembly, relating to public Schools in this State, and the transmission of them to the Superintendents and School Committee men throughout the State.
Which was read and adopted.

Mr. Eaton presented to the Senate, the following Resolution:

Resolved, That the Committee on Finance, be instructed to enquire into the expediency of abolishing the Literary and Internal Improvement Boards, and that the powers of said Boards be vested in the officers of State, and the duties thereof required to be performed by them.

Which was read and adopted.
Mr. Francis presented the following Resolution:

Resolved, That the Committee on Finance, be instructed to enquire into the expediency of transferring the Clerk from the Treasury to the Comptroller's department. And also, of the propriety of repealing the Law requiring Books to be kept by the Treasurer, except a Cash book or Account. And also, the propriety of the Agent of Cherokee Lands filing duplicates of the receipts for the Cherokee Lands, in the Treasurer's and Comptroller's offices, as recommended by the Treasurer in his report to this General Assembly.

Which was read and adopted.

Mr. Cameron presented a Bill, entitled a Bill, to incorporate the Fayetteville Library Institute, in the Town of Fayetteville.
Which was read the first time and passed.

Mr. Boyden presented a Bill, entitled a Bill to alter the time of holding the Superior Courts in the Sixth Judicial Circuit, and to alter the time of holding the Courts of Pleas and Quarter Sessions, and to dispense with Juries at two terms of said Courts, in the several Counties in said Sixth Circuit.
Which was read the first time and passed.

Mr. Boyden presented a Bill, entitled a Bill to establish a uniform practice throughout the State, on suits upon Bonds, Bills and Promisory Notes.
Which was read the first time and passed.

The Senate then took up the unfinished business of yesterday, to-wit: a Bill, entitled a Bill, to change the location of the Court-house of the County of Lincoln, and for other purposes.
Which was read the second time, and on motion of Mr. Stowe was laid on the table.

The Engrossed Bill, entitled a Bill, to amend the Revised Statutes concerning Executions, was taken up and read the second time.

Pending the question, a message was received from the House of Commons, concurring in the proposition of the Senate to go into an election for Comptroller of Public Accounts, this day at 12 o'clock, and informing the Senate that the name of Thomas Jefferson is added to the nomination, and that Messrs. Hawkins and Davis form their branch of the Committee to superintend said election.

Whereupon, the Speaker announced to the Senate that Messrs. McMillan and Thompson, (of W.) constitute the Committee on
The part of the Senate, to superintend said election, and the House of Commons was informed thereof by message.

The Senate then voted as follows:

**FOR MR. COLLINS.**

| Messrs. Speaker, | Messrs. Jeffreys, |
| Albright, | Joyner, |
| Biggs, | Lindsay, |
| Boyden, | Melvin, |
| Cameron, | McMillan, |
| Cowper, | Moody, |
| Dockery, | Pasteur, |
| Drake, | Pharr, |
| Eaton, | Reich, |
| Edwards, | Shepard, |
| Elliott, | Smith, |
| Ennett, | Speight, |
| Exum, | Stallings, |
| Etheridge, | Taylor, |
| Francis, | Thompson, (of B.) |
| Gavin, | Thompson, (of W.) |
| Gwynn, | Tomlinson, |
| Halsey, | Waddell, |
| Hargrave, | Walker, |
| Hellen, | Wilson, |
| Hester, | Woodfin, |
| Hill, | Worth.—44. |

**FOR MR. JEFFERSON.**

Messrs. Bogle and Stowe.

The Senate then resumed the unfinished business of the day, to-wit: The Bill, entitled a Bill to amend the Revised Statutes concerning Executions.

Which was rejected by the following vote,

Mr. Joyner demanding the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Dockery, Jefferson, Joyner, Smith, Tayloe,

Those who voted in the negative, were

Messrs. Albright, Biggs, Bogle, Boyd, Boyden, Cameron, Cowper, Drake, Eaton, Edwards, Elliott, Ennett, Etheridge, Exum, Francis, Gavin, Gwynn, Halsey, Hargrave,
Messrs. Hellen, Hester, Hill, Jeffreys, Lindsay, Melvin, McMillan, Moody, Pasteur, Pharr, Reich, Shepard, Speight, Stallings, Stowe, Thompson, (of W.), Tomlinson, Walker, Wilson.—38.

Mr. Thompson, (of W.) from the Committee on the part of the Senate, to superintend the election of Comptroller of Public Accounts, reported that Mr. Collins having received a majority of the votes given, is duly elected.

In which report the Senate concurred.

The Bill, entitled a Bill to prohibit the levying of executions upon growing crops, until said crops are matured, was taken up and read the second time, and amended and passed.

Mr. Stallings demanded the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Albright, Biggs, Lindsay, Melvin,
Bogle, Bogle, McMillan,
Boyden, Moody,
Cameron, Moody,
Dockery, Pasteur,
Eaton, Pharr,
Elliott, Reich,
Ennett, Smith,
Etheridge, Speight,
Exum, Stallings,
Francis, Stowe,
Halsey, Tayloe,
Hargrave, Thompson, (of B.)
Hellen, Thompson, (of W.)
Hester, Waddell,
Hill, Walker,
Jefferson, Wilson,
Jeffreys, Woodfin,
Joyner, Worth.—39.

Those who voted in the negative, were

Messrs. Boyd, Messrs. Gavin,
Cowper, Gwynn,
Drake, Shepard,
Edwards, Tomlinson,—9.

The Bill, entitled a Bill to amend an Act, entitled an Act to punish the defaults of returning Officers, in the election of Electors for President and Vice President of the United States; and the Bill, entitled a Bill to authorize the Courts of Pleas and Quarter Sessions in Beaufort County to nominate and appoint special Justices of the Peace, and making compensation for such Justices for certain services, were taken up and read the second time and passed.

The Bill, entitled a Bill to alter the division line between the Counties of Lincoln and Catawba, was taken up, amended, and on motion of Mr. Boyden, ordered to lie on the table, and made the order of the day for to-morrow.

The Senate then took up the Bill, entitled a Bill to amend the 7th Section of the 45th Chapter of the Revised Statutes, and to repeal the Act of the General Assembly of 1840, entitled an Act in favor of Poor Debtors.
Which was read the second time and rejected by the following vote,

Mr. Boyden demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Francis,
Hellen,
Jefferson,

Messrs. McMillan,
Pharr,
Tayloe,
Thompson, (of B.)
Woodfin.—10.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Boyd,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,

Messrs. Hill,
Jeffreys;
Joyner;
Melvin,
Moody,
Pasteur;
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Worth.—36.

On motion of Mr. Elliott, the Senate adjourned until to-morrow morning ten o'clock.
The Senate met according to adjournment.

Mr. Joyner presented a memorial from sundry citizens of the County of Halifax, relative to runaway Slaves; which was, on his motion, referred to a Select Committee.

Mr. Boyd presented a petition from sundry citizens of the County of Rockingham, praying the Legislature to grant them two additional terms of the Superior Courts; which was read, and on his motion referred to the Committee on the Judiciary.

Mr. Tomlinson presented the resignation of Joel Clifton, a Justice of the Peace for the County of Johnston.

Which was read and accepted, and sent to the House of Commons.

Mr. Elliott presented the following Resolution:

Resolved, That the Committee on Education and the Literary Fund be instructed to revise and consolidate the Acts of Assembly in relation to Common Schools, and suggest such amendments as may appear necessary.

Which was read and adopted.

On motion of Mr. Jeffreys, the Report of the Treasurer relative to the names of the obligors of the bonds given to indemnify the State against any loss or damage that may come to the same, in consequence of the endorsement by the State of the bonds of the Raleigh and Gaston Rail Road Company, for five hundred thousand dollars, was taken up, and on his motion was ordered to be printed.

Mr. Cowper presented a Bill, entitled a Bill compelling the Clerks of the County and Superior Courts to issue executions within a certain time after the rise of their respective Courts.

Which was read the first time and passed.

Mr. Eaton presented the following Resolution:

Resolved, That the Governor be requested to lay before the Senate a statement of the expenses of the Literary and Internal Improvement Boards, from the first of November 1842, to the first of November 1844; to whom paid, and for what— together with a statement of the contingent and incidental expenses of all kinds which have been incurred in reclaiming the Swamp Lands; to whom paid, and for what.

Which was read and adopted.
Received from the House of Commons a message, stating that they have postponed until the 4th of March next, the engrossed Bill, entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Statutes.

Received from the House of Commons the resignation of B. Gordon, a Justice of the Peace for the County of Guilford.

Which was read and accepted.

Received from the House of Commons a message, therein transmitting to the Senate the message of His Excellency the Governor, with accompanying papers and reports, with a proposition that the same be printed for the use of the two Houses.

Which was read and agreed to.

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 authorize Samuel Chunn to establish a toll bridge on French Broad river, in the County of Buncombe;

A Bill, authorising the County Court of Lincoln County to exercise exclusive jurisdiction over the public road which is the dividing line between the Counties of Lincoln and Catawba;

A Bill in relation to the forms of criminal pleading;

A Resolution in favor of James C. Turrentine;

A Resolution in favor of Wm. Dills;

A Bill to establish a public road in Buncombe;

A Bill concerning final process in the action of Detinue;

A Resolution relating to Smithville, in Brunswick County;

A Bill to incorporate the town of Marion in the County of McDowell, and to appoint Commissioners for the same.

Said Bills and Resolutions were severally read the first time and passed; and the Bill, entitled a Bill on forms of Criminal pleading was, on motion of Mr. Biggs, referred to the Committee on the Judiciary.

Mr. Boyden presented a Bill, entitled a Bill in favor of Poor Debtors,

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill granting to the Superior Courts of the Counties of Yancey, Buncombe, Henderson, Haywood, Macon and Cherokee, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary—in which they ask the concurrence of the Senate.
Said Bill was read the first time and passed, and on motion of Mr. Biggs, referred to the Committee on the Judiciary.

Mr. Shepard presented a Bill, entitled a Bill to amend an Act passed Jan. 1841, entitled an Act to secure the State against any and every liability incurred from the Raleigh and Gaston Rail Road Company, and for the relief of the same.

Which was read the first time and passed, and on motion of Mr. Waddell ordered to be printed, and made the order of the day for Tuesday next.

Received from the House of Commons a message, transmitting to the Senate the report of the Joint Select Committee raised to enquire into the insolvency of the Raleigh and Gaston Rail Road Company, and proposing that the same be printed.

Which was read and agreed to.

On motion of Mr. Stowe, the Bill entitled a Bill to change the location of the Court House of the County of Lincoln, and for other purposes, was taken up and read the second time.

Mr. Boyden moved to amend the Bill, by striking out all after the enacting clause, and insert all the bill after the enacting clause, entitled a Bill to change the division line between the Counties of Lincoln and Catawba.

Mr. Francis called for a division of the question (that is) to strike out.

Upon this question, Mr. Walker demand the Yeas and Nays,

Those who voted in the affirmative, were

Messrs. Albright,
Boyden,
Cameron,
Dockery,
Edwards,
Elliott,
Halsey,
Hargrave,
Hellen,
Jefferson,

Messrs. Joyner,
Lindsay,
Moody,
Pasteur,
Pharr,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin.—20.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,

Messrs. Hill,
Jeffreys
Melvin,
The Bill then passed the second time.

Received from the House of Commons a message, transmitting to the Senate a message from His Excellency the Governor, and the report of the Trustees of the University.

Which was read, and on motion of Mr. Waddell was ordered to be printed.

The House of Commons proposes to go into an election on Monday next at 12 o'clock, for four Trustees of the University, and informs the Senate that the following gentlemen are in nomination for that appointment:


Which was read and concurred in.

Mr. Ennett presented the following Resolution:

Resolved, That the Public Treasurer be authorized to pay John A. Averitt, Sheriff of Onslow County, Two Hundred Dollars, being the amount of a fine incurred by said Sheriff, under the seventy-first section of the Revised Statutes, chapter 102, in failing to deliver to the Comptroller, a copy of the list of Taxes, received from Merchants, Pedlars, Retailers, &c. and the same be allowed him in the settlement of his public accounts.

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

On motion of Mr. McMillan, the Senate adjourned until Monday morning ten o'clock.
The Senate met according to adjournment.

On motion of Mr. Halsey, Mr. Joiner, the Senator elect from the County of Pitt, appeared, produced his credentials, was qualified before the House and took his seat.

The Speaker announced to the Senate, that Messrs. Joyner, (of H.) Joiner, (of P.) Smith, and Tomlinson, compose the Committee on the petition relative to runaway Slaves.

The Speaker announced to the Senate, that Messrs. Cowper and Drake compose the Committee on Enrolled Bills the present week.

The Speaker announced to the Senate, that Messrs. Thompson, (of B.) and Jeffreys, compose the Committee on the part of the Senate, to superintend the election for four Trustees of the University, and the House of Commons was informed thereof by message.

On motion of Mr. Jefferson, W. W. Avery; on motion of Mr. Waddell, Cadwallader Jones; and on motion of Mr. Boyden, Richard S. Mason and Alexander Wilson, were added to the nomination for Trustees of the University, and the House of Commons was informed thereof by message.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the enquiry as to the propriety of establishing an 8th Judicial Circuit for the State, reported a Bill, entitled a Bill to amend the 31st Chapter of the Revised Statutes, entitled an Act concerning Courts of Justice, Practice, Pleas and Process.

Which was read the first time and passed.

Mr. Waddell, from the same Committee, to whom was referred a Bill, entitled a Bill, concerning Costs, reported the same to the Senate without amendment.

Which was read.

Mr. Jeffreys presented the following Resolution:

Resolved, That the Public Treasurer be requested to report to the Senate the amount of money deposited with North Carolina by the General Government, under the Deposit Act of Congress of 1836.—Also, what has been done with the said deposit money by the State, — to what purposes the profits of said funds are applied, and what will be North Carolina's distributive share of the fourth instalment.

Which was read and adopted.
Received from the House of Commons a message, stating that Messrs. Caldwell, Calloway, Collins, and Cunningham, form the Committee on their part the present week, on Enrolled Bills.

Mr. Halsey presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses adjourn sine die on Monday, the 6th January next.

Which was read.

Mr. Moody moved to amend the Resolution by striking out the words, the 6th January next, and inserting the words, the 24th instant.

Which was agreed to.

The Resolution was then, on motion of Mr. Albright, laid on the table, by the following vote,

Mr. Moody demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Biggs, Bogle, Boyd, Boyden, Cameron, Cowper, Dockery, Drake, Edwards, Elliott, Ennet, Etheridge, Francis, Gavin, Gwynn, Hellen, Hester,


Those who voted in the negative, were

Messrs. Exum, Halsey, Messrs. Pasteur, Shepard,
Mr. Tayloe presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing that a Joint Select Committee of two on the part of each House be raised, for the purpose of examining the state of the furniture in the residence of the Governor, and ascertain what addition or repairs be necessary thereto; and have leave to report by resolution or otherwise.

Which was read and adopted.

The Resolution requesting the payment by the General Government of the fourth instalment due under the Deposit Act, was taken up and read the second time, and on motion of Mr. Jeffreys was laid on the table, and made the order of the day for Thursday next.

Mr. Francis demanding the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Drake,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,
Jefferson,
Jeffreys,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Wilson.—33.
Those who voted in the negative, were


Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell, in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed.

The engrossed Resolution in favor of James C. Turrentine was taken up and read the second and third times, and ordered to be enrolled.

The Senate took up the Bill, entitled a Bill to lease a Silver Mine to George Southerlin, the discoverer, and for other purposes.

Which was read the second time, amended and passed.

The Bill, entitled a Bill to prevent frauds in levying executions issued by a single Magistrate, upon Bonds, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under executions, was taken up and read the second time, amended and passed.

The Senate then took up the Bill, entitled a Bill to prevent the felling of timber in the Creeks and Rivers within the County of Cabarrus.

Which was read the second time and passed.

Received from the House of Commons a message, stating that Messrs. Strange and Stanly are withdrawn from the nomination of candidates for the appointment of Trustees of the University.

Received from the House of Commons a message, stating that the hour of twelve having arrived, they will proceed under the Joint Rule, to vote for four Trustees of the University; and that the names of Messrs. Daniel and Little are withdrawn from the nomination; and that Messrs. Bridgers and Payne, of Davidson, form their Committee to superintend said election.

The Senate then voted as follows:
FOR MR. CHERRY.

Messrs. Albright, Biggs, Cowper, Edwards, Gavin, Halsey, Hellen, Joyner, (of H.) Joiner, (of P.) Lindsay,


FOR MR. WASHINGTON.

Messrs. Speaker, Cowper, Exum, Francis, Hellen,


FOR MR. MASON.

Messrs. Boyden, Cameron, Cowper, Halsey, Joyner, (of H.) McMillan,


FOR MR. WILSON.

Messrs. Albright, Boyd, Boyden, Dockery, Elliott, Gwynn, Halsey, Hargrave,

FOR MR. JONES.


FOR MR. WILLIAMS.


FOR MR. CALDWELL.

Messrs. Speaker, Bogle, Francis, Messrs. Hellen, Waddell.—5.

FOR MR. PEARSON.

Messrs. Boyden, Elliott, Francis, Lindsay, Messrs. Smith, Woodfin, Worth.—7.

FOR MR. STONE.

Messrs. Biggs, Boyd, Messrs. Hill, Jeffreys,

FOR MR. GRAVES.


FOR MR. FRANCIS.


FOR MR. AVERY.

Messrs. Speaker, Biggs, Bogle, Messrs. Hill, Jefferson, Jeffreys,
The Senate took up the Bill, entitled a Bill to amend the 75th Section of the 103d Chapter of the Revised Statutes, concerning Revenue.
Which was read the second time and passed.

Received from the House of Commons a message, proposing to the Senate to go into an election for Treasurer of the State, tomorrow at 12 o'clock; and that the name of Mr. Charles L. Hinton is in nomination for that appointment.
Which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Elliott and Biggs form the Committee on the part of the Senate, to superintend said election; and the House of Commons was informed thereof by message.

Mr. Thompson, (of B,) from the Committee on the part of the Senate, to superintend the election of four Trustees for the University, reported that Messrs. Cherry, Washington, and Graves, each having received a majority of the votes given are duly elected; and that no other person had received a majority of the votes given.

In which report the Senate concurred.

On motion of Mr. Elliott,

Ordered, That a message be sent to the House of Commons, proposing to go into an election, immediately, for one Trustee for the University.

On motion of Mr. Boyden, the names of Messrs. Wilson and Mason were withdrawn from the nomination for Trustees of the University; and the House of Commons was informed thereof by message.

Mr. Moody presented a Bill, entitled a Bill to amend the 75th Section of the 34th Chapter of the Revised Statutes.
Which was read the first time and passed.
The Bill, entitled a Bill more effectually to prevent the imprisonment of Honest Debtors, was taken up and read the second time, amended, and passed by the following vote,
Mr. Halsey demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Jefferson,  
Biggs, Jeffreys,  
Bogle, Lindsay,  
Boyd, McMillan,  
Caineron, Moody;  
Drake, Pharr,  
Edwards, Speight,  
Ennett, Stowe,  
Etheridge, Tayloe,  
Francis, Thompson, (of B.)  
Halsey, Thompson, (of W.)  
Hargrave, Waddell,  
Hellen, Wilson,  
Hill, Woodfin.—28.

Those who voted in the negative, were

Cowper, Melvin,  
Dockery, Pasteur,  
Elliott, Shepard,  
Exum, Smith,  
Gavin, Stallings,  
Gwynn, Tomlinson,  
Hester, Walker,  

The Bill, entitled a Bill to alter the division line between the Counties of Lincoln and Catawba, was taken up, and on motion of Mr. Boyd, laid on the table.
The Senate then took up the Bill, entitled a Bill to change the time of holding the elections for Governor, Members of Congress; &c.
Which was read the second time.
Mr. Shepard moved to amend the Bill, by striking out the words, the last Thursday in April, and inserting in lieu thereof, the words, first Thursday of July.
Which motion prevailed.
On motion of Mr. Elliott, the Bill was further amended by adding the following as an additional section:

Be it further enacted, That the Clerks and Sheriffs elected at the time prescribed in this act, shall, at the terms of their respective Courts, at which Clerks and Sheriffs have entered into bonds and the oaths of office, before the passage of this act, execute and tender to said Courts, the bonds, and take the oaths prescribed by law; at which Courts their respective terms of office shall commence.

The Bill was then rejected by the following vote,
Mr. Stallings demanding the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Albright, Biggs, Bogle, Boyd, Cameron, Dockery, Drake, Ennett, Etheridge, Exum, Gavin,
Messrs. Jeffreys, Joiner, (of P.) Melvin, Pasteur, Pharr, Reich, Smith, Speight, Stallings, Stowe, Thompson, (of W.)
The Senate met according to adjournment.

The Speaker presented to the Senate a communication from the Public Treasurer, relative to the amount of money deposited with North Carolina by the General Government, under the Deposit Act of Congress of 1836.

Which was read, and on motion of Mr. Shepard, ordered to be printed.

Mr. Cameron presented a memorial from sundry citizens of the town of Fayetteville and County of Cumberland, praying the Legislature to emancipate the slaves, Joel Payne, his wife Patsy, and five children; which was read, and on his motion, referred to the Committee on Propositions and Grievances.

Mr. Drake, from the Committee on Claims, to whom was referred the petition of Anna Fanny, reported adversely thereto.

Which was read and rejected.

Mr. Cameron presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of four on the part of each House, to enquire whether it would not be proper for the present General Assembly to make some public manifestation of respect for the
memory of the late William Gaston: and if so, to enquire further what means should be adopted for the purpose of testifying the high and abiding veneration in which the exalted virtues and talents of the deceased are held by the citizens of the State.

Which was read and adopted.
Mr. Waddell presented the following Resolution:

Resolved, That the Secretary of State be directed to issue to the heirs of David Ivey, a Military Land Warrant for one thousand acres of land, for services rendered by the said David Ivey, as a non-commissioned officer in the Continental line of North Carolina, during the Revolution.

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

Mr. Stallings presented the following Resolution:

Resolved, That the Public Treasurer pay to Anna Fanny the sum of seventy-five dollars, it having been satisfactorily shewn to the General Assembly that she is the widow of John Fanny, a soldier of the Revolution, and a citizen of this State; and having obtained the necessary certificate from the Court of Pleas and Quarter Sessions from Gates County, of the necessity of said widow requiring such relief.

Which was read the first time and passed.

Mr. Francis, from the Committee to whom was referred the Certificate presented by the Senator from Onslow, on Monday, the 18th of November, as well as the Certificate subsequently presented by him, reported the following Resolutions:

Resolved, That the Certificate of the Senator from Onslow, and by him introduced to the Senate as genuine, the first day of the Session, is a forgery.
Resolved, further, That inasmuch as no evidence has been offered before the Committee, to implicate any other person in the transaction, that the Senator himself has either been guilty of the forgery, or procured it to be done, or was aware at least, that it was not genuine; and therefore practising a fraud upon the Senate, and ought to be expelled.
Resolved, That for the reasons aforesaid, the Senator from Onslow be, and is hereby expelled from the Senate, and his seat therein vacated.

Which were read, and on motion of Mr. Wilson, ordered to lie on the table, and be printed.
Received from the House of Commons a message, stating that they have passed the engrossed Bill to prevent betting on elections, in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed.

Received from the House of Commons a message, proposing to go into an election forthwith, for one Trustee of the University.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Thompson, (of B.) and Jeffreys compose the Committee on the part of the Senate, to superintend said election; and the House of Commons was informed thereof by message.

On motion of Mr. Boyden, the name of Mr. Francis was withdrawn from the nomination for Trustee of the University.

Received from the House of Commons a message, stating that Messrs. Miller and N. L. Williamson form their Committee to superintend the election of Trustee for the University; and that they will proceed to vote on return of the messenger.

The Senate then voted as follows:

FOR MR. AVERY.

**Messrs. Speaker,**
Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Eaton,
Eunett,
Etheridge,
Exum,
Francis,
Gavin,

**Messrs. Hill,**
Jefferson,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

FOR MR. WILLIAMS.

**Messrs. Albright,**
Boyden,
Cowper,
Dockery,

**Messrs. McMillan,**
Moody,
Pharr,
Smith,
The Senate then proceeded to take up the order of the day, to-wit: a Bill, entitled a Bill, to amend an Act passed January 1841, entitled an Act, to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same.

Which was read the second time.

Pending the question, a message was received from the House of Commons, stating that the hour of twelve having arrived, they will proceed to vote for Public Treasurer, agreeably to the joint order of the two Houses, and further stating, that Messrs. Pindexter and Ellis form their branch of the Committee to superintend said election, and that they will vote on return of the messenger.

The Senate then voted as follows:

FOR MR. HINTON.

Messrs. Speaker, Albright, Bogle,

Messrs. Joiner, (of P.) Lindsay, McMillan,
Mr. Jefferson voting for Mr. Stedman.

The Senate resumed the unfinished business, to-wit: the Bill to amend an Act, passed January 1841, entitled an Act, to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same.

Mr. Woodfin moved to amend the Bill, by inserting after the word "same," in the fifth line of the preamble, the words, "was so drawn."

Which was rejected.

Mr. Francis then moved to amend the Bill by striking out the second section thereof.

Pending the question, Mr. Edwards moved that the Senate adjourn until to-morrow morning ten o'clock.

Which motion prevailed by the following vote,

Mr. Moody demanding the Yeas and Nays:
Those who voted in the affirmative, were


Those who voted in the negative, were


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WEDNESDAY, DECEMBER 18, 1844.

The Senate met according to adjournment.

Received from the House of Commons a message, concurring in the proposition of the Senate, to raise a Joint Select Committee of
two on the part of each House, for the purpose of examining the state of Furniture in the residence of the Governor, and ascertain what additions and repairs be necessary thereto, and that Messrs. Ellis and Faucette form the Committee on their part.

Whereupon, the Speaker announced to the Senate, that Messrs. Tayloe and Biggs form the Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of four on the part of each House, whose duty it shall be to make suitable arrangements for the reception of His Excellency, W. A. Graham, on the first day of January, to take the oaths of office before the General Assembly.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate, that Messrs. Shepard, Cameron, Joyner, (of H.) and Gwynn, form the Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Elliott, from the Committee on the part of the Senate to superintend the election for Treasurer of State, reported that Mr. Hinton having received a majority of the whole number of votes given, was duly elected, in which report the Senate concurred.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred so much of the Governor's message, as relates to the Raleigh and Gaston Rail Road, reported that they asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Thompson, (of B.) from the Committee on the part of the Senate to superintend the election of one Trustee for the University, reported that no person in nomination having received a majority of the votes given, there is no election.

In which report the Senate concurred.

Mr. Woodfin, from the Joint Select Committee on Cherokee Bonds and Lands, to whom was referred the memorial of the citizens of Cherokee County, reported a Bill, entitled a Bill, more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

Which was read the first time and passed, and on motion of Mr. Woodfin, ordered to be printed, and made the order of the day for Monday next.

Mr. Dockery, from the Committee on Finance, to whom was referred a Bill to re assess the lands of the State, reported the same to the Senate.
Which was read.

Mr. Drake, from the Committee on Claims, to whom was referred the Resolution in favor of Jno. A. Averitt, Sheriff of Onslow County, reported the same to the Senate, and recommended its adoption.

Which was read.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill, entitled a Bill to amend the Revised Statutes entitled Courts of Equity, reported the same to the Senate; which was read, and on his motion was ordered to be printed.

Mr. Waddell, from the same Committee, to whom was referred a Bill to give exclusive jurisdiction to the Superior Courts of the Counties of Yancey, Buncombe, Henderson, Haywood, Macon and Cherokee, in all cases where the intervention of a Jury may be necessary, reported the same to the Senate, and recommended its passage.

Which was read.

Mr. Jefferson, from the Committee on Private Bills, to whom was referred a Bill to incorporate the North Carolina Mining, Manufacturing and Land Association, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Received from the House of Commons a message, proposing to go immediately into an election for one Trustee of the University, and informing the Senate that the names of Messrs. Pearson, David F. Caldwell, and Avery are withdrawn from the nomination.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Lindsay and Speight form the Committee on the part of the Senate, to superintend said election; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Puryear and Kelly form their branch of the Committee to superintend the election of Trustee of the University; and they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. STONE.

Messrs. Boyd,
Ennutt,

Messrs. Jeffreys,
Joiner, (of P.)
Etherege, Exum, Hester, Hill, Reich, Speight, Walker.—11.

FOR MR. JONES.

Messrs. Biggs, Cameron, Drake, Eaton, Edwards, Elliott, Gavin, Gwynn, Hargrave, Holmes, Joyner, (of H.)


FOR MR. WILLIAMS.


Mr. Speight, from the Committee on the part of the Senate, to superintend the election of one Trustee for the University, reported that Mr. Williams, having received a majority of the votes given, is duly elected.

In which report the Senate concurred.

Mr. Elliott presented the following Resolution:

Resolved, That on and after Friday next, the Senate will hold evening sessions for the remainder of the Session of this General Assembly.
Which was read and adopted.

Mr. Woodfin presented a Bill, entitled a Bill to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia; which was read the first time and passed, and on his motion was referred to the Committee on Internal Improvement.

Mr. Cameron presented the following Resolution:

Resolved, That the Senator from the County of Onslow, when his case shall be brought up for the action of the Senators, be allowed to be heard by Counsel at the bar of the Senate.

Which was read and adopted.

Mr. Dockery presented a Bill, entitled a Bill to incorporate the Town of Rockingham, in the County of Richmond.

Which was read the first time and passed.

The Bill, entitled a Bill to amend the 31st Chapter of the Revised Statutes, entitled an Act concerning Courts of Justice, Practice, Pleas and Process, was taken up and read the second time, amended on motion of Mr. Boyden, and then rejected by the following vote,

Mr. Biggs demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Boyden,
Dockery,
Elliott,
Francis,

Messrs. Hellen,
Joyner, (of H.),
Waddell,
Woodfin,
Worth.—10.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,

Messrs. Joiner, (of P.),
Lindsay,
Melvin,
McMillan,
Moody,
Pasteur,
Pharr,
Reich,
The Senate took up the unfinished business of yesterday, to-wit: the Bill, entitled a Bill to amend an Act passed Jan. 1841, entitled an Act to secure the State against any and every liability incurred by the Raleigh and Gaston Rail Road Company, and for the relief of the same.

The question was on the amendment of Mr. Francis, offered on yesterday.

Which was rejected by the following vote,

Mr. Halsey demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Bogle, Boyd, Cameron, Drake, Eaton, Etheridge, Exum, Francis, Gavin,


Those who voted in the negative, were

Messrs. Albright, Boyden, Cowper, Dockery, Edwards, McMillan, Moody, Pasteur, Pharr,
The Bill then passed by the following vote,
Mr. Thompson, (of B.) demanding the Yeas and Nays:

Those who voted in the affirmative, were

**Messrs. Albright,**
**Bogle,**
**Boyden,**
**Cowper,**
**Dockery,**
**Edwards,**
**Elliott,**
**Halsey,**
**Hargrave,**
**Hellen,**
**Hill,**
**Holmes,**
**Jefferson,**
**Joyner, (of H.)**

**Messrs. Joiner, (of P.)**
**Lindsay,**
**McMillan,**
**Moody,**
**Pasteur,**
**Pharr,**
**Shepard,**
**Smith,**
**Taylor,**
**Thompson, (of B.)**
**Waddell,**
**Wilson,**
**Woodfin,**

Those who voted in the negative, were

**Messrs. Biggs,**
**Boyd,**
**Cameron,**
**Drake,**
**Eaton,**
**Ennett,**
**Etheridge,**
**Exum,**
**Gavin,**

**Messrs. Gwynn,**
**Hester,**
**Jeffreys,**
**Melvin,**
**Reich,**
**Stallings,**
**Stowe,**
**Tomlinson,**
**Walker.—18.**
Messrs. Speight and Thompson, (of W.) were excused from voting.

The Bill, entitled a Bill to lease a Silver Mine to Geo. Southern, the discoverer, and for other purposes, was taken up and read the third time and passed, and ordered to be engrossed.

The engrossed Resolution in favor of Henry Addington, was taken up and read the second time and passed.

On motion of Mr. Francis, the rules of the Senate were suspended, so as to read the resolution a third time.

The Resolution was then read the third time, passed, and ordered to be Enrolled.

The Senate then took up the Engrossed Bill, entitled a Bill to annex a part of Rutherford County to the County of McDowell; and a Resolution in favor of William T. Bain,

Which were severally read the second time and passed.

Received from the House of Commons a message, stating that Messrs. Wilson, (of P.) Mebane, Graves, and Bridgers, compose their Committee to make arrangements for the reception of His Excellency, William A. Graham, on the first of January next.

The Engrossed Bill, entitled a Bill to extend the time of registering Grants, Mesne Conveyances, Powers of Attorney, Bills of Sale, and Deeds of Gift; and the Bill concerning Jury Trials, were taken up and severally read the second time.

The last named Bill was, on motion of Mr. Francis, amended by striking out the preamble thereof, and passed.

The Resolution relative to the present owners of certain Tracts of Land of the late John Haywood, deceased, was taken up, and read, and on motion of Mr. Thompson, (of W.) laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell; and the Bill, entitled a Bill to amend the 75th Section of the 34th Chapter of the Revised Statutes.

Which were read the second time and passed.

The Engrossed Bill concerning the admissibility of evidence against the Sureties of Officers, was taken up and read the second time.

Mr. Francis moved to amend the Bill, in the first section, by inserting after the word "bonds," the words, "Clerks of the County and Superior Courts, Clerks and Masters in Equity."

Which was agreed to.
Mr. Boyden then moved to amend the Bill, by inserting after the words, "Public Officers," the words, "and also upon the bonds of Executors, Administrators and Guardians."
Which also prevailed.
The Bill then passed as amended.
Received from His Excellency, the Governor, by his Secretary, a communication relative to the expenses of the Literary and Internal Improvement Boards, from the 1st of Nov. 1842, to the 1st of Nov. 1844.
Which was read, and on motion of Mr. Eaton, laid on the table and ordered to be printed, together with the accompanying documents.
On motion of Mr. Drake, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, Dec. 19, 1844.

The Senate met according to adjournment.
Mr. Lindsay presented the resignation of Lyndon Swaim, a Justice of the Peace for the County of Guilford.
Which was read and accepted, and sent to the House of Commons.
Mr. Dockery, from the Committee to whom was referred the enquiry relative to enclosing the Capitol Square, reported the following Resolution:

Resolved, That His Excellency, Governor Graham, be, and he is hereby requested to procure estimates of the public cost, by some competent Architect, of two fences around the Public Square, of sufficient dimensions; one to be built of hewn stone entire, and the other of stone foundation and iron railing above, particularly showing the difference in the cost of the two; and that he report to the next Legislature.
Which was read and adopted.

Mr. Joyner, (of H.) from the Committee on Internal Improvement, to whom was referred a Bill to alter and amend the public Road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancey, to the State line, reported the same to the Senate with sundry amendments.

Which was read.

Mr. Joyner, (of H.) from the same Committee, to whom was referred the Bill, entitled a Bill, to complete the public road from Burnsville to the Tennessee line, reported the same to the Senate without amendment.

Which was read.

Mr. Joyner, (of H.) from the same Committee, to whom was referred a memorial from sundry citizens of the County of Pasquotank, reported a Bill, entitled a Bill, making an appropriation of Five Hundred Dollars, to remove obstructions to the navigation of Pasquotank river, between Joices’ creek and Proctor’s landing.

Which was read the first time and passed.

Mr. Waddell, from the Judiciary Committee, to whom was referred a Bill, entitled a Bill on forms of Criminal Pleading, reported the same to the Senate without amendment.

Which was read.

Mr. Waddell, from the same Committee, to whom was referred the Resolution directing an enquiry into the expediency of giving to the Courts of Law, jurisdiction of Equitable Claims not exceeding in amount fifty dollars, reported a Bill, entitled a Bill to give Equity Jurisdiction to the Courts of Law in certain cases.

Which was read the first time and passed.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Resolution directing an enquiry into the expediency of amending the law in regard to landlords and tenants, reported that there is no legislation necessary in regard thereto.

Which was read.

Mr. Wilson presented the report and representation of the commissioned officers of the 21st regiment of the North Carolina Militia, in favor of amending the Militia Laws of this State.

Which was read, and on his motion, referred to the Committee on Military Affairs.

Mr. Jefferson moved that the vote, by which was rejected the Bill, entitled a Bill, to amend the 31st chapter of the Revised Statutes, entitled an Act, concerning Courts of Justice, Practice, Pleas and process, be reconsidered.
Which was not agreed to by the following vote,  
Mr. Cameron demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, 
Boyden, 
Francis, 
Halsey, 
Jefferson, 

Messrs. Joyner, (of H.) 
McMillan, 
Shepard, 
Waddell, 
Woodfin.—10.

Those who voted in the negative, were

Messrs. Albright, 
Biggs, 
Boyd, 
Cameron, 
Cowper, 
Dockery, 
Drake, 
Edwards, 
Elliott, 
Ennett, 
Etheridge, 
Exum, 
Gavin, 
Gwynn, 
Hargrave, 
Hellen, 
Hester, 
Hill, 
Holmes, 

Messrs Jeffreys, 
Joiner, (of P.) 
Lindsay, 
Melvin, 
Moody, 
Pasteur, 
Pharr, 
Reich, 
Smith, 
Speight, 
Stallings, 
Stowe, 
Taylor, 
Thompson, (of B.) 
Thompson, (of W.) 
Tomlinson, 
Walker, 
Wilson, 
Worth.—39.

Mr. Joyner, (of H.) from the Committee on Internal Improvement, to whom was referred so much of the Governor's message as relates to the Wilmington and Raleigh Rail Road, reported a Bill, entitled a Bill, to authorize the Wilmington and Raleigh Company to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the Act, entitled an Act for the relief of the Wilmington and Raleigh Rail Road Company.
Which was read the first time and passed, and on motion of Mr. Waddell, was ordered to be printed with the accompanying Report.

Mr. Boyd presented a Bill, entitled a Bill to alter the time of holding the Superior Court of Law and Equity for the Counties of Rockingham and Guilford; which was read the first time and passed, and on his motion referred to the Committee on the Judiciary.

Mr. Cowper presented a Bill to alter the time of holding the Superior Court of Law and Equity for the Counties of Rockingham and Guilford; which was read the first time and passed, and on his motion referred to the Committee on the Judiciary.

Mr. Cowper presented a Bill to amend the first section of an Act, entitled an Act to amend the several acts now in force, to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, and their waters, and the Albemarle Sound, passed in the year 1824; which was read the first time and passed, and on his motion referred to the Committee on Propositions and Grievances.

Mr. Smith, presented a Bill, entitled a Bill, to incorporate a Military Company in the County of Anson.

Which was read the first time and passed.

Mr. Woodfin presented a Bill, entitled a Bill, for the more speedy administration of Justice.

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

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill, entitled a Bill, compelling Clerks of the County and Superior Courts to issue executions within a certain time after the rise of their respective Courts, reported the same to the Senate without amendment, and recommended its rejection.

Which was read.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill to attach that part of Carteret County, known as Ocracoke, to Hyde County, in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed.

Mr. Shepard presented the memorial of sundry merchants, and owners of vessels navigating the Roanoke River, relative to the Directors of the Petersburg Rail Road Company, praying the Legislature to authorize them to keep an obstruction across the Roanoke River; which was read, and on his motion referred to the Committee on Internal Improvement.

On motion of Mr. Francis, the Bill entitled a Bill concerning Jury Trials, was taken up and read the third time, and passed by the following vote,
Mr. Wilson demanding the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyden, Cowper, Dockery, Edwards, Elliott, Ennett, Francis, Gwynn, Halsey, Hargrave, Hellen, Jeffreys,


Those who voted in the negative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Etheridge, Exum, Gavin, Hill, Hester,


Said Bill was ordered to be Engrossed.

Received from the House of Commons a message, concurring with the Senate in the adoption of the Resolution, proposing to raise a Joint Select Committee, to enquire into the propriety of making some public manifestation of respect for the memory of the late William Gaston, and stating that Messrs. Washington, Poindexter, Graves, and Ellis, form their Committee on said joint order.

Whereupon, the Speaker announced to the Senate, that Messrs. Cameron, Joyner, (of II.) Pasteur, and Francis, form the Commit-
tee on the part of the Senate on said joint order, and the House of Commons was informed thereof by message.

The Senate then took up the Bill, entitled a Bill, to amend an Act passed January 1841, entitled an Act, to secure the State against any and every liability incurred by the Raleigh and Gaston Rail Road Company, and for the relief of the same.

Which was read the third time, and on motion of Mr. Boyden amended, by striking out the word Senate in the Preamble, and inserting the word Legislature.

Mr. Biggs moved to amend the Bill, by adding the following to the second section:

Yet, from the documents aforesaid, it appears that the Governor and Attorney General have taken Bonds from the Stockholders and subscribers, which only bind them to pay the deficiency of Five Hundred Thousand Dollars endorsed by the Act of 1838, after applying the proceeds arising from the sale of all the real and personal estate of said Company.

Which was rejected by the following vote,

Mr. Francis demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Exum,
Gwynn,

Messrs. Thompson, (of W.)
Walker.—5.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyd,
Boyden,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Etheridge,
Francis,
Gavin,

Messrs. Jeffreys,
Joyner, (of II.)
Joiner, (of I.)
Lindsay,
Melvin,
McMillan,
Moody,
Pasteur,
Pharr,
Reich,
Shepard,
Smith,
Stallings,
Stowe,
Mr. Biggs then moved to amend the Bill, by adding the following as an additional section:

And be it further enacted, That as a heavy loss has been sustained by the State upon her endorsement for the said Rail Road Company, it is the opinion of this General Assembly, that the majority of the Legislature of 1838, who passed a Law endorsing the Bonds of said Rail Road Company for Five Hundred Thousand Dollars, are responsible for said loss.

Which was rejected by the following vote,

Mr. Biggs demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Jeffreys,
Boyd, Melvin,
Cameron, Pasteur,
Eaton, Reich,
Ennett, Speight,
Etheridge, Stallings,
Exum, Stowe,
Gavin, Thompson, (of W.)
Gwynn, Tomlinson,
Hester, Walker,
Holmes, Wilson.—22.

Those who voted in the negative, were

Messrs. Albright, Messrs. Joyner, (of H.)
Bogle, Joiner, (of P.)
Boyden, Lindsay,
Cowper, McMillan,
Dockery, Moody,
Drake, Pharr,
Whereupon, Mr. Biggs moved to amend the Bill, by adding the following section:

And be it further enacted, That as a heavy loss will be sustained by the State upon her endorsement for the said Rail Road Company, it is the opinion of this General Assembly, that the majority of the Legislature of 1840, who passed a Law endorsing the Bonds of said Company for Three Hundred Thousand Dollars, in addition to the sum of Five Hundred Thousand Dollars, which had been endorsed by the Legislature of 1838, are responsible for said loss.

Which was read and rejected by the following vote,
Mr. Biggs calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Melvin,
Boyd, Pasteur,
Cameron, Reich,
Eaton, Speight,
Etheridge, Stallings,
Exum, Stowe,
Gavin, Thompson, (of W.)
Gwynn, Tomlinson,
Hester, Walker,
Holmes, Wilson.—20.

Those who voted in the negative, were

Messrs. Albright, Messrs. Joyner, (of II.)
Bogle, Joiner, (of P.)
Boyden, Lindsay,
The Bill then passed by the following vote,
Mr. Biggs demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Joiner, (of P.)
 Lindsay, McMillan, Moody, McMillan, Moody, McMillan, Moody, McMillan, Moody, McMillan, Moody, McMillan, Moody, McMillan,

Those who voted in the negative, were
 Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Ennett, Etheride, Exum, Gavin,

Messrs. Gwynn, Hester, Jeffreys, Melvin, Reich, Stallings, Stowe, Tomlinson, Walker.
Ordered that said Bill be Engrossed.

On motion of Mr. Wilson, the Resolutions and report of the Select Committee in relation to the Certificate of the Senator from Onslow, were taken up.

Whereupon, on motion of Mr. Wilson, Louis D. Henry and Duncan K. McRae, Esqrs., Counsel for Mr. Ennett, were admitted within the Bar of the Senate.

Mr. Wilson moved, in pursuance of the application of Mr. Ennett's Counsel, to re-commit the Certificate with the accompanying papers, to the Select Committee on that subject.

Upon this question, Mr. Halsey called for the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Holmes,
Boyd, Jeffrey,
Cameron, Melvin,
Drake, Pasteur,
Eaton, Reich,
Edwards, Speight,
Etheridge, Stallings,
Exum, Stowe,
Gavin, Thompson, (of W.)
Gwyn, Tomlinson,
Hester, Walker,
Hill, Wilson.—24.

Those who voted in the negative, were

Messrs. Albright, Messrs. Joiner, (of P.)
Bogle, Lindsay,
Boyden, McMillan,
Cowper, Moody,
Duckery, Pharr,
Elliott, Shepard,
Francis, Smith,
Halsey, Taylor,
Hargrave, Thompson, (of B.)
Hellen, Waddell,
Jefferson, Woodfin,

There being an equal division of the question, the Speaker voted in the negative.
Consequently, the motion did not prevail.

Mr. Biggs moved to postpone the Resolutions and Report under consideration, to the 28th inst., and make them the order of the day for that day.

Which motion was rejected by the following vote,

Mr. Biggs demanding the Yeas and Nays:

Those who voted in the affirmative, were

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<th>Messrs. Biggs,</th>
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<td>Hill,</td>
<td>Wilson.—24.</td>
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Those who voted in the negative, were

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<th>Messrs. Albright,</th>
<th>Messrs. Joiner, (of P.),</th>
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<td>Jefferson,</td>
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The Speaker voted in the negative.

Mr. Francis moved to make the Resolutions the order of the day for to-morrow.

Mr. Biggs moved to amend said motion, by striking out to-morrow, and inserting the 24th inst.
Pending which question, Mr. Boyden moved that the Senate adjourn until to-morrow morning ten o'clock.

Which motion was rejected by the following vote,

Mr. Cameron demanding the Yeas and Nays:

Those who voted in the affirmative, were

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<td>Hellen</td>
<td>Woodfin</td>
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<td>Jefferson</td>
<td>Worth.—23.</td>
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<td>Joyner, (of II.)</td>
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Those who voted in the negative, were

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<th>Messrs. Biggs,</th>
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<td>Hill</td>
<td>Wilson.—25.</td>
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<td>Holmes</td>
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Mr. Waddell now moved that the Senate adjourn until to-morrow morning ten o'clock.

Which motion was rejected by the following vote,

Mr. Boyden calling for the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Albright
   Bogle,
   Boyden,
   Cowper,
   Dockery,
   Elliott,
   Francis,
   Hargrave,
   Hellen,
   Jefferson,
   Joyner, (of H.)
   Joiner, (of P.)

Messrs. Lindsay,
   McMillan,
   Moody,
   Pharr,
   Shepard,
   Smith,
   Taylor,
   Thompson, (of B.)
   Waddell,
   Woodfin,
   Worth.—23.

Those who voted in the negative, were

Messrs. Biggs
   Boyd,
   Cameron,
   Drake,
   Eaton,
   Edwards,
   Etheridge,
   Exum,
   Gavin,
   Gwynn,
   Halsey,
   Hester,
   Hill,

Messrs. Holmes
   Jeffreys,
   Melvins,
   Pasteur,
   Reich,
   Speight,
   Stallings,
   Stowe,
   Thompson (of W.)
   Tomlinson,
   Walker,
   Wilson.—25.

The question now recurred on the amendment of Mr. Biggs, to strike out to-morrow, and insert, the 24th inst.

Mr. Shepard called for a division of the question, on striking out.

Which question was rejected.

Mr. Biggs demanded the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Biggs
   Boyd,
   Cameron,
   Cameron,
Drake, Pasteur,
Eaton, Reich,
Edwards, Speight,
Etheridge, Stallings,
Exum, Stowe,
Gavin, Thompson, (of W.),
Gwynn, Tomlinson,
Hester, Walker,
Hill, Wilson.—24.

Those who voted in the negative, were

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<td>Jefferson,</td>
<td>Woodfin,</td>
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<td>Joyner, (of II.),</td>
<td>Worth.—24.</td>
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</table>

The Speaker voted in the negative.
The question then recurred upon the motion of Mr. Francis, to make the subject matter under consideration the order of the day for to-morrow.
Which motion prevailed,
Mr. Cameron demanding the Yeas and Nays:

Those who voted in the affirmative, were

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<td>Joyner, (of II.),</td>
<td>Worth.—24.</td>
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</tbody>
</table>
Those who voted in the negative, were

Messrs. Biggs,
    Boyd,
    Cameron,
    Drake,
    Eaton,
    Edwards,
    Etheridge,
    Exum,
    Gavin,
    Gwynn,
    Hester,
    Hill,

Messrs. Holmes,
    Jeffreys,
    Melvins,
    Pasteur,
    Reich,
    Speight,
    Stallings,
    Stowe,
    Thompson, (of W.)
    Tomlinson,
    Walker,
    Wilson.—24.

The Speaker voted in the affirmative.
Mr. Dockery presented the following Resolution:

Resolved, That when the Resolutions relating to Mr. Ennett shall come up for consideration, he be allowed to examine witnesses at the bar of the Senate.

Which was read and adopted by the following vote,
Mr. Francis demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
    Biggs,
    Bogle,
    Boyd,
    Boyden,
    Cameron,
    Cowper,
    Dockery,
    Drake,
    Eaton,
    Edwards,
    Elliott,
    Etheridge,
    Exum,
    Francis,
    Gavin,

Messrs. Jeffreys,
    Joyner, (of H.)
    Joiner, (of P.)
    Lindsay,
    Melvin,
    McMillan,
    Moody,
    Pasteur,
    Tharr,
    Reich,
    Shepard,
    Smith,
    Speight,
    Stallings,
    Stowe,
    Tayloe.
The Counsel for Mr. Ennett then read the following affidavit, to-wit;

The Senator from Onslow, Wm. Ennett, swears that he expects to prove by Mr. Marsteller, that he had informed him, Mr. Ennett, on the Sunday next before the meeting of the Legislature—in the daytime—that it was his opinion that the Senator from Onslow could take his seat in the Senate, without the Sheriff's Certificate, by making other proof of his title to his seat; and, also, that he expects to prove by the Sheriff, Jno. A. Averitt, that he had promised him, Mr. Ennett, to make out his Certificate of election, and send it to him before the organization of the Senate. Also, that Mr. Marble, of Onslow, had promised to procure said Certificate from the Sheriff aforesaid, and send it to him in time, before the sitting of the Legislature. And, also, by Mrs. Bradly, that Mr. Ennett sent to her father's house, (Averitt's,) for the Certificate, and the answer brought by the messenger was, that her father was from home, but would attend to it in time.  
(Signed,) W.M. ENNETT,

And attested, sworn and subscribed before me, in Senate, Dec. 19, 1844.  
B. S. GAITHER,  
Speaker of the Senate.

The following Resolution was then offered by Mr. Edwards:

Resolved, That the affidavit of the Senator from Onslow be received and admitted as testimony on the hearing of his case.

Which was adopted,  
On motion of Mr. Francis, the Senate adjourned until to-morrow morning ten o'clock.
The Senate met according to adjournment.

Mr. Woodfin presented a Bill, entitled a Bill to provide for holding a session of the Supreme Court once a year in the Western part of the State; which was read the first time and passed, and on his motion referred to the Committee on the Judiciary.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution concerning the Public Treasurer, 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, proposing to the Senate to raise a Joint Select Committee, to consist of two on the part of the Senate, and four on the part of the House of Commons, to whom the memorial of Benjamin Swaim accompanying the message, shall be referred, with leave to report by Bill or otherwise.

Which was read and concurred in.

On motion of Mr. Stowe, the Bill, entitled a Bill to change the location of the Court House of the County of Lincoln, and for other purposes, was taken up and read the third time, and passed by the following vote,

Mr. Jefferson demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Bogle, Boyd, Drake, Eaton, Etheridge, Exum, Francis, Gavin, Gwynn, Hester, Hill, Holmes,


Those who voted in the negative, were

Messrs. Albright, Boyden,

Messrs. Joyner, (of H.), Joiner, (of P.)
Ordered that said Bill be Engrossed.

The Senate took up the Bill, entitled a Bill to amend the Sections of the Revised Statutes concerning Clerks and Registers.

Which was read the second time.

Mr. Stallings moved to amend the Bill, by adding the following proviso to the first Section:

Provided, That the County Courts of the respective Counties, a majority of the Justices being present, may make an order dispensing with such examinations and report.

Which was read and adopted, by the following vote,

Mr. Speight demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Bogle, Bogle, Bogle, Cameron, Drake, Eaton, Edwards, Elliott, Etheridge, Exum, Gavin, Gwynn, Halsey, Hargrave, Hester, Hill, Holmes, Jefferson,

Those who voted in the negative, were

Messrs. Albright,
Boyden,
Cowper,
Dockery,
Francis,
Hellen,

Messrs. Jeffreys
Joyner, (of II.)
Moody,
Pharr,
Shepard,
Thompson, (of B.)—12.

Mr. Halsey moved a further amendment:

And that the County Attorney shall not make the examination until after thirty days from the rise of the Court.

Which was read and adopted.
The Bill then passed by the following vote,
Mr. Melvin demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyden,
Cowper,
Dockery,
Drake,
Elliott,
Francis,
Gwynn,
Halsey,
Hargrave,
Hellen,
Jefferson,
Jeffreys,

Messrs. Joyner, (of II.)
Joiner, (of P.)
Lindsay,
Moody,
Shepard,
Smith,
Stallings,
Thompson, (of B.)
Thompson, (of W.)
Waddell,
Walker,
Woodfin,
Worth.—26.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyd,
Cameron,
Eaton,
Edwards,

Messrs. Holmes,
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Resolution directing an enquiry into the expediency of so amending the law in regard to Deeds of Trust, as to require a pro rata distribution of the Trust fund, in all cases of Deeds of Trust, reported a Bill, entitled a Bill concerning Deeds, Mortgages, and Assignments in Trust.

Which was read the first time and passed.

Mr. Waddell presented the petition of Edwin, and other free persons of color of Virginia, praying the Legislature to permit them to move to this State; which was read, and on his motion referred to the Committee on Propositions and Grievances.

Mr. Hellen presented a Bill, entitled a Bill to amend and alter the 10th Section of the 102d Chapter of the Revised Statutes.

Which was read the first time and passed.

The Senate then took up the Bill, entitled a Bill to incorporate the Fayetteville Library Institute, in the town of Fayetteville.

Which was read the second time and passed.

The Bill, entitled a Bill to alter times of holding Courts, was taken up and read the second time, and on motion of Mr. Bogle, laid on the table.

The Senate proceeded to take up the order of the day, to-wit: the Resolutions concerning the expulsion of Mr. Ennett, Senator from Onslow.

Which were read.

Pending the question, Mr. Holmes moved that the Senate adjourn until this evening half past three o'clock.

Which motion prevailed.

**Half-past 3 o'clock, P. M.**

The Senate met pursuant to adjournment, and took up the unfinished business, to-wit: Resolutions concerning the expulsion of Mr. Ennett, Senator from Onslow.
After having spent some time thereon,
The Senate, on motion of Mr. Francis, adjourned until to-morrow morning ten o'clock.

Saturday, Dec. 21, 1844.

The Senate met according to adjournment.
Received from the House of Commons a message, proposing to postpone the execution of the joint order of the two Houses, for the appointment of Justices of the Peace this afternoon, until this day week.
Which was read and agreed to.
Mr. Francis presented a Bill, entitled a Bill, to prescribe the manner of appointing Engrossing Clerks.
Which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.
Mr. Hill presented a Bill, entitled a Bill, to incorporate Washington Academy in the County of Duplin.
Which was read the first time and passed.
Mr. Drake presented a Bill, entitled a Bill, declaratory of the sixth section of the seventh chapter of the Acts of the General Assembly of 1840-41, entitled an Act for the establishment and better regulation of Common Schools.
Which was read the first time and passed, and on motion of Mr. Elliott was referred to the Committee on Education and the Literary Fund.
Mr. Hellen presented a Bill, entitled a Bill, to amend the fifth section of an Act, entitled an Act, concerning the power and jurisdiction of Justices of the Peace.
Which was read the first time and passed, and on motion of Mr. Jefferson, was referred to the Committee on the Judiciary.
Mr. Woodfin presented a Bill, entitled a Bill, to invest Fifteen Hundred Dollars of the Literary Fund.
Which was read the first time and passed, and on his motion was referred to the Committee on Education and the Literary Fund.

Mr. Tayloe presented a Bill, entitled a Bill, to amend the seventy-seventh section of the ninety-first chapter of the Revised Statutes.

Which were read the first time and passed.

The Senate took up the Engrossed Resolution relating to Smithville, in Brunswick County.

Which were read the second time and passed.

The Engrossed Bill, entitled a Bill, to establish a public road in the County of Buncombe, was taken up, read the second time, and rejected by the following vote,

Mr. Speight calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Dockery,
Edwards,
Elliott,
Francis,
Hellen,
Jefferson,
Joyner, (of II.)
Lindsay,
McMillan,

Messrs. Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—21.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Boyd,
Cameron,
Cowper,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,

Messrs. Hill,
Holmes,
Jeffreys,
Joiner, (of P.),
Melvin,
Moody,
Pasteur,
Reich,
Speight,
Stallings,
Thompson, (of W.),
Tomlinson.—25.
The Senate proceeded to take up the unfinished business of yesterday, to-wit: the Resolutions in relation to William Ennett, Esq. Senator from Onslow.

Which were read.

Pending the question, the Senate, on motion of Mr. Dockery, adjourned until three o'clock, P. M.

\section*{Three o'clock, P. M.}

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, to-wit: the Resolutions in relation to William Ennett, Esq. Senator from Onslow.

Which were read, and are as follows:

1. Resolved, That the Certificate of the Senator from Onslow, and by him introduced to the Senate as genuine, the first day of the Session, is a forgery.

Which passed by the following vote,

Mr. Boyden demanding the Yeas and Nays:

Those who voted in the affirmative, were

\begin{tabular}{ll}
Messrs. Albright, & Messrs. Joyner, (of H.)
Biggs, & Joiner, (of P.)
Bogle, & Lindsay,
Boyd, & Melvin,
Boyden, & McMillan,
Cameron, & Moody,
Cowper, & Pasteur,
Dockery, & Pharr,
Drake, & Reich,
Eaton, & Shepard,
Edwards, & Smith,
Elliott, & Speight,
Etheridge, & Stallings,
Exum, & Stowe,
Francis, & Tayloe,
\end{tabular}
Gavin, Thompson, (of B.)
Halsey, Thompson, (of W.)
Hargrave, Tomlinson,
Hellen, Waddell,
Hester, Walker,
Hill, Wilson,
Holmes, Woodfin,
Jefferson, Worth.—47.
Jeffreys, 

2. Resolved, further, That inasmuch as no evidence has been offered before the Committee, to implicate any other person in the transaction, that the Senator himself has either been guilty of the forgery, or procured it to be done, or was aware, at least, that it was not genuine; and, therefore, practised a fraud upon the Senate, and ought to be expelled,

Which was read.

Mr. Francis moved to amend it, by striking out of the second Resolution, after the word, done, and insert—

Or was aware, or at least had strong reason to suspect that the said Certificate was not genuine; and by presenting the same without explanation, as his credentials, was guilty of gross and criminal negligence; thereby presenting a forged Certificate, and becoming instrumental in practising a fraud upon the Senate, for which he might justly be visited with its severest censure; yet, considering the evidence offered by the said Senator, upon the examination of his case before the Senate, which has shewn to the satisfaction of the Senate, that he has heretofore sustained a character of being harmless and inoffensive, and is also a very ignorant man; and hence was not likely to perceive the impropriety of his conduct; the Senate believe that the case does not absolutely require the severest censure, but that a milder punishment may, under the circumstances, be properly substituted for expulsion. Therefore,

Resolved, That the Speaker do, from the Chair, reprimand the said William Ennett, the Senator from Onslow, for his misconduct—the said Senator standing in his place to receive such reprimand.

Which was read and rejected by the following vote,

Mr. Halsey demanding the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner (of II.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—23.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,
Holmes,

Messrs. Jeffreys,
Melvin,
Moody,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

The second Resolution then passed by the following vote,
Mr. Moody demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Halsey, Hargrave, Hellen, Jefferson, Joyner, (of H.)


Those who voted in the negative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Etheridge, Exum, Gavin, Gwynn, Hester, Hill,


The Speaker voted in the affirmative.

3. Resolved, That for the reasons aforesaid, the Senator from Onslow be, and is hereby expelled from the Senate, and his seat therein vacated.

Which was read and passed by the following vote,
The Yeas and Nays being demanded by Mr. Albright:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyden, Cowper, Dockery, Elliott, Francis, Halsey, Hargrave, Hellen, Jefferson, Joyner, (of H.)

Those who voted in the negative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Etheridge, Exum, Gavin, Gwynn, Hester, Hill,


The Speaker voted in the affirmative.

Mr. Cameron presented the following Resolution:

Resolved, That a Writ of Election be issued by the Speaker of this House, to the Sheriff of the County of Onslow, directing him to hold an election on Monday, the 30th inst. for a Senator from that County, to supply the vacancy in this body, occasioned by the expulsion of Wm. Ennett, who was chosen to represent that County in the General Assembly of this State, now in Session.

Which was read and adopted.

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

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Monday, Dec. 23, 1844.

The Senate met according to adjournment.

The Speaker announced to the Senate that Messrs. Eaton and Elliott compose the Committee on Enrolled Bills the present week; and the House of Commons was informed thereof by message.
Mr. Biggs moved to amend the Journal of Saturday last, by striking out the following part thereof, to-wit:

"Pending the discussion, when Mr. Henry, one of the Counsellors for the Senator from Onslow, was addressing the Senate upon the Resolutions, the Speaker called the gentleman to order, and suggested that he must confine himself to the question under debate. Whereupon, a question was raised as to the rules by which the Counsel of the Senator from Onslow should be governed in debate, and whether he was then out of order.

"The Speaker immediately reduced the decision to writing, and stated it again to the Senate, to-wit: The Chair decides that the Counsel for the Senator from Onslow must confine himself to the Rules of Order prescribed for the government of the Senate, in the discussion of the question before it; and that it is not in order to refer to, or discuss the state of parties that divide the country.

"No appeal being taken from this decision, the Chair announced to Mr. Henry that he could proceed in the discussion, in order."

And inserting the following as a substitute therefor:

"Pending the Resolutions, the Counsel of the Senator from Onslow was remarking upon the embarrassments which surrounded his client's defence against such a charge at this time; that all men, in all ages, were subject to the infirmity of entertaining prejudices, however honest might be their hearts and intentions; that the most honest and confiding men were sometimes the most insensible to its influence; that he imputed no more infirmity to the Senate, than our own experience, than the laws, than the Bible and the Decalogue imputed to all mankind, and to himself, (the Counsel.) Therefore, he begged leave to assume the province of the Preacher, and as the Preacher's congregation ought not and could not take any offence when the Decalogue was read to them, so the triers of a man charged with an infamous crime, could take no personal offence at being respectfully warned and cautioned to examine their hearts, and guard against any prejudice insensibly taking possession of them. He spoke of the latitude allowed in this respect, in Courts of Justice, where not only it was made the duty of Counsel to give this caution; and meant not to be disrespectful in the least. Therefore, he thought the Senate ought to be wary and distrustful of themselves, when party spirit was so rise every where in this State, and throughout the country, and discard all personal, sectarian or party prejudice, for that prejudice would sometimes course through honest minds as insensibly as the blood did through the veins silently and warmly, or as insensibly as the atmosphere through the lungs."
"When the Speaker interrupted the Counsel and remarked, that the Counsel must confine himself to the Rules of the Senate, and a discussion of party feeling had nothing to do with the Resolutions before the Senate, and was out of order; and thereupon, Mr. Biggs raised a question of order, and submitted that the Counsel was not out of order in remarking, as he was doing, upon the effect of party spirit.—The Speaker then reduced to writing the following, which he read to the Senate: 'The Chair decides that the Counsel for Mr. Ennett must confine himself to the Rules prescribed for the government of the Senate, in the discussion of the question before the House, and that it is not in order to refer to, or discuss the state of parties that divide the country.' The Speaker then asked the Senator from Martin, if he took an appeal from the decision of the Chair. No appeal was taken. He then remarked that the Counsel could proceed in order. Whereupon, the Counsel took his hat, papers, and walked out of the Senate."

And upon this question, Mr. Dockery called for a division of the question to strike out; which was decided in the affirmative, by the following vote,

Mr. Albright demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,
Holmes,

Messrs. Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—23.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Dockery,
Elliott,

Messrs. Joyner, (of H)
Joiner, (of P.)
Lindsay,
McMillan,
Pharr,
Mr. Francis moved to amend the amendment of Mr. Biggs, by striking out all after the words, “pending the Resolutions,” and inserting the following, to-wit:

“While Mr. Henry, one of the Counsel of the Senator from Onslow, having commenced his Speech, and being called to order for irrelevancy: It is therefore

Resolved, That a Committee of three be appointed by the Senate to wait upon Mr. Henry and ask from him a copy of all his remarks, on that occasion, in order to place the same on the Journal.”

Which was read and rejected by the following vote:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Jefferson,
Bogle, Shepard,
Francis, Smith,
Hellen, Taylor,

Those who voted in the negative, were

Boyd, Lindsay,
Boydjen, Melvin,
Cameron, McMillan,
Dockery, Pasteur,
Drake, Pharr,
Elliott, Reich,
Etheridge, Smith,
Exum, Speight,
Gavin, Stallings,
Gwynn, Stowe,
Halsey, Thompson, (of W.)
Hargrave, Tomlinson,
Hester, Waddell,
Holmes, Walker,
Jeffreys, Wilson,
Joyner, (of H.) Woodfin.—34.
Whereupon, Mr. Elliott moved that the amendment be laid on the table.
Which motion was rejected by the following vote,
Mr. Cameron demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Dockery, Elliott, Halsey, Joyner, (of H.)


Those who voted in the negative, were

Messrs. Biggs, Boyd, Boyden, Cameron, Drake, Eaton, Etheridge, Exum, Francis, Gavin, Gwynn, Hargrave, Hellen, Hester, Holmes, Jefferson,


Mr. Woodfin proposed to amend the amendment offered by Mr. Biggs, by inserting after the word “Resolutions,” in the first line, the following:

“In the course of the remarks made by Mr. Henry, he charged the Senate with having prejudged the case of the Senator from Onslow.—Whereupon, he was called to order by the Chair.”

Which was read and rejected by the following vote,
Mr. Holmes demanding the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Albright, Messrs. Lindsay,
Bogle, McMyrian,
Dockery, Pharr,
Elliott, Shepard,
Francis, Smith,
Halsey, Taylor,
Hellen, Waddell,
Jefferson, Woodfin,
Joyner, (of II.) Worth.—19.
Joiner, (of P.)

Those who voted in the negative, were

Messrs. Biggs, Messrs. Holmes,
Boyd, Jeffreys,
Boyden, Melvin,
Cameron, Pasteur,
Drake, Reich,
Eaton, Speight,
Etheridge, Stallings,
Exum, Stowe,
Gavin, Thompson, (of W.)
Gwynn, Templeton,
Hargrave, Walker,
Hester, Wilson.—23.
Hill,

The question then recurred on the amendment proposed by Mr. Biggs.
Which was decided in the affirmative by the following vote,

Mr. Cameron demanding the Yeas and Nays:

 Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Jeffreys,
Boyd, Melvin,
Cameron, Pasteur,
Drake, Reich,
Eaton, Speight,
Etheridge, Stallings,
Exum, Stowe,
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Gavin, Thompson (of W.)
Gwynn, Tomlinson,
Hester, Walker,
Hill, Wilson.—23.
Holmes,

Those who voted in the negative, were

Messrs. Albright, Messrs. Joiner, (of P.)
Bogle, Lindsay,
Boyden, McMahan,
Dockery, Pharr,
Elliott, Shepard,
Francis, Smith,
Halsey, Tayloe,
Hargrave, Waddell,
Helen, Woodfin,
Joyner, (of Il.)

Received from the House of Commons a message, therein transmitting to the Senate a message from His Excellency, the Governor, in relation to the early History of this State, with a proposition to print the same for the use of the two Houses.
Which was read and agreed to.
On motion of Mr. Stallings,

Ordered, That Mr. Cowper have leave of absence from the service of the Senate, from and after to-day, until Saturday next.

On motion of Mr. Wilson,

Ordered, That Mr. Edwards have leave of absence from the service of the Senate, from and after to-day until Thursday next.

On motion of Mr. Waddell,

Ordered, That Mr. Thompson, (of B.) have leave of absence from the service of the Senate, from and after to-day until Monday next.

Mr. Tayloe presented the following Resolution:

Resolved, That a message be sent to the House of Commons, pro-
posing that the two Houses adjourn sine die on Thursday, the 2d day of January next.

Which was read.

Mr. Francis moved that the Resolution be laid on the table.

Which was rejected by the following vote,

Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Exum,
Boyd, Francis,
Drake, Gavin,
Eaton, Jefferson
Etheridge, Stallings.—10.

Those who voted in the negative, were

Messrs. Albright, Messrs. Melvin,
Bogle, McMillan,
Boyd, Pasteur,
Cameron, Phar surrendered
Dockery, Reich,
Elliott, Shepard,
Gwynn, Smith,
Halsey, Speight,
Hargrave, Stowe,
Heilen, Taylor,
Hester, Thompson, (of W.),
Itli, Tomlinson,
Holmes, Waddell,
Joyner, (of H.) Walker,
Joiner, (of P.) Wilson,
Lindsay, Woodfin.—32.

On motion of Mr. Hargrave, the Resolution was amended by striking out Thursday, the 2d, and inserting Monday, the 6th.

The Resolution then passed as amended, by the following vote,

Mr. Biggs demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Jeffreys,
Biggs, Joyner, (of H.)
Those who voted in the negative, were


Mr. Dockery presented the following Resolution:

*Resolved,* That William Ennett is entitled to his *per diem* up to Saturday last inclusive, and his mileage to this place; and that the Clerk make up the estimate in that way.

Which was read and adopted.

Mr. Waddell presented the following Resolution:

*Resolved,* That the Committee on Military Affairs be instructed to enquire into the expediency of having the books and papers, relating to the services of Officers and Privates in the War of the Revolution, now in the Comptroller's Office, copied and alphabetically arranged; and that they have leave to report by bill or otherwise.

Which was read and adopted.

Mr. Dockery presented the following Resolution:

*Resolved,* That the Treasurer pay to William McCollum, of Montgomery County, forty-seven dollars, which he has paid into the Treas.
ury for land, previously granted and paid for; and that the same be allowed the Treasurer in the settlement of his accounts.

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

Mr. Thompson, (of W.) moved that the vote by which was rejected the Engrossed Bill, entitled a Bill to establish a public road in the County of Buncombe, be reconsidered.

Which motion prevailed.

The Bill was then put upon its passage, which was rejected by the following vote,

Mr. Exum demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, Messrs. McMillan,
Boyden, Tharr,
Dockery, Shepard,
Elliott, Smith,
Francis, Stowe,
Hellen, Tayloe,
Jefferson, Waddel,
Joyner, (of H.), Woodfin.—17.
Lindsay,

Those who voted in the negative, were

Messrs. Albright, Messrs. Bill,
Biggs, Holmes,
Boyd, Jeffreys,
Cameron, Joiner, (of P.),
Drake, Melvin,
Eaton, Pasteur,
Etheridge, Reich,
Exum, Speight,
Gavin, Stallings,
Gwynn, Thompson, (of W.
Halsey, Tomlinson,
Hargrave, Walker.—25.
Hester,

On motion of Mr. Jeffreys, the Senate adjourned until three o'clock, P. M.
The Senate met pursuant to adjournment.

On motion of Mr. Francis, the Resolution requesting the payment by the General Government of the fourth instalment, due under the Deposit Act, was taken up and made the order of the day for Monday next.

The Engrossed Resolution in favor of William Dills, was taken up and read the second time and passed.

The Bill, entitled a Bill to establish a uniform practice throughout the State, on suits upon Bonds, Bills and Promissory Notes, was taken up and read the second time, and rejected by the following vote,

Mr. Francis demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,  Messrs. Hargrave,
    Bogle,        Lindsay,
    Boyden,      McMillan,
    Dockery,     Smith,
    Elliott,     Walker,
    Exum,        Woodfin.—13.
    Halsey,

Those who voted in the negative, were

    Cameron,        Melvin,
    Drake,         Pasteur,
    Eaton,         Pharr,
    Etheridge,     Reich,
    Francis,       Shepard,
    Gavin,         Speight,
    Gwynn,         Stallings,
    Hellen,        Stowe,
    Hester,        Tayloe,
    Hill,          Thompson, (of W.)
    Holmes,        Tomlinson,
    Jefferson,     Waddell,
    Jeffreys,      Wilson.—29.
    Joyner, (of H.)
On motion of Mr. Francis, the Bill, entitled a Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same, was taken up and made the order of the day for Friday next.

The Senate then took up the Engrossed Bill, entitled a Bill concerning final process in actions of Detinue; which was read the second time, and on motion of Mr. Tomlinson, indefinitely postponed, by the following vote,

Mr. Tomlinson demanding the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Albright, Bogle, Boyd, Boyden, Elliott, Halsey, Hargrave, Joyner, (of H.)

Messrs. Lindsay, McMillan, McMillan, Pharr, Shepard, Smith, Tayloe, Waddell, Woodfin.—16.

The Bill, entitled a Bill to amend the Revised Statutes, entitled Courts of Equity; and the Engrossed Bill, entitled a Bill authorizing the County Court of Lincoln County to exercise exclusive jurisdiction over the public road, which is the dividing line between the Counties of Lincoln and Cleveland, were taken up and read the second time and passed.
The Bill, entitled a Bill to amend an Act passed in 1836-'7, to incorporate the town of Greensboro', in the County of Guilford, was taken up and read the second time and passed.

The Bill in favor of Poor Debtors was taken up and read the second time.

Mr. Stallings moved to amend it, by striking out two, and inserting six.

Which was rejected.

Mr. Francis moved to amend the Bill, by inserting after the word "execution," in the eighth line, "on debts contracted after the first day of March n xt."

Which was read and adopted.

The Bill was then, on motion of Mr. Thompson, (of W.) laid on the table.

The Bill concerning Costs was taken up and read the second time, and rejected.

The Resolution in favor of Anna Fanny was taken up and read the second time, and passed.

The Engrossed Bill, entitled a Bill to prevent betting on elections, was taken up and read the second time, and rejected.

The Senate then took up the Bill, entitled a Bill to re-assess the land of the State.

Which was read the second time and rejected.

Received from the House of Commons a message, stating that Messrs. Scales, Golding, Davenport and Edwards form the Committee on their part, the present week, on Enrolled Bills.

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

Tuesday, Dec. 24, 1844.

The Senate met according to adjournment.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the memorial of Joshua Cannon, pray-
ing for the emancipation of Abel Payne, his wife Patsey, and five children, reported the same to the Senate, and asked to be discharged from its further consideration.

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

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the memorial of the Board of Directors of the Petersburg Rail Road Company, reported a Bill, entitled a Bill, to exempt from indictment the Petersburg Rail Road Company, for having obstructed the navigation of Roanoke river, near the town of Weldon, by the erection of a Bridge across the said river.

Which was read the first time and passed, and on motion of Mr. Shepard, ordered to be printed.

Mr. Dockery, from the Committee of Finance, reported the following Resolution:

Resolved, That John H. Wheeler, Public Treasurer, be allowed in the settlement of his accounts, the sum of Sixty-three Dollars, Three and a half Cents, the amount of Treasury notes counted and burnt by the present Committee of Finance, under instructions from the present Legislature; and the further sum of One Hundred and Seventeen Dollars, it being the sum paid by him for making out a complete list of the amounts due upon each of the Bonds respectively given by the purchasers of the Cherokee Lands, together with the name of the obligors, and securities, and the amount of interest that was due on each Bond, separately, up to the 1st January, 1844, in obedience to the Act of last Legislature, chapter 56, which list was as by law directed, forwarded to the Agent in Macon County, and a duplicate of which is on file in the Treasurer's office.

Which was read the first time and passed.

Mr. Jeffreys presented the following Resolution:

Resolved, That the Public Treasurer be instructed to report to the Senate, the correspondence between the Treasurer, and His Excellency, the Governor, relative to the legal right of the Governor to receive per diem compensation as President ex officio, for services rendered upon the Literary and Internal Improvement Boards. And also, the opinion of the Attorney General thereupon—together with the amount which his Excellency, the Governor, has received for said service.

Which was read and adopted.

Mr. Elliott, from the Committee on so much of the Governor's Message as relates to a Penitentiary, reported a Bill, entitled a Bill concerning a Penitentiary.
Which was read the first time and passed.

Mr. Elliott presented a Bill, entitled a Bill to appoint Commissioners for the Town of Asheboro', in the County of Randolph, and to incorporate the same.

Which was read the first time and passed.

The Bill, entitled a Bill to prevent the felling of timber in the Creeks and Rivers in the County of Cabarrus, was taken up, read the third time and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill to amend an Act, entitled an Act to provide for the collection and management of a revenue for this State.

Which was read the third time.

Mr. Francis proposed an amendment to the first section thereof.

Pending the question, the Bill and amendment, on his motion, were laid on the table.

The Bill, entitled a Bill to prevent frauds in levying executions issued by a single Magistrate, upon lands, and to encourage and facilitate the practice of taking security for the forthcoming sale of property seized under executions, was taken up, read the third time, and amended on motion of Mr. Francis.

Mr. Exum moved that the Bill be laid on the table until the 4th of March next.

Which motion did prevail.

Mr. Exum demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, Messrs. Hester,
Boyd, Hill,
Cameron, Holmes,
Drake, Melvin,
Eaton, Pasteur,
Etheridge, Reich,
Exum, Speight,
Francis, Tayloe,
Gavin, Thompson, (of W.
Gwynn, Tomlinson,
Hellen, Wilson,—22.

Those who voted in the negative, were

Messrs. Albright, Messrs. McMillan,
Boyden, Pharr,
The Speaker voted in the negative.

The Bill was then, on motion of Mr. Albright, laid on the table.

The Engrossed Bill, entitled a Bill to incorporate the Town of Monroe, in the County of Union; the Bill, entitled a Bill to amend an Act for the better regulation of the Town of Mocksville, in Davie County; and the Bill, entitled a Bill to keep open French Broad and Tennessee rivers, were taken up and severally read the third time and passed, and ordered to be Enrolled.

The Senate then took up the Bill, entitled a Bill to amend an Act, entitled an Act to punish the defaults of returning officers, in the election of Electors for President and Vice President of the United States.

The Bill to authorize the Court of Pleas and Quarter Sessions of Beaufort County to appoint special Justices of the Peace, and making compensation to such Justices, for certain services;

A Bill to authorize the Portsmouth and Roanoke Rail Road Company to charge tolls on their Bridge over Roanoke River, near the town of Weldon;

And the Bill to prohibit the levying of executions upon growing crops, until said crops are matured.

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

The Bill, entitled a Bill more effectually to prevent the imprisonment of Honest Debtors, was taken up, and on motion of Mr. Halsey, laid on the table.

The Senate then proceeded to take up the Engrossed Bill, entitled a Bill to extend the time for registering Grants, Mesne Conveyances, Powers of Attorney, Bills of Sale and Deeds of Gift;

A Bill, entitled a Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell;

And the Resolution in favor of W. T. Bain:
Which were severally read the third time and passed, and ordered to be Enrolled.

The Bill, entitled a Bill to amend the 75th Section of the 34th Chapter of the Revised Statutes, was taken up and read the third time, and on motion of Mr. Francis, indefinitely postponed, by the following vote,

Mr. Exum demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Holmes,
Boyd, Lindsay,
Cameron, Melvin,
Elliott, Pasteur,
Etheridge, Reich,
Francis, Shepard,
Gavin, Stallings,
Gwynn, Taylor,
Hargrave, Wilson,
Hellen, Worth,—21.
Hester,

Those who voted in the negative, were

Messrs. Bogle, Messrs. McMillan,
Boyden, Pharr,
Dockery, Smith,
Eaton, Speight,
Exum, Stowe,
Halsey, Thompson (of W.)
Jefferson, Tomlinson,
Jeffreys, Walker,
Joyner, (of H.) Woodfin.—19,
Joiner, (of P.)

On motion of Mr. Exum, the Senate adjourned until three o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment,
And took up the Engrossed Bill, entitled a Bill, to annex a part of Rutherford County to the County of McDowell;
And the Resolution relating to Smithville in Brunswick County,
Which were severally read the third time and passed, and ordered to be Enrolled.
The Bill, entitled a Bill to incorporate the Fayetteville Library Institute, in the town of Fayetteville, was taken up and read the third time and passed, and ordered to be Engrossed.
The Senate then took up the Bill, entitled a Bill, to authorize Samuel Chunn to establish a Toll Bridge over French Broad river in the County of Buncombe.
Which was read the third time, and on motion of Mr. Jefferson amended, and passed.
The Engrossed Resolution in favor of Wm. Bills, was taken up, read the third time and passed, and ordered to be Enrolled.
The Bill, entitled a Bill to amend an Act passed in 1836-7, to incorporate the Town of Greensboro', in the County of Guilford, was taken up and read the third time and passed, and ordered to be Engrossed.
The Senate then took up the Engrossed Bill, entitled a Bill to incorporate the Town of Marion, in the County of McDowell, and to appoint Commissioners for the same;
And the Bill, authorizing the County Court of Lincoln County to exercise exclusive jurisdiction over the public road, which is the dividing line between the Counties of Lincoln and Cleaveland.
Which were severally read the third time and passed, and ordered to be enrolled.
The Bill, entitled a Bill to incorporate the North Carolina Mining, Manufacturing and Land Association, was taken up, and on motion of Mr. Cameron, laid on the table.
The Resolution in favor of Jno. A. Averitt, Sheriff of Onslow County; and the Bill to incorporate the Town of Rockingham, in the County of Richmond, were taken up, and read the second time and passed.
Mr. Francis gave notice, that on Thursday next, he would move a suspension of the Rule of the Senate, requiring Bills to be read on three several days.
The Engrossed Bill, entitled a Bill to attach that part of Carteret County, known as Ocracoke, to Hyde County, was taken up, and on motion of Mr. Pasteur, laid on the table.
The Senate took up the Bill, entitled a Bill, to incorporate a Milling Company in the County of Anson. Which was read the second time and passed. The Bill, entitled a Bill, to amend and alter the 10th section of the 102d chapter of the Revised Statutes, was taken up, read the second time and rejected.

Mr. Halsey presented the following Resolution:

Resolved, That when the Senate adjourns, it adjourns to meet on Thursday next at o'clock.

Which was read and adopted by the following vote, Mr. Melvin demanding the Yeas and Nays:

Those who voted in the affirmative, were

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<th>Messrs. Bogle,</th>
<th>Messrs. Joyner, (of H.)</th>
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<td>Boyd,</td>
<td>McMillan,</td>
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<td>Halsey,</td>
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<td>Hellen,</td>
<td>Thompson, (of W.)</td>
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<td>Hill,</td>
<td>Tomlinson,</td>
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<td>Jefferson,</td>
<td>Waddell.—22.</td>
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Those who voted in the negative, were

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<th>Messrs. Albright,</th>
<th>Messrs, Holmes,</th>
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<td>Boyd,</td>
<td>Joiner, (of P.),</td>
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<td>Cameron,</td>
<td>Lindsay,</td>
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<td>Dockery,</td>
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<td>Etheridge,</td>
<td>Pharr,</td>
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<td>Gwynn,</td>
<td>Walker,</td>
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<td>Hargrave,</td>
<td>Woodfin,</td>
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<td>Hester,</td>
<td>Worth.—18.</td>
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Received from the House of Commons, a message, concurring in the Resolution of the Senate, that the two Houses adjourn sine die, on Monday the 6th day of January next.
On motion of Mr. Eaton, the Senate adjourned until Thursday next, ten o'clock.

Thursday, Dec. 26, 1844,

The Senate met according to adjournment.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the petition of Jacob, Mary, Patsey, Meriwether, and Matilda, free persons of color of Virginia, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Biggs, from the Committee of Finance, to whom was referred a Bill, entitled a Bill, to transfer the Fund for Internal Improvement to the President and Directors of the Literary Fund of North Carolina; and a Resolution instructing them to enquire into the expediency of abolishing the Literary and Internal Improvement Boards, and that the powers of said Boards be vested in the officers of State, and the duties thereof required to be performed by them, reported the same to the Senate, with sundry amendments.

Which was read.

Mr. Albright presented the resignation of William G. Perry, a Justice of the Peace for the County of Chatham.

Which was read and accepted, and sent to the House of Commons.

The Speaker presented to the Senate a communication from the Public Treasurer, in relation to the correspondence between the Treasurer's Department and His Excellency, the Governor, relative to the legal right of the Governor to receive *per diem* compensation, as President *ex officio* of the Literary and Internal Improvement Boards.
Which was read, and on motion of Mr. Eaton, ordered to be printed, together with the accompanying documents.

The Senate took up the Engrossed Bill, entitled a Bill to amend the Sections of the Revised Statutes concerning Clerks and Registers.

Which was read the third time and passed.

Whereupon, Mr. Gavin moved that the vote, by which was passed the Engrossed Bill, to amend the Sections of the Revised Statutes concerning Clerks and Registers, be reconsidered.

Which motion was rejected by the following vote, Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, 
Bogle, 
Boyd, 
Cameron, 
Drake, 
Eaton, 
Edwards, 
Etheridge, 
Exum, 
Gavin, 
Hester,

Messrs. Hill, 
Holmes, 
Melvin, 
Pasteur, 
Reich, 
Speight, 
Stowe, 
Tomlinson, 
Walker, 
Wilson.—21.

Those who voted in the negative, were

Messrs. Albright, 
Boyden, 
Dockery, 
Elliott, 
Francis, 
Gwynn, 
Halsey, 
Hargrave, 
Hellen, 
Jefferson, 
Joyner, (of H.),

Messrs. Joiner, (of P.), 
Lindsay, 
McMillan, 
Pharr, 
Shepard, 
Smith, 
Stallings, 
Tayloe, 
Woodfin, 
Worth.—21.

The Speaker voted in the negative.
Received from the House of Commons a message, stating that they have passed the following Engrossed Bill and Resolution:

A Bill, providing for the appointment of Engrossing Clerks;

A Resolution in favor of the Justices of the Peace of Haywood County; in which they ask the concurrence of the Senate.

Said Bill and Resolution were read the first time and passed.

Mr. Francis moved that the vote, by which was passed the Bill to authorize Samuel Chunn to establish a toll-bridge over French Broad river, in the County of Buncombe, be reconsidered.

Which was agreed to.

The Bill was then, on his motion, laid on the table.

The Bill, entitled a Bill, to amend the Revised Statutes, entitled Courts of Equity; and the Resolution in favor of Jno. A. Averitt, Sheriff of Onslow County, were taken up, read the third time and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, to incorporate a Milling Company in the County of Anson; and the Bill, entitled a Bill, to incorporate the Town of Rockingham, in the County of Richmond.

The first named Bill was, on motion of Mr. Biggs, amended.

The Bills were then severally read and passed, and ordered to be Engrossed.

Mr. Francis, according to notice heretofore given, moved that the Rule requiring Bills to be read on three several days, should be suspended from Monday next, the balance of the Session.

The Resolution in favor of Anna Fanny was taken up, read the third time, and on motion of Mr. Worth, indefinitely postponed.

The Bill, entitled a Bill, to incorporate Washington Academy, in the County of Duplin, was taken up, read the second time, and passed.

Mr. Worth presented the resignation of P. G. Smith, a Justice of the Peace for the County of Anson.

Which was read and accepted, and sent to the House of Commons.

The Engrossed Bill, entitled a Bill, concerning the admissibility of evidence against the Sureties of Officers, was taken up, read the second time, amended on motion of Mr. Boyden, and passed.

On motion of Mr. Elliott, the Bill, entitled a Bill, concerning a Penitentiary, was taken up, read the second time, and amended on motion of Messrs. Francis and Elliott.

Mr. Edwards moved that the Bill and amendments be indefinitely postponed.
Which motion was decided in the negative, by the following vote:

Mr. Gavin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Boydén,
    Drake,
    Edwards,
    Etheridge,
    Francis,
    Gavin,
    Halsey,

Messrs. Hellen,
    Holmes,
    Jefferson,
    Melvin,
    Shepard,
    Tomlinson,
    Walker.—14.

Those who voted in the negative, were

Messrs. Albright,
    Biggs,
    Bogle,
    Boyd,
    Cameron,
    Dockery,
    Eaton,
    Elliott,
    Exum,
    Givynn,
    Hargrave,
    Hester,
    Hill,
    Joiner, (of H.)
    Joiner, (of P.)

Messrs. Lindsay,
    McMillan,
    Pasteur,
    Pharr,
    Reich,
    Smith,
    Speight,
    Stallings,
    Stowe,
    Tayloe,
    Waddell,
    Wilson,
    Woodfin,
    Worth.—29.

The Bill then passed as amended.

The Engrossed Bill, entitled a Bill, to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, Buncombe, Henderson, Haywood, Macon, and Cherokee, original and exclusive jurisdiction in all cases, where the intervention of a Jury may be necessary, was taken up, read the second time and passed.

On motion of Mr. Francis, the Engrossed Resolution in favor of the Justices of the Peace of Haywood County, was taken up, read the second time and passed, and on motion of Mr. Dockery, was referred to the Committee of Propositions and Grievances.
The Engrossed Bill, entitled a Bill, on forms of criminal pleading, was taken up, and on motion of Mr. Boyden, laid on the table.

The Senate then took up the Bill, entitled a Bill, to complete the public road from Burnsville to the Tennessee line.

Which was read the second time and rejected.

The Bill, entitled a Bill, giving Equity Jurisdiction to the Courts of Law, in certain cases, was taken up and read the second time.

Mr. Boyden moved to amend it, by striking out the words, *Courts of Pleas and Quarter Sessions.*

Which was rejected.

The Bill then passed.

The Senate took up the Bill, entitled a Bill, compelling the Clerks of the County and Superior Courts, to issue executions within a certain time after the rise of their respective Courts.

Which was read the second time, and on motion of Mr. Francis, indefinitely postponed.

The Bill, entitled a Bill, to alter and amend the public road leading from Ashville in Buncombe County by way of Burnsville in Yancy County to the State line, was taken up, read the second time, and the amendments of the Committee adopted.

It was further amended, on motion of Mr. Woodfin, and then rejected by the following vote,

Mr. Melvin demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, Messrs. Parr,
Boyden; Shepherd,
Elliott; Stowe;
Francis; Taylor,
Halsey, Waddell;
Hellen; Walker;
Jefferson; Wilson;
Joyner, (of II.) Woodfin;
Lindsay; Worth—19.
McMillan;

Those who voted in the negative, were

Messrs. Albright, Messrs. Hester,
Biggs; Hill,

Boyd, Cameron, Drake, Eaton, Etheridge, Exum, Gavin, Gwynn, Hargrave, Holmes, Joiner, (of P.), Melvin, Pasteur, Reich, Smith, Speight, Stallings, Tomlinson.—22.

The Bill, entitled a Bill, making an appropriation of five hundred dollars to remove obstructions in Pasquotank river, was taken up, read the second time, and rejected by the following vote,

Mr. Reich demanding the Yeas and Nays:

Those who voted in the affirmative, were:


Messrs. Lindsay, McMillan, Pharr, Shepard, Tayloe, Waddell, Walker, Woodfin.—16.

Those who voted in the negative, were

The Bill, entitled a Bill, concerning Deeds, Mortgages, and Assignments in Trust, was taken up, read the second time, and on motion of Mr. Eaton, amended.

Mr. Worth moved that the Bill be indefinitely postponed.
Which motion was decided in the negative,
Mr. Eaton demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Shepard,
Halsey Smith,
Hargrave Stallings,
Hellen Taylor
Jefferson Worth,—11.
McMillan

Those who voted in the negative, were

Messrs. Biggs, Messrs. Holmes,
Bogle, Joyner, (of II.),
Boyd, Joiner, (of P.)
Boyden, Lindsay,
Cameron, Melvin,
Drake, Pasteur,
Eaton, Pharr,
Edwards, Reich,
Etheridge, Speight,
Exum, Stowe,
Francis, Tomlinson,
Gavin, Waddell,
Gwynn, Walker,
Hester, Woodfin,—29.
Hill,

The Bill then passed by the following vote,
Mr. Drake demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Hill,
Bogle, Holmes,
Boyd, Jefferson,
Boyden, Joyner, (of II.)
Those who voted in the negative, were

Messrs. Albright,                     Messrs. McMillan,
Edwards,                             Shepard,
Halsey,                              Smith,
Hargrave,                            Stallings,
Hellen,                              Stowe,
Joiner, (of P.)                      Taylor,
Melvin,                              Worth.—14.

Mr. Boyden presented a Bill, entitled a Bill, to amend the 10th Section of the 45th Chapter of the Revised Statutes.
Which was read the first time and passed.
The Bill, entitled a Bill, to amend the 77th Section of the 91st Chapter of the Revised Statutes, was taken up, read the second time, and on motion of Mr. Halsey, indefinitely postponed.
Received from the House of Commons a message, stating that they have amended the Engrossed Resolution in favor of Arthur S. Mooring, by substituting the following Resolution:

Resolved, That the Public Treasurer be, and he is hereby authorized and directed to pay to Arthur S. Mooring, Sheriff of Martin County, the sum of Fifty-five Dollars and Fifty cents— it being one half of the amount of a penalty collected by him from George Staples, for unlawful peddling, and paid into the Public Treasury; interest being included in the above amount; and that the Public Treasurer be allowed the same in the settlement of his Public Account.

Which was read, and the amendment of the House of Commons agreed to, and the Resolution ordered to be Enrolled.
The Resolution in favor of Jno. H. Wheeler, Public Treasurer,
was taken up, read, and on motion of Mr. Elliott, laid on the table.

The Senate then took up the Engrossed Resolution concerning the Public Treasurer.

Which was read the second time.

Mr. Biggs offered the following amendment thereto:

"Whereas, it appears by the report of the Committee on Finance, that Eighty-one Dollars have been erroneously paid to James Page, Door-keeper to the House of Commons at its last Session: Therefore,

Be it Resolved, That the Public Treasurer investigate the same, and take such steps as he shall see fit, for the recovery of said sum."

Which was read.

On motion of Mr. Francis, the Resolution was re-committed, with the amendment of Mr. Biggs, to the Committee on Finance.

The Bill, entitled a Bill, to authorize the Wilmington and Raleigh Rail Road Company, to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company, was taken up, and on motion of Mr. Joyner, (of H) laid on the table.

The Senate then took up the Bill, entitled a Bill, to appoint Commissioners for the Town of Asheborough, in the County of Randolph, and to incorporate the same.

Which was read the second time and passed.

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

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Friday, December 27, 1844.

The Senate met according to adjournment.

Mr. Smith presented a memorial from sundry citizens of the County of Anson, praying the Legislature to bring the subject of
Intemperance before the people at the next general Elections, for them in their sovereign capacity to signify at the ballot-box whether or not they are in favor of abolishing the law, which admits of granting-license for the retail of Spirituous Liquors.

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

Mr. Drake, from the Committee on Claims, to whom was referred a Resolution in favor of Wm. McCollum, reported the same to the Senate, and recommended its passage.

Which was read.

Mr. Drake, from the same Committee, to whom was referred the Resolution in favor of the Heirs of David Ivey, for a Military Land Warrant for one thousand Acres of Land, reported the same to the Senate, and recommended its adoption.

Which was read.

Mr. Elliott presented a Bill, entitled a Bill, to amend the 6th Section of the 61st Chapter of the Revised Statutes; which was read the first time and passed, and on his motion referred to the Committee on Internal Improvements.

Mr. McMillan presented a Bill, entitled a Bill to amend an Act passed in 1840-41, regulating Common Schools.

Which was read the first time and passed, and on motion of Mr. Lindsay, referred to the Committee on Education and the Literary Fund.

Mr. Halsey presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a Committee of two on the part of the Senate, and four on the part of the House of Commons, to whom shall be referred the Governor's Message of December 23, in relation to the History of the State.

Which was read and adopted.

On motion of Mr. Francis, the vote of yesterday on the passage of the Engrossed Bill, entitled a Bill, to authorize Samuel Chunn to establish a Toll Bridge over French Broad river, in the County of Buncombe, was reconsidered.

The vote of yesterday, on the amendments proposed by Mr. Jefferson, were also reconsidered.

Whereupon, the question recurring on the passage of the said amendments, they were rejected.

The Bill was then, on motion of Mr. Francis amended, by ad-
ding a proviso to the 4th Section, and then passed, and sent to the House of Commons for their concurrence.

On motion of Mr. Halsey, the Bill, entitled a Bill, more effectually to prevent the imprisonment of Honest Debtors, was taken up and read the third time.

Mr. Stallings moved to amend the Bill, by striking out the first and second sections, and inserting the following:

That hereafter, no judgment creditor shall be authorized to issue a capias ad satisfaciendum, until after the return of a fieri facias, stating the fact, that the defendant in execution has no goods or chattels, lands or tenements, upon which such fieri facias can be levied.

Which was read.

Whereupon, Mr. Francis called for a division of the question, to strike out.

Which was decided in the negative, by the following vote:

Those who voted in the affirmative, were

Messrs. Exum and Stallings.

Those who voted in the negative, were

Messrs. Albright, Biggs, Bogle, Boyd, Boyden, Cameron, Dockery, Drake, Eaton, Edwards, Elliott, Etheridge, Francis, Gavin, Gwynn, Halsey, Hargrave, Hellen, Hester, Hill, Holmes,

Mr. Worth moved that the Bill be postponed till the 4th of March next.
Which motion was decided in the affirmative, by the following vote,
Mr. Stallings calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Melvin, Boyd, Pasteur,
Cameron, Reich,
Dockery, Shepard,
Drake, Smith,
Elliott, Stallings, Exum,
Gavin, Thompson, (of W.)
Gwynn, Tomlinson,
Hester, Walker,
Hill, Wilson,
Holmes, Worth.—23.

Those who voted in the negative, were

Bogle, Joiner, (of P.),
Boyden, Lindsay,
Eaton, McMillan,
Edwards, Pharr,
Etheridge, Speight,
Francis, Stowe,
Halsey, Tayloe,
Hargrave, Waddell,
Hellen, Woodfin.—21.

The Senate proceeded to consider the order of the day, and took up the Bill, entitled a Bill, more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same. Which was read the second time. Pending the question, it was, on motion of Mr. Dockery, laid on the table until three o'clock this afternoon.
The Bill, entitled a Bill, to exempt from indictment the Peters-
burg Rail Road Company, for having obstructed the navigation of Roanoke river, near the Town of Weldon, by the erection of a Bridge across the said river, was, on motion of Mr. Shepard, taken up and read the second time.

Mr. Shepard moved to amend the Bill, by striking out all of the first section of the Bill, from the word "that," to the words, "Attorney General," in the second section.

Pending the question,

The Senate, on motion of Mr. Albright, adjourned until three o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, to-wit: the Bill, entitled a Bill, to exempt from indictment the Petersburg Rail Road Company, for having obstructed the navigation of Roanoke river, near the Town of Weldon, by the erection of a Bridge across the said river.

The question recurred on the amendment offered by Mr. Shepard.

Which was agreed to.

The Bill then passed as amended, and on motion of Mr. Joyner, was made the order of the day for Monday next.

Mr. Albright moved that the vote by which was rejected the Bill, entitled a Bill, to alter and amend the public road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancey County, to the State line, be reconsidered.

Which motion prevailed.

The Bill was then laid on the table.

Mr. Tayloe presented the petition of sundry citizens from the County of Beaufort, praying the Legislature to remove obstructions in the river Pungo; which was read, and on his motion referred to the Committee on Internal Improvement.

The Bill, entitled a Bill, more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same, was taken up.

Which was read, amended on motion of Messrs. Joyner and Dockery, and then rejected by the following vote,
Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Pharr,
  Bogle, Reich,
  Boyden, Shepard,
  Dockery, Smith,
  Elliott, Stowe,
  Francis, Tayloe,
  Halsey, Waddei, Walker,
  Jefferson, Woodfin,
  McMillan,

Those who voted in the negative, were

Messrs. Biggs, Messrs. Hellen,
  Boyd, Hester,
  Cameron, Holmes, Joiner, (of P.)
  Drake, Melvin,
  Eaton, Pasteur,
  Edwards, Speight,
  Etheridge, Stallings,
  Exum, Thompson, (of W.)
  Gavin, Tomlinson,
  Gwynn, Wilson.—22.
  Hargrave,

Mr. Shepard moved that the vote, by which was rejected the Bill, entitled a Bill, more effectually to prevent the imprisonment of Honest Debtors, be reconsidered.

Which was agreed to.

The Bill was then, on motion of Mr. Waddell, laid on the table.

On motion of Mr. Hargrave, the Senate adjourned until to-morrow morning ten o'clock.
The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have adopted the accompanying Report of the Joint Committee, in relation to the reception and qualification of the Governor elect.

Which was read and concurred in.

Received from the House of Commons a message, transmitting to the Senate the Message of His Excellency, the Governor, and accompanying Resolutions, from the Legislatures of various States; and also, the Message of His Excellency, and accompanying documents, from the Secretary of State of the United States, with a proposition that the last Message and accompanying documents be referred to the Joint Committee on the Library.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred a Resolution in favor of the Justices of the Peace of Haywood County, reported the same to the Senate, and recommended its passage.

Mr. Dockery, from the Committee on Finance, to whom was referred a Resolution, instructing them to enquire into the expediency of transferring the Clerk from the Treasury to the Comptroller's Office; and also, of the propriety of allowing the Treasurer to keep a Cash Book only; and also, the propriety of compelling the Agent of Cherokee Bonds to make a duplicate return to the Comptroller's Office, of all the monies collected from said Bonds, reported the two accompanying Bills: A Bill, entitled a Bill, concerning the Treasurer and Comptroller; and a Bill, entitled a Bill, concerning the Agents for collecting the Cherokee Land Bonds.

Which were read the first time and passed.

Mr. Cameron presented a Bill, entitled a Bill, to modify an Act concerning Slaves and free persons of color, passed in 1830.

Which was read the first time and passed.

Mr. Thompson, (of W.) presented the following Resolution:

Resolved, That the Public Treasurer be directed to pay to William Thompson, of Raleigh, the sum of ninety-three dollars and fifty cents, it being the amount of his claim accompanying this Resolution, for repairs done the furniture belonging to the Capitol, including, also, the funeral expenses of the late Jno. L. Foreman, Senator from the County of Pitt.
Which was read the first time and passed, and on his motion referred to the Committee on Claims.

Mr. Reich presented the following Resolution:

Resolved, That the Committee on Education and the Literary Fund be instructed to enquire into the expediency of amending the Common School Law, so as to authorize the School Committees to expel from the Schools unruly scholars, and to give to the citizens of Districts the selection of Teachers.

Which was read and adopted.

Mr. Francis presented a Bill, entitled a Bill, fixing the time at which the Superior Courts of Law, and Courts of Equity, and the non-jury Courts of Pleas and Quarter Sessions, shall be held in the Seventh Judicial Circuit.

Which was read the first time and passed.

The Engrossed Bill, entitled a Bill, concerning the admissibility of evidence against the Sureties of Officers, and others, was taken up, read the third time, amended on motion of Mr. Francis, and passed, and ordered to be sent to the House of Commons for their concurrence.

The Senate took up the Bill, entitled a Bill, concerning a Penitentiary.

Which was read the third time, amended on motion of Mr. Elliott, and passed, and ordered to be Engrossed.

On motion of Mr. Waddell, the Report of the Committee on this subject, was ordered to be printed, ten copies for each member.

The Engrossed Bill, entitled a Bill, to give exclusive jurisdiction to the Superior Courts of the Counties of Yancey, Buncombe, Henderson, Haywood, Macon, and Cherokee, original and exclusive jurisdiction, in all cases where the intervention of a Jury may be necessary, was taken up.

Which was read the third time, and on motion of Mr. Francis amended, passed, and ordered to be sent to the House of Commons for their concurrence.

Mr. Hellen moved that the vote, by which was rejected the Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same, be reconsidered.

Which motion prevailed by the following vote,

Mr. Exum calling for the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Albright,  Messrs. McMillan,
    Biggs,  Pasteur,
    Bogle,  Pharr,
    Boyden,  Reich,
    Dockery,  Shepard,
    Elliott,  Smith,
    Francis,  Speight,
    Halsey,  Stowe,
    Hargrave,  Thompson, (of W.)
    Hellen,  Tomlinson,
    Holmes,  Waddell,
    Jefferson,  Walker,
    Jeffreys,  Woodfin,
    Joiner, (of P.)

Those who voted in the negative, were

Messrs. Boyd,  Messrs. Gavin,
    Cameron,  Gwynn,
    Drake,  Hester,
    Eaton,  Hill,
    Edwards,  Melvin,
    Exum,

Whereupon, on motion of Mr. Francis, the Bill was laid on the table, and made the order of the day for Tuesday next.

Mr. Francis moved that he be permitted to withdraw from the files of the Senate, the Report of the Committee on the debts due for Cherokee Lands, and that it be printed.

Which motion prevailed.

The Bill, entitled a Bill, to incorporate Washington Academy, in the County of Duplin, was taken up, read the third time and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, giving Equity Jurisdiction to the Courts of Law, in certain cases.

Which was read the third time and rejected, by the following vote,

Mr. Albright calling for the Yeas and Nays:
Those who voted in the affirmative, were


Those who voted in the negative, were


The Speaker voted in the negative.

On motion of Mr. Joyner, the Bill, entitled a Bill, in favor of Poor Debtors, was taken up and read the third time, and on motion of Messrs. Joyner, (of H.) and Edwards, amended, and passed by the following vote,

Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

**Messrs.** Albright, Biggs, Bogle, Boyden, Eaton, Messrs. Joiner, (of P.) Lindsay, Melvin, McMillan, Pasteur,
Etheridge, Exum, Francis Gwynn, Halsey, Hargrave, Hellen, Hester, Hill, Jefferson, Jeffreys, Joyner, (of H.)


Those who voted in the negative, were

Messrs. Boyd, Cameron, Dockery, Drake, Edwards, Elliott,


Ordered that said Bill be Engrossed.

The Bill, entitled a Bill, to prevent frauds in levying executions issued by a single Magistrate upon lands, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under execution, was taken up, read the third time, amended on motion of Messrs. Hargrave and Albright, passed, and ordered to be Engrossed.

The Bill, entitled a Bill, more effectually to prevent the imprisonment of Honest Debtors was taken up and read the third time, and on motion of Mr. Biggs amended, and passed by the following vote,

Mr. Stallings demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Biggs, Bogle, Boyden,

Messrs. Hill, Jeffreys, Joyner, (of H.)

Those who voted in the negative, were:


Ordered that said Bill be Engrossed.

Mr. Joyner, (of H.) from the Committee of Internal Improvement, to whom was referred a Bill to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia, reported the same to the Senate with sundry amendments.

Which was read.

The Bill, entitled a Bill, concerning Deeds, Mortgages, and Assignments in Trust, was taken up, and read the third time.

Mr. Worth moved that the Bill be postponed till the 4th of March next.

Which was decided in the negative by the following vote,

Mr. Boyden calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. McMillan, Dockery, Pasteur,
Those who voted in the negative, were

Messrs. Biggs, Bogle, Boyd, Boyden, Cameron, Drake, Eaton, Exum, Gavin, Gwynn, Halsey, Hester,

Messrs. Jefferson, Jeffreys, Joyner, (of H.), Lindsay, Pharr, Speight, Tomlinson, Waddell, Walker, Wilson, Woodfin.—23

The Bill was then, on motion of Mr. Halsey, laid on the table.
On motion of Mr. Tomlinson, the Senate adjourned until three o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

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 Resolution in favor of Samuel Watters;
A Resolution in favor of Lewis H. Marsteller;
A Bill to amend an Act to incorporate the Fayetteville Riflemen, of the County of Cumberland, passed in 1842;
A Bill to incorporate the Newbern Mechanics Association;
And a Bill to prevent the felling of timber in the water courses of the County of Guilford;
Which 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 and Resolutions, in which they ask the concurrence of the Senate:

A Bill to incorporate the Phoenix Fire Company, in the Town of Elizabeth City;
A Bill, supplemental to an Act passed at the General Assembly of 1842-3, entitled an Act to lay off and establish a County by the name of McDowell;
A Bill extending the jurisdiction of Justices of the Peace over Judgments, and amendatory of the sixth Section of the Revised Statutes, entitled Justices of the Peace; and the 40th Section of the Revised Statutes, entitled Courts, County and Superior;
A Resolution in favor of John Hill and others;
A Bill concerning the Superior Courts of Currituck County;
A Bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the County of Beaufort;
A Resolution in favor of Thomas J. Roane;
And a Resolution in favor of Morris K. Taylor and C. Kephart;
Which were severally read the first time and passed.

The Bill, entitled a Bill, to appoint Commissioners for the Town of Asheboro', in the County of Randolph, and to incorporate the same, was taken up, read the third time and passed, and ordered to be Engrossed.

On motion of Mr. Woodfin, the Bill, entitled a Bill, to lay off and establish a Turnpike Road from the City of Raleigh to the Buncombe Turnpike Road, and thence to the Georgia line, was taken up, ordered to be printed, and made the order of the day for Tuesday next.

On motion of Mr. Edwards, the Senate adjourned until Monday morning ten o'clock.
The Senate met according to adjournment.

The Speaker announced to the Senate, that Messrs. Halsey and Gwynn form the Committee on Enrolled Bills the present week, and the House of Commons was informed thereof by message.

Mr. Cameron presented the memorial of the Magistrate of Police and Commissioners of the Town of Fayetteville, praying the Legislature for the passage of a Law, defining and extending the Western boundary of said Town.

Which was read, and on his motion referred to the Committee of Propositions and Grievances.

Mr. Jefferson presented a petition from sundry citizens of the County of Rutherford, praying the Legislature for the erection of a new County.

Which was referred, on his motion, to the Committee of Propositions and Grievances.

Mr. Reich presented a petition from sundry citizens of Stokes County, praying the Legislature for the erection of a new County out of parts of Stokes and Davidson, accompanied with a Bill, entitled a Bill, to lay off and establish a new County by the name of Jefferson; which was read the first time and passed, and on his motion referred to the Committee on Propositions and Grievances.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the Bill, entitled a Bill, to amend the first section of an Act, entitled an Act to amend the several Acts now in force, to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their water courses, and the Albemarle Sound, passed in the year 1814, reported the same to the Senate with an amendment, and recommended its passage.

Which was read.

Mr. Lindsay, from the Committee on Education and the Literary Fund, to whom was referred the subject of Common Schools, reported a Bill, entitled a Bill, to consolidate and amend the acts heretofore passed on the subject of Common Schools.

Which was read the first time and passed, and ordered to be printed.

Mr. Dockery, from the Committee of Finance, to whom was re-committed the Resolution concerning the Public Treasurer, reported the same to the Senate with the accompanying documents.
Which was read and ordered to be printed.
Mr. Speight moved that the vote, by which was passed the Bill, entitled a Bill, more effectually to prevent the imprisonment of Honest Debtors, be reconsidered.
Which motion prevailed by the following vote,
Mr. Boyden demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Holmes,
Boyd,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Elliott,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,

Messrs. Melvin,
Moody,
Pasteur,
Reich,
Smith,
Speight,
Stallings,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Worth.—27.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,  Messrs. Joiner, (of P.)
Boyden,
Edwards,
Etheridge,
Francis,
Halsey,
Hellen,
Jefferson,
Jeffreys,
Joyner, (of H.)

Messrs. McMillan,
Pharr,
Shepard,
Stowe,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin.—21.

The Bill was then read again, and passed by the following vote,
Mr. Holmes demanding the Yeas and Nays:

29
Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Bogle,
Boyden,
Dockery,
Edwards,
Etheridge,
Francis,
Halsey,
Hargrave,
Helen,
Jefferson,
Jeffreys,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Stowe,
Taylor,
Thompson, (of B.)
Waddell,
Woodfin.—25.

Those who voted in the negative, were

Messrs. Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Elliott,
Exum,
Gavin,
Gwynn,
Hester,
Hill,
Holmes,

Messrs. Melvin,
Pasteur,
Reich,
Smith,
Speight,
Stallings,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Worth.—23.

Said Bill was ordered to be Engrossed.
Mr. Stallings presented a Bill, entitled a Bill, to authorize the Sheriff of Gates County, to collect arrearages of Taxes.

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

Mr. Wilson, from the Committee on Education and the Literary Fund, to whom was referred the Bill to amend an Act passed in 1840–41, regulating Common Schools, reported the same to the Senate.

Which was, on his motion, laid on the table.

Mr. Wilson, from the same Committee, to whom was referred
the Bill declaratory of the 6th section of the 7th chapter of the Acts of the General Assembly of 1840–41, entitled an Act for the establishment and better regulation of Common Schools, reported the same to the Senate.

Which was, on his motion, laid on the table.

Mr. Wilson, from the same Committee, to whom was referred the Resolution to enquire into the expediency of amending the Common School Law, so as to authorize the School Committees to expel from the Schools unruly Scholars, and to give to the citizens of districts, the selection of Teachers, reported the same to the Senate.

Which was laid on the table.

On motion of Mr. Joyner, (of H.) the Bill, entitled a Bill, to authorize the Wilmington and Raleigh Rail Road Company, to issue Bonds to the amount of One Hundred Thousand Dollars, to redeem a like amount of Bonds, issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company, was taken up, and read the second time.

Mr. Cameron moved to amend the Bill, by adding to the first section, the following Proviso:

Provided, That in addition to the Mortgage which the State has upon the Road, the Stockholders in said Company shall give their individual bonds to the State, in a sum or sums sufficient to cover the liabilities of the individual Stockholders, for the amount which the State has already advanced on account of the said Road, and for their proportion of the amount as Stockholders in said Company, the State is now liable for, with the accruing interest.

Pending the question,

The Senate, on motion of Mr. Dockery, adjourned until three o'clock, P. M.

THREE O'Clock, P. M.

The Senate met according to adjournment.

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 an Act, entitled an Act, for the establishment and better regulation of Common Schools;

A Bill to repeal in part the eleventh Section of the sixty-second Chapter of the Revised Statutes, concerning the powers and jurisdiction of Justices of the Peace, and to amend the same;

A Bill in addition to the Revised Statutes, entitled Wills and Testaments, to amend the same and to repeal part of the 15th Section of the Revised Statutes, entitled Lands of Deceased Debtors;

Which were severally read the first time and passed.

Mr. Cameron presented a memorial from sundry citizens of the Town of Fayetteville, remonstrating against extending the limits of said Town; which was, on his motion, referred to the Committee on Propositions and Grievances.

Mr. Cowper presented a Bill, entitled a Bill to incorporate the Washington Lodge No. 3, of the Independent Order of Odd Fellows in Murfreesborough.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they concur in the amendment of the Senate, to the Engrossed Bill, entitled a Bill, concerning the admissibility of evidence against the Sureties of Officers;

And, also, in the amendments to the Bill, entitled a Bill, to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, &c.:

And further, stating that they have passed the Engrossed Bill, extending the time for perfecting titles to lands heretofore entered.

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 Engrossed Resolution in favor of Priscilla Goodwin, 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, stating that they concur in the several amendments made by the Senate, to the Engrossed Bill to amend the Sections of the Revised Statutes concerning Clerks and Registers.

And to the Engrossed Bill, to authorize Samuel Chunn to establish a Toll Bridge over French Broad river in the County of Buncombe.

Received from the House of Commons a message, therein trans-
mitting to the Senate the resignation of George E. Badger as a member of the Board of Trustees of the University.

Which was read and accepted.

The Senate then took up the unfinished business of the morning, to-wit: the Bills to authorize the Wilmington and Raleigh Railroad Company to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Railroad Company.

The question was taken on the amendment proposed by Mr. Cameron.

Which was decided in the affirmative, by the following vote:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,
Messrs. Holmes,
Jeffreys,
Melvin,
McMillan,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—26.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boydin,
Cowper,
Dockery,
Elliott,
Francis,
Halsey
Hellen,
Joyner, (of H.)
Joiner, (of P.)
Messrs. Lindsay,
Moody,
Pharr,
Shepard,
Smith,
Taylor,
Thompson, (of E.)
Waddell,
Woodfin,
Worth.—21.
The Bill was then rejected by the following vote, Mr. Melvin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyden, Cameron, Dockery, Holmes,
Messrs. Lindsay, Pharr, Shepard, Smith, Tayloe, Woodfin.—12.

Those who voted in the negative, were

Messrs. Biggs, Boyd, Cowper, Drake, Eaton, Edwards, Elliott, Etheridge, Exum, Francis, Gavin, Gwynn, Halsey, Hargrave, Hellen, Hester, Hill,

Received from the House of Commons, the resignations of J. Roberts, a Justice of the Peace for the County of Rockingham, and Wm. Merritt, a Justice of the Peace for the County of Chatham. Which were read and accepted.

The Resolution in favor of William McCollum, was taken up, read the second time, and passed.

Mr. Holmes moved that the Senate adjourn until half past six o'clock this evening.

Which motion was decided in the negative, by the following vote:
Those who voted in the affirmative, were

Messrs. Boyden, Dockery, Elliott, Gwynn, Halsey, Hargrave, Hellen, Messrs. Hester, Holmes, Joiner, (of P.), Lindsay, Melvin, Pasteur, Pharr.—14.

Those who voted in the negative, were


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

Tuesday, Dec. 31, 1844.

The Senate met according to adjournment.
Mr. Cameron, from the Committee to whom was referred the
Resolution in relation to the death of the late Wm. Gaston, reported the following Resolution:

Resolved, by the General Assembly of the State of North Carolina, That in the death of William Gaston, one of the Judges of the Supreme Court, the State has experienced a loss of one of its most patriotic citizens, a faithful public servant, and a learned and impartial Judge. That in the course of a long and brilliant life, his bright career is left to us an example worthy of all imitation, and his unsullied character one of the brightest jewels of the State. That the Governor of the State transmit a copy of these Resolutions, with the Preamble, to the family of the deceased, and that they be spread on the Journals of both branches of the General Assembly.

Which was read and adopted.

Mr. Francis presented the following Preamble and Resolution:

WHEREAS, it appears from the important business as yet unacted upon by the Legislature, that in justice to the State and our constituents, we cannot by any means adjourn on the 6th proximo. Therefore,

Resolved, That a message be sent to the House of Commons, proposing to rescind the Joint Resolution heretofore adopted, of adjourning on the 6th of January 1845.

Which was read and rejected by the following vote, Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, Boyden, Dockery, Elliott, Francis, Gavin, Halsey, Hellen,


Those who voted in the negative, were

Messrs. Albright, Biggs,

Messrs. Joiner, (of P.) Melvin,
Boyd, McMillan,  
Cameron, Pasteur,  
Cowper, Reich,  
Eaton, Shepard,  
Edwards, Speight,  
Etheridge, Thompson, (of W.)  
Exum, Tomlinson,  
Hester, Waddell,  
Hill, Walker,  
Holmes, Wilson.—25.

The Resolution in favor of Wm. McCollum, was taken up, read the third time, and rejected by the following vote,
Mr. Francis calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, Messrs. Pasteur,  
Elliott, Pharr,  
Hargrave, Smith,  
Hellen, Stalings,  
Joyner, (of H.) Waddell,  
Lindsay, Worth.—13.

Those who voted in the negative, were

Messrs. Albright, Messrs. Hill,  
Biggs, Holmes,  
Boyd, Jefferson,  
Boyden, Jeffreys,  
Cameron, Joiner, (of P.)  
Cowper, Melvin,  
Dockery, McMillan,  
Drake, Reich,  
Eaton, Shepard,  
Edwards, Speight,  
Etheridge, Stowe,  
Exum, Thompson, (of B.)  
Francis, Thompson (of W.)  
Gavin, Tomlinson,
Mr. Drake, from the Committee on Claims, to whom was referred the Resolution in favor of William Thompson, for the funeral expenses of the late John L. Foreman, and other items, reported the same to the Senate without amendment, and recommended its passage.

Mr. Boyden presented a Bill, entitled a Bill, proposing an amendment to the Constitution of the State.

Which was read the first time and passed.

On motion of Mr. Francis, the Engrossed Bill, entitled a Bill, extending the time for perfecting titles to lands heretofore entered, was taken up and read the second time, amended on motion of Mr. Francis, and passed.

Mr. Francis then moved that the Rules of the Senate be suspended, so as to read the Bill a third time.

The Bill was then read a third time and passed, and ordered to be sent to the House of Commons for their concurrence.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution in relation to the Public Treasurer, in which they ask the concurrence of the Senate.

Which was read the first, second, and third times, and passed, and ordered to be Enrolled.

Mr. Dockery presented the following Preamble and Resolution:

WHEREAS, it appears by the Comptroller's Report, that the sum of four hundred and twenty dollars have been paid by the Treasurer, to the Clerk of the Board of Internal Improvement, employed by him since he came into office:

Be it therefore Resolved, That the Committee on Finance enquire what amount of service has been rendered by said Clerk, and whether there are any other claims against the State for similar services; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Francis gave notice to the Senate, that he would to-morrow move to suspend the latter part of the 15th Rule of the Senate, which requires Bills to be retained until 12 o'clock the day after their passage.
On motion of Mr. Dockery, the Resolution in favor of Jno. H. Wheeler, Public Treasurer, was taken up, read the second time and passed.

The Senate took up the Bill, entitled a Bill, more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

Which was read the second time, amended on motion of Mr. Francis, and passed by the following vote,

Mr. Melvin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, 
Boyden, 
Cameron, 
Dockery, 
Edwards, 
Elliott, 
Francis, 
Halsey, 
Hellen, 
Holmes, 
Jefferson, 
Jeffreys, 

Messrs. Joyner, (of H.)
Lindsay, 
McMillan, 
Pharr, 
Reich, 
Shepard, 
Stowe, 
Waddell, 
Walker, 
Wilson, 
Woodfin, 
Worth.—24.

Those who voted in the negative, were

Messrs. Albright, 
Biggs, 
Boyd, 
Cowper, 
Drake, 
Eaton, 
Etheridge, 
Exum, 
Gavin, 
Gwynn, 
Hester, 

Messrs. Joiner, (of P.)
Melvin, 
Moody, 
Pasteur, 
Smith, 
Speight, 
Stallings, 
Tayloe, 
Thompson, (of B.) 
Thompson, (of W.) 
Tomlinson.—22.

The Bill was then, on motion of Mr. Francis, read the third time, amended on motion of Mr. Stowe, and passed by the following vote,
Mr. Hester calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were


Ordered that said Bill be Engrossed.

The Bill, entitled a Bill, to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia, was taken up, read the second time and amended.

Pending the question,

The Senate, on motion of Mr. Cameron, adjourned until three o'clock, P. M.
Three o'clock, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolution, in which they ask the concurrence of the Senate:

A Bill for the relief and benefit of Orphans;

A Bill to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property;

A Bill to secure to the citizens of this State the right of fishing in the navigable waters of this State;

A Bill to amend an Act to incorporate the President, Directors and Company of the Yadkin Toll Bridge;

A Resolution relating to the Committee Rooms in the Capitol;

The above named Bills and Resolution were read the first time and passed, except the fourth named Bill, which was read the first, second and third times and passed, and ordered to be Enrolled.

Received from the House of Commons a message, informing the Senate that Messrs. Doak, Washington, Scales and Nixon form the Committee on their part, to whom shall be referred, under the Joint Order of the two Houses, the Message of His Excellency, the Governor, relating to the History of the State.

Whereupon, the Speaker announced to the Senate, that Messrs. Halsey and Walker form the Committee on the part of the Senate, on said subject; and the House of Commons was informed thereof by message.

The Senate then took up the unfinished business of the morning, to-wit: the Bill, entitled a Bill, to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia.

Which was, on motion of Messrs. Cameron and Shepard, amended, and rejected by the following vote,

Mr. Tomlinson demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boydén,

Messrs. Joyner, (of H.) Lindsay, McMillan,
Those who voted in the negative, were


Received from the House of Commons a message, transmitting to the Senate a Message from his Excellency, the Governor, with a proposition to print the same for the use of the two Houses; and further, proposing that a Joint Select Committee, to consist of three on the part of each House, be raised, to enquire into and report upon the same, and the matters therewith connected.

Which was read, and referred to the Committee according to the proposition of the House of Commons, and ordered to be printed.

Whereupon, the Speaker announced to the Senate, that Messrs. Waddell, Biggs and Woodfin form our Committee on said subject; and the House of Commons was informed thereof by message.

The Resolution requesting the payment by the General Government, of the fourth instalment due under the Deposit Act, was taken up.
Mr. Biggs moved to amend the Preamble and Resolutions, by striking out all after the word "Preamble," and inserting the following in lieu thereof:

"Whereas, the General Government is now in debt about twenty-four millions of dollars; and whereas, it appears by the late Message of the President of the United States, that there will be in the Treasury of the United States at the close of the fiscal year, about seven millions of dollars, which has unnecessarily accumulated under the operation of the present high Tariff, but which can be applied to the payment of the National debt by the creation of a sinking fund for that purpose, and an unnecessary surplus in future can be prevented by a reduction of the taxes, according to the recommendation of said Message, and the Report of the Secretary of the Treasury; and although the present General Assembly is somewhat embarrassed in consequence of payments made, and to be made for Rail Roads, yet North Carolina is willing and able, as she has always been, to meet her own liabilities without supplicating the General Government for relief:

Be it therefore Resolved, That the Senators from this State be instructed, and the Representatives requested, to use their utmost exertions to reduce the present Tariff to the wants of the Government, economically administered, and to apply any surplus in the Treasury to the extinguishment of the present National Debt.

Pending the question,
The Senate, on motion of Mr. Biggs, adjourned until to-morrow morning ten o'clock.

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WEDNESDAY, JANUARY 1, 1845.

The Senate met according to adjournment.
Mr. Waddell, from the Committee on the Judiciary, to whom
was referred a Bill to prescribe the manner of appointing Engrossing Clerks, reported the same to the Senate, with sundry amendments.

Which was read.

Mr. Waddell, from the same Committee, to whom was referred a Resolution directing an enquiry into the expediency of so amending the Law, as to make Warrants of Magistrates returnable in the district, in which the defendants in said Warrants reside, reported a Bill, entitled a Bill, concerning the return of Civil Process before Magistrates.

Which was read the first time and passed.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the Bill, entitled a Bill, to lay off and establish a new County by the name of Jefferson, reported the same to the Senate, and asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Bill to amend the fifth section of an Act, entitled an Act, concerning the power and jurisdiction of Justices of the Peace, reported adversely thereto.

Which was read and concurred in.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the Bill to authorize the Sheriff of Gates County to collect arrearages of Taxes, reported the same to the Senate, and asked to be discharged from its further consideration.

Mr. Joyner, (of H.) from the Committee on Internal Improvement, to whom was referred a Bill to amend the 6th Section of the 61st Chapter of the Revised Statutes, reported the same to the Senate with an amendment.

Which was read.

Mr. Reich presented the following Resolution:

Resolved, That the Committee on the Judiciary be instructed to enquire into the laws regulating the laying off widows' dowers, and report by bill or otherwise, whether or not it be expedient to so amend them as to lessen the cost thereon.

Which was read and adopted.

Received from the House of Commons a message, stating that
they have passed the Engrossed Bill, entitled a Bill, to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail
Road, in which they ask the concurrence of the Senate.
Which was read the first time and passed, and on motion of
Mr. Shepard, made the order of the day for Friday next, at 11
o'clock.

On motion of Mr. Eaton, the Bill, entitled a Bill, concerning
Deeds, Mortgages and Assignments in Trust, was taken up and
read the third time.

Pending the question, a message was sent from the House of
Commons, stating that the hour of twelve, heretofore fixed
upon by Joint Order of the two Houses, for the reception and qualifi-
cation of His Excellency, Governor Graham, having nearly ar-
rived, the House of Commons respectfully inform the Senate that
they are ready to receive them in their Hall, preparatory to said
purpose.

Whereupon, the Senators repaired to the House of Commons.
The Senators having witnessed the qualification of Governor
Graham, returned to the Senate Chamber, and took up the un-
finished business, to-wit: the Bill, entitled a Bill, concerning
Deeds, Mortgages, and Assignments in Trust.
Which was, on motion of Mr. Francis, indefinitely postponed
by the following vote:

Those who voted in the affirmative, were

Messrs. Albright; Messrs. Melvin,
Cameron, McMillan,
Cowper, Pasteur,
Dockery, Reich,
Edwards, Shepard,
Elliott, Smith,
Francis, Stallings;
Halsey, Stowe,
Hargrave, Tayloe,
Hellen, Wilson;
Holmes, Worth.—23;
Joiner, (of P.)

Those who voted in the negative, were

Messrs. Biggs,
Bogle,

Messrs. Jefferson,
Jeffreys,
Boyd, Joyner, (of H.)
Boyden, Lindsay,
Drake, Pharr,
Eaton, Speight,
Etheridge, Thompson, (of B.)
Exum, Thompson, (of W.)
Gavin, Waddell,
Gwynn, Walker,
Hester, Woodfin.—23.
Hill,

The Speaker voted in the affirmative.

The Bill, entitled a Bill, to exempt from indictment the Petersburg Rail Road Company, for having obstructed the navigation of Roanoke river, near the Town of Weldon, by the erection of a Bridge across the said river, was taken up, read the third time, and amended on motion of Messrs. Joyner, (of H.) Shepard and Francis.

Mr. Worth moved to reconsider the vote by which was adopted the amendment of Mr. Shepard, as the fourth section of the Bill. Which motion was decided in the negative,

Mr. Thompson, (of B.) calling for the Yeas and Nays:

Those who voted in the affirmative, were:

Messrs. Albright,
Boyd, Messrs. Joyner, (of H.)
Cameron, Lindsay,
Cowper, Moody,
Dockery, Pasteur,
Drake, Smith,
Elliott, Stowe,
Francis, Waddell,
Gavin, Walker,
Halsey, Wilson,
Hargrave, Woodfin,

Those who voted in the negative, were:

Messrs. Biggs,
Bogle, Messrs. Jefferys,
Boyden, Joiner, (of P.)

Melvin,
Eaton,          McMillan,          Eaton,          McMillan,
Edwards,       Pharr,             Edwards,       Pharr,
Etheridge,     Reich,            Etheridge,     Reich,
Exum,          Shepard,         Exum,          Shepard,
Gwynn,         Speight,          Gwynn,         Speight,
Hellen,        Stallings,       Hellen,        Stallings,
Hester,        Taylor,          Hester,        Taylor,
Hill,          Thompson, (of B.) Hill,          Thompson, (of B.)
Jefferson,     Tomlinson.

The Bill then passed by the following vote,
Mr. Francis calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,          Messrs. Jeffreys,          Messrs. Albright,
Biggs,                   Joyner, (of H.)             Biggs,
Bogle,                   Joiner, (of P.)              Bogle,
Boyd,                    Lindsay,                     Boyd,
Boyden,                  Melvin,                      Boyden,
Cameron,                 McMillan,                   Cameron,
Cowper                   Moody,                       Cowper,
Dockery,                 Pasteur,                    Dockery,
Drake,                   Pharr,                       Drake,
Eaton,                   Reich,                      Eaton,
Edwards,                 Shepard,                   Edwards,
Elliott,                 Smith,                      Elliott,
Etheridge,               Speight,                    Etheridge,
Exum,                    Stallings,                Exum,
Gavin,                   Stowe,                      Gavin,
Gwynn,                   Taylor,                    Gwynn,
Hargrave,                Thompson, (of W.)        Hargrave,
Hester,                  Tomlinson,                Hester,
Hill,                    Waddell,                    Hill,
Holmes,                  Wilson,                    Holmes,
Jefferson,               Woodfin.—42.       Jefferson,

Those who voted in the negative, were

Messrs. Francis,          Messrs. Thompson, (of B.) Messrs. Francis,
Halsey,                   Walker,                     Halsey,
Hollen,                   Worth.—6.                    Hollen,
Ordered that said Bill be Engrossed.

On motion of Mr. Waddell, the Senate took a recess until 3 o' clock, P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that Messrs. Poindexter, Atkins and Mebane form the Joint Committee on their part, upon the Governor's Message of the 30th Dec. last, in relation to the late Report of the Treasurer, and the Governor's right to receive per diem compensation as a member of the Literary and Internal Improvement Boards.

Received from the House of Commons sundry resignations of Justices of the Peace, transmitted to the Legislature by His Excellency, the Governor.

Which were read and accepted.

Mr. Francis moved that a message be sent to the House of Commons, proposing that the Joint Resolution of both Houses, to adjourn sine die on Monday, the 6th instant, be rescinded.

Which was agreed to by the following vote,

Mr. Holmes calling for the Yeas and Nays;

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Joiner, (of P.)
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Gavin,
Halsey,
Jeffreys,
Joyner, (of H.)

Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Stallings,
Stowe,
Thompson, (of B.)
Waddell,
Worth.—22.
Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Eaton,
Etheridge,
Gwynn,
Hester,  

Messrs. Hill,
Holmes,
Melvin,
Pasteur,
Reich,
Speight,
Walker.—14.

Mr. Thompson, (of B.) moved that the vote by which was rejected the Bill, entitled a Bill, to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia, be reconsidered.

Which was agreed to by the following vote,

Mr. Reich calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boydlen,
Cameron,
Cowper,
Dockery,
Edwards,
Elliott,
Francis,
Halsey,
Hargrave,  

Messrs. Hellen,
Joyner, (of H.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Thompson, (of B.)
Waddell,
Worth.—21.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Drake,
Eaton,
Etheridge,
Gavin,
Gwynn,
Hester,
Hill,
Holmes,
Jeffreys,  

Messrs. Joiner, (of P.)
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson,
Walker.—21.
The Speaker voted in the affirmative.

The Bill was then, on motion of Mr. Waddell, laid on the table.

The Resolution requesting the payment by the General Government, of the fourth instalment, due under the Deposit Act—the unfinished business of yesterday—was taken up.

The question was on the amendment proposed by Mr. Biggs. Mr. Francis called for a division of the question, to strike out. Which question was decided in the negative, by the following vote,

Mr. Stallings calling for the Yeas and Nays:

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<th>Those who voted in the affirmative, were</th>
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<td>Messrs. Biggs,</td>
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<td>Messrs. Holmes,</td>
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<td>Wilson.—24.</td>
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Those who voted in the negative, were

| Messrs. Albright,                        |
| Bogle,                                  |
| Boyden,                                 |
| Cowper,                                 |
| Dockery,                                |
| Elliott,                                |
| Francis,                                |
| Halsey,                                 |
| Hargrave,                               |
| Hellen,                                 |
| Jefferson, (of H.)                      |
|                                       |
| Messrs. Joiner, (of P.)                 |
| Lindsay,                                |
| McMillan,                               |
| Moody,                                  |
| Pharr,                                  |
| Shepard,                                |
| Smith,                                  |
| Tayloe,                                 |
| Thompson, (of B.)                       |
| Waddell,                                |
| Woodfin,                                |
| Worth.—24.                              |
The Speaker voted in the negative.
Mr. Biggs moved that the Resolutions be postponed until Monday next.
Which motion was rejected by the following vote:

Those who voted in the affirmative, were

Messrs. Biggs,  
Boyd,  
Cameron,  
Drake,  
Eaton,  
Edwards,  
Etheridge,  
Exum,  
Gavin,  
Gwynn,  
Hester,  
Hill,  
Jeffreys,  
Melvin,  
Pasteur,  
Reich,  
Speight,  
Stallings,  
Stowe,  
Thompson, (of W.),  
Tomlinson,  
Walker,  
Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,  
Bogle,  
Boyden,  
Cowper,  
Dockery,  
Elliott,  
Francis,  
Halsey,  
Hargrave,  
Hellen,  
Jefferson,  
Joyner, (of H.)  
Joiner, (of P.),  
Lindsay,  
McMillan,  
Moody,  
Pharr,  
Shepard,  
Smith,  
Taylor,  
Thompson, (of B.),  
Waddell,  
Woodfin,  
Worth.—24.

Mr. Cameron moved to amend the first Resolution, so as to read: Senators from this State in Congress, be instructed. Which was rejected by the following vote,

Mr. Tomlinson demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,  
Cameron,  
Jeffreys,  
Melvin,

Those who voted in the negative, were

Messrs. Albright, Bogle, Boyd, Boyden, Cowper, Dockery, Elliott, Francis, Halsey, Hargrave, Hellen, Jefferson, Joyner, (of H.)


The Resolution then passed the second time, by the following vote,

Mr. Drake calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyden, Cowper, Dockery, Elliott, Francis, Halsey, Hargrave, Hellen, Jefferson, Joyner, (of H.)

Those who voted in the negative, were

Messrs. Biggs, 
Boyd, 
Cameron, 
Drake, 
Eaton, 
Edwards, 
Etheridge, 
Exum, 
Gavin, 
Gwynn, 
Hester, 
Hill, 

Messrs. Holmes, 
Jeffreys, 
Melvin, 
Pasteur, 
Reich, 
Speight, 
Stallings, 
Stowe, 
Thompson, (of W.) 
Tomlinson, 
Walker, 
Wilson.—24.

The Speaker voted in the affirmative.
Mr. Boyden moved that the Resolution be taken up and read a third time.
Pending the question, Mr. Cameron moved to adjourn until tomorrow morning ten o'clock.
Which was decided in the negative, by the following vote,
Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, 
Boyd, 
Cameron, 
Drake, 
Eaton, 
Edwards, 
Etheridge, 
Exum, 
Gavin, 
Gwynn, 
Hester, 
Hill, 

Messrs. Holmes, 
Jeffreys, 
Melvin, 
Pasteur, 
Reich, 
Speight, 
Stallings, 
Stowe, 
Thompson, (of W.) 
Tomlinson, 
Walker, 
Wilson.—24.

Those who voted in the negative, were

Messrs. Albright, 
Bogle, 
Boyden, 

Messrs. Joiner, (of P.) 
Lindsay, 
McMillan,
The question then recurred on the motion of Mr. Boyden, to take up the Resolutions. Which was decided in the affirmative, by the following vote, Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyden, Cowper, Dockery, Elliott, Francis, Halsey, Hargrave, Hellen, Jefferson, Joyner, (of H.)


Those who voted in the negative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Etheridge, Exum, Gavin, Gwynn, Hester, Hill,

The Speaker voted in the affirmative.

The Resolutions were then read the third time and passed, by the following vote,

Mr. Boyden called for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyden, Cowper, Dockery, Elliott, Francis, Halsey, Hargrave, Hellen, Jefferson, Joyner, (of H.)

Messrs. Albright, Bogle, Boyden, Cowper, Dockery, Elliott, Francis, Halsey, Hargrave, Hellen, Jefferson, Joyner, (of H.)

Those who voted in the negative, were


The Speaker voted in the affirmative.

Ordered that said Resolutions be Engrossed.

Mr. Waddell presented a petition of sundry citizens of Orange County, praying the Legislature for a division of said County.

Which was referred to the Committee on Propositions and Grievances.

Mr. Boyden moved that the Senate adjourn until half past six o'clock, P. M.
Which motion was rejected by the following vote, Mr. Cameron calling for the Yeas and Nays:

Those who voted in the affirmative, were

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<tr>
<th>Messrs. Albright,</th>
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<td>Holmes,</td>
<td>Worth,—14.</td>
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Those who voted in the negative, were

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<th>Messrs. Biggs,</th>
<th>Messrs. Jeffreys,</th>
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<td>Gwynn,</td>
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<td>Hellen,</td>
<td>Wilson,</td>
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<td>Jefferson,</td>
<td>Woodfin,—32.</td>
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On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

**Thursday, Jan. 2, 1845.**

The Senate met according to adjournment.
Mr. Reich presented a Bill, entitled a Bill, to authorize the payment of Tales Jurors in the County of Stokes.
Which was read the first time and passed.

Mr. Melvin presented a Bill, entitled a Bill, to amend the 103d chapter of the Revised Statutes, entitled an Act concerning the improvement of Rivers and Creeks, and to prevent obstructions to their navigation.
Which was read the first time and passed.

The Resolution in favor of John H. Wheeler, Public Treasurer, was taken up and read the third time.

Mr. Dockery moved to amend the Resolution, by striking out the words, "One Hundred and Seventeen Dollars thereof.
Which motion was decided in the negative by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Boyden,
Dockery,

Messrs. Hellen,
McMillan,
Pharr.—6.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Cowper
Drake,
Eaton,
Edwards,
Elliott,
Etheridge,
Exum,
-Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,
Hill,
Holmes,
Jefferson,
Jeffreys,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Moody,
Pasteur,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—41.
The Resolution then passed, and was ordered to be Engrossed. The Bill, entitled a Bill, to transfer the Fund for Internal Improvement to the President and Directors of the Literary Fund of North Carolina, was taken up, read the second time and passed. The amendment proposed by the Committee of Finance was adopted. The Bill was then read the third time, passed, and was ordered to be Engrossed.

On motion of Mr. Pasteur, the Engrossed Bill, entitled a Bill, to transfer that part of Carteret County, known as Ocracoke, to Hyde County, was taken up, read the second time and passed.

Received from the House of Commons a message, informing the Senate that they have passed the Engrossed Bill to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of One Hundred Thousand Dollars, to redeem a like amount of Bonds, issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company, in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed, and on motion of Mr. Boyden was read the second time.

Mr. Cameron moved to amend the Bill, by adding to the first section, the following Proviso:

Provided, That in addition to the Mortgage which the State has upon this Road, the Stock-holders in said Company shall give their individual Bonds to the State, in a sum or sums sufficient to cover the liabilities of the individual Stock-holders for the amount which the State has already advanced on account of the said Road, and for their proportion of the amount as Stock-holders in said Company, the State is now liable for, with the accruing interest.

Which was read and rejected by the following vote,

Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Holmes, Boyd, Jeffreys, Cameron, Melvin, Drake, Pasteur, Eaton, Reich, Edwards, Speight,

Those who voted in the negative, were

Messrs. Albright, Messrs. Joiner, (of P.)
Bogle, Lindsay,
Boyden, McMillan,
Cowper, Moody,
Dockery, Pharr,
Elliott, Shepard,
Francis, Smith,
Halsey, Taylor,
Hargrave, Thompson, (of B.)
Hellen, Waddell,
Jefferson, Woodfin,

The Speaker voted in the negative.

Mr. Holmes moved that the Senate adjourn until half past 3 o'clock.

Which motion was rejected by the following vote:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Gwynn,
Boyd, Holmes,
Cameron, Jeffreys,
Drake, Stowe,
Eaton, Thompson, (of W.)
Etheridge, Tomlinson.—13.
Gavin,

Those who voted in the negative, were

Messrs. Albright, Messrs. Lindsay,
Bogle, Melvin,
Boyden, McMillan,
Cowper, Moody,
The Bill then passed by the following vote,

Mr. Melyin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Joiner, (of P.)
Bogle, Lindsay,
Boyden, McMillan,
Boyden, Moody,
Cowper, Pharr,
Dockery, Shepard,
Elliott, Smith,
Francis, Taylor,
Halsey, Thompson, (of B.)
Hargrave, Waddell,
Hellen, Woodfin,
Jefferson, Worth.—24.
Joyner, (of H.)

Those who voted in the negative, were

Messrs. Biggs, Messrs. Holmes,
Boyd, Jeffreys,
Cameron, Melvin,
Drake, Pasteur,
Eaton, Reich,
Edwards, Speight,
Etheridge, Stallings,
Exum, Stowe,
Gavin, Thompson, (of W.)
Gwynn, Tomlinson,
Hester, Walker,
Hill, Wilson.—24.

The Speaker voted in the affirmative.
Mr. Francis moved that the Bill be taken up and read the third time.
Which motion prevailed by the following vote,
Mr. Cameron calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Joiner, (of P.)
Bogle, Lindsay,
Boyden, McMullan,
Cowper, Moody,
Dockery, Pharr,
Elliott, Shepard,
Francis, Smith,
Halsey, Taylor,
Hargrave, Thompson, (of B.)
Helen, Waddell,
Jefferson, Woodfin,

Those who voted in the negative, were

Messrs. Biggs,
Boyd, Messrs. Holmes,
Cameron, Jeffreys,
Drake, Melvin,
Eaton, Pasteur,
Edwards, Reich,
Etheridge, Speight,
Exum, Stallings,
Gavin, Stowe,
Gwynn, Thompson (of W.)
Hester, Tomlinson,
Hill, Walker,
Wilson.—24.
The Bill was then read the third time.

Mr. Biggs moved to amend the Bill, by adding to the first section the following Proviso:

Provided; That before the said Bonds shall be issued, the Stockholders of said Company shall enter into Bonds, in a sufficient amount, payable to the State of North Carolina, and approved by the Governor and Attorney General, conditioned to pay a proportion compared with their stock in said Road, of any loss or damage that may come to the State in consequence of her endorsement of any Bonds for said Company, by the State, which Bonds may be put in suit at any time, when the State shall be compelled to pay any part of the Bonds endorsed as aforesaid, and a recovery affected for the amount of the Bonds so given by the Stockholders as aforesaid.

Which was read and rejected by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Holmes,

Messrs. Jeffrey's,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—23.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,

Messrs. Joiner, (of P.),
Lindsay,
McMillen,
Moody,
Pharr,
Shepard,
The Bill was then read the third time and passed, by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyden, Cowper, Dockery, Elliott, Francis, Halsey, Hargrave, Hellen, Jefferson, Joyner, (of H.)


Those who voted in the negative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Etheridge, Exam, Gavin, Gwynn, Hester, Hill,


The Speaker voted in the affirmative.
Ordered that said Bill be Enrolled.

On motion of Mr. Edwards, the Senate adjourned until four o'clock, P. M.

Four o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Joyner, (of H.) from the Committee on Internal Improvement, to whom was referred a memorial from sundry citizens of Beaufort County, praying the present General Assembly to make an appropriation to the navigation of Pungo River, reported the following Preamble and Resolutions:

WHEREAS, it has been represented to this General Assembly, by sundry citizens of the County of Beaufort, that the navigation of Pungo river has been obstructed in consequence of the opening of the Pungo Canal, for the purpose of draining a portion of the Swamp Lands belonging to the Literary Fund: And, whereas, if the said allegation, upon proper enquiry, should be ascertained to be well-founded, it is just and reasonable that the navigation of the said river should be restored to its former condition, at the expense of the fund created for Literary purposes. Therefore,

Resolved, That the President and Directors of the Literary Fund be, and they are hereby directed to investigate the cause or causes which have obstructed the navigation of Pungo river, near the Pungo Canal; and if after due investigation thereof, they shall be satisfied that the said obstruction has been occasioned by the construction of the said Canal, then and in that case, to adopt such measures as they may deem most expedient to restore the navigation of the said river to its former condition, and to pay the expenses thereof out of the fund appropriated for the purposes of draining the Swamp Lands.

Which was read the first time and passed.

According to notice heretofore given, on motion of Mr. Francis, the latter clause of the 15th rule was suspended the balance of the Session.
Mr. Edwards presented the following Preamble and Resolution:

Whereas, it appears that in the State of North Carolina, there is no National Flag belonging to the State, nor even one bearing her own insignia, by which she may be designated among her other sisters of the confederacy: Therefore,

Resolved, That the Governor be, and he is hereby authorized to purchase for the use of the State, a National Banner, and also one bearing the arms of North Carolina, and that he be authorized to draw upon the Treasurer for the cost of the same, out of any monies not otherwise appropriated.

Which was read the first, second and third times, and passed, and ordered to be Engrossed.

Mr. Stowe moved that the vote by which was rejected the Bill, entitled a Bill, concerning Deeds, Mortgages, and Assignments in Trust, be reconsidered.

Which motion was rejected by the following vote,

Mr. Tomlinson demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Drake,
Eaton,
Exum,
Gavin,
Gwynn,
Hester,

Messrs. Jeffreys
Joyner, (of H.)
Lindsay,
Moody,
Pharr,
Speight,
Thompson, (of B.)
Tomlinson,
Walker,
Woodfin.—21.

Those who voted in the negative, were

Messrs. Albright,
Cowper,
Dockery,
Edwards;
Elliott,

Messrs. Melvin,
McMillan,
Pasteur,
Reich,
Shepard,
The Engrossed Bill, entitled a Bill, providing for the appointment of Engrossing Clerks, was taken up, read the second and third times, amended and passed, and sent to the House of Commons for their concurrence.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill to provide for holding a Session of the Supreme Court once a year in the Western part of the State, reported the same to the Senate, and recommended its passage.

Mr. Waddell, from the same Committee, to whom was referred a Bill to alter the times of holding the Superior Courts of Law and Equity, for the Counties of Rockingham and Guilford, reported the same to the Senate, and recommended its passage.

Which was read.

The Resolution in favor of William Thompson was taken up, read the second and third times, passed, and was ordered to be Engrossed.

The Engrossed Resolution in favor of John Hill and others, was taken up, read the second and third times, passed, and was ordered to be Enrolled.

The Engrossed Resolution in favor of Priscilla Goodwin was taken up, read the second time, and rejected.

The Senate then took up the Engrossed Bill, entitled a Bill, supplemental to an Act passed at the General Assembly of 1842-3, entitled an Act to lay off and establish a County by the name of McDowell.

Which was read the second and third times, amended, passed, and ordered to be sent to the House of Commons for their concurrence.

The Engrossed Bill, entitled a Bill, to incorporate the Phoenix Fire Company; in the Town of Elizabeth City;

The Bill, entitled a Bill, extending the jurisdiction of Justices of the Peace, over Judgments, and amendatory of the sixth section of the Revised Statutes; entitled Courts—County and Superior,
The Bill, entitled a Bill, to prevent the felling of Timber in the water-courses of the County of Guilford;
And the Bill, entitled a Bill, concerning the Superior Court of Currituck County;
Were taken up, read the second and third times. The last named was amended and passed, and were severally ordered to be Enrolled.
The Engrossed Resolution, in favor of Samuel Watters;
And the Resolution in favor of L. H. Marsteller;
Were taken up, read the second and third times, passed, and were ordered to be Enrolled.
The Senate then took up the Engrossed Bill, entitled a Bill, to incorporate the Newbern Mechanics' Association;
And the Bill, entitled a Bill, to amend an Act, entitled an Act, to incorporate the Fayetteville Riflemen of the County of Cumberland, passed 1842.
Which were severally read the second and third times, passed, and were ordered to be Enrolled.
The Engrossed Resolution in favor of Morris K. Taylor and C. Kephart;
And the Resolution in favor of Thomas J. Roane;
Were taken up, severally read the second and third times, passed, and were ordered to be Enrolled.
The Engrossed Bill, entitled a Bill, to alter the time of holding the Courts of Pleas and Quarter Sessions for the County of Beaufort, was taken up.
Which was read the second and third times, and passed, and ordered to be Enrolled.
The Engrossed Bill, entitled a Bill, to repeal, in part, the 11th Section of the 62d Chapter of the Revised Statutes, concerning the powers and jurisdiction of Justices of the Peace, and to amend the same, was taken up, read the second time, and on motion of Mr. Worth postponed until the 4th March next, by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Jefferson,
Biggs, Jeffreys,
Bogle, Joyner, (of P.),
Boyd, Joiner, (of P.)
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<th>Boyden,</th>
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<td>Francis,</td>
<td>Thompson, (of W.)</td>
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<td>Worth,</td>
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Those who voted in the negative, were

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<th>Messrs. Hellen,</th>
<th>Messrs. Pharr,</th>
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<td>Stallings,</td>
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<td>McMillan,</td>
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Mr. Hellen moved that the vote by which was passed the Resolution, requesting the payment by the General Government of the fourth instalment, under the Deposit Act, be reconsidered.

Which motion prevailed by the following vote:

Those who voted in the affirmative, were

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<th>Messrs. Biggs,</th>
<th>Messrs. Holmes,</th>
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<td>Boyd,</td>
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<td>Hellen,</td>
<td>Walker,</td>
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<td>Hester,</td>
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—39.
Those who voted in the negative, were


Messrs. Lindsay, McMillan, Moody, Pharr, Shepard, Smith, Tayloe, Thompson, (of B.), Waddell, Woodfin, Worth.—22.

Mr. Hellen then moved to amend the Resolutions, by striking out all that part of them which relates to the indebtedness of North Carolina.

Pending the question,
The Senate, on motion of Mr. Jeffreys, adjourned until to-morrow morning ten o'clock.

Friday, January 3, 1845.

The Senate met pursuant to adjournment.

The Speaker presented to the Senate, a communication from Geo. J. Ward, Sheriff of Onslow County, certifying that William Ennett was duly elected Senator, to represent that County in the present Legislature.

Whereupon, Mr. Biggs moved that he be qualified and take his seat.

Upon this question, Mr. Hellen called for the Yeas and Nays

24
Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,
Elliott,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Joyner, (of II.)
Lindsay,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Woodfin,
Worth.—33.

Those who voted in the negative, were

Messrs. Boyden,
Dockery,
Francis,
Halsey,
Hellen,

Messrs. Jefferson,
Joiner, (of P.)
McMillan,
Pharr,
Tayloe.—10.

Mr. Ennett then produced his credentials, was qualified before the House, and took his seat.

Mr. Wilson, from the Committee of Education and the Literary Fund, to whom was referred the Bill to invest Fifteen Hundred Dollars of the Literary Fund, reported the following Resolution in lieu thereof:

Resolved, That the Literary Board be, and they are hereby instructed, to lend Fifteen Hundred Dollars of the Literary Fund of this State, to the Asheville Female Boarding House Company, on their giving good and unquestionable personal security for the same.

Which was read the first time and passed.
Mr. Francis presented a Bill, entitled a Bill, for laying Taxes to meet the extraordinary demands upon the Treasury of the State.

Which was read the first time and passed, and on motion of Mr. Jeffreys was ordered to be printed.

Mr. Dockery presented the following Resolution:

Resolved, That J. W. Rowland, Sheriff of Robeson County, be, and he is hereby authorized and empowered to collect during the year 1845, all arrearages of Taxes due in said County for the years 1841–2.

Which was read the first time and passed.

Mr. Cameron presented a memorial from sundry citizens of Cumberland County, praying the Legislature, that a communication be opened between Fayetteville and Yadkin river.

Which was read and laid on the table.

Mr. Stallings presented a Bill, entitled a Bill, to incorporate the Lake Drummond and Orapeak Canal Company, accompanied with a memorial.

Which was read the first time, passed, and was laid on the table.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill for the more speedy administration of Justice, reported the same to the Senate, and recommended its passage.

The Engrossed Bill, entitled a Bill, to authorize the foreclosure of the Mortgage of the Raleigh & Gaston Rail Road Company, was taken up, and read the second time.

Mr. Shepard moved to amend the Bill, in the first section thereof, by striking out all after the word that, to the words 1845, inclusive, and insert the following:

"That it shall be the duty of the Governor of the State, to cause the Mortgage made and executed by the President and Directors of the Raleigh and Gaston Rail Road Company, according to the provisions of the Act, ratified January 12, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh & Gaston Rail Road Company, and for the relief of the same, to be foreclosed in the Superior Court for the County of Wake, at its next Term in April 1845.

Which was read and rejected.

Mr. Shepard moved further to amend the Bill, by adding to the ninth section thereof, the following Proviso:
Provided, The personal security herein alluded to, shall be for the full amount of the sum the Road may sell for, and the lien on the shares herein mentioned shall be an additional security.

Which was read and agreed to.

Mr. Cameron then moved to amend the Bill, by striking out all from the fourth section of the Bill, to the tenth section thereof, inclusive.

Pending the question,
The Senate, on motion of Mr. Boyden, adjourned until half past three o’clock, P. M.

HALF-PAST THREE O’CLOCK, P. M.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to protect the public Bridges in Tyrrell and Washington Counties, by adding the County of Onslow thereto, and altering the phraseology of said Bill so as to correspond with said amendment, and asking the concurrence of the Senate therein.

Which was read and agreed to.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate:

A Bill, to loan to the North Carolina Military Academy, at Raleigh, for the use of the Cadets thereof, the necessary military arms and equipments;

A Bill, to provide for the opening and clearing out of Muddy Creek and its branches, in Stokes County;

A Resolution in favor of Thomas Wilson, Sheriff of Yancey County;

Which were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to alter the mode of appointing Constables in Beaufort and Northampton Counties, by striking out Northampton County, in the title and
Bill, wherever it occurs, and making the Bill in other respects correspond thereto, in which they ask the concurrence of the Senate.

Which was read and agreed to.

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 compel the entry-taker of Union County to keep his office at the Court House of said County;

A Bill to appoint Commissioners to view and lay off a road in the County of Ashe;

A Bill to revive and continue in force, an Act passed in the year 1841, entitled an Act, to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County;

A Bill, supplemental to an Act passed in the year 1838, entitled an Act supplemental to an Act passed in the year 1834, to lay off and establish a Road from Morganton to the Tennessee line;

A Bill concerning Passengers in Vessels, coming to the ports of this State;

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 and Resolution, in which they ask the concurrence of the Senate:

A Bill to incorporate the Carthage Male and Female Academy, in the County of Moore;

A Resolution in favor of the Commissioners of Raleigh;

A Bill to open the Pedee and Yadkin rivers;

A Bill assenting to the purchase, by the United States, of certain land in the Town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain limitations and conditions therein named;

A Bill to revive an Act for the better regulation of the Town of Warrenton, in the County of Warren.

Said Bills and Resolutions were severally read the first time and passed.

The last named Bill was read the second and third times and passed, and ordered to be Enrolled.

Mr. Moody presented a Bill, entitled a Bill, to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89th, Section 1st, as to the time and
manner of electing Wardens of the Poor, so far as relates to the County of Northampton.
Which was read the first time and passed.

The Senate then resumed the unfinished business of the morning, to-wit: the Bill, entitled a Bill, to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road.

The question pending was on the amendment proposed by Mr. Cameron.
Which was decided in the negative,
Mr. Drake calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
   Boyd,
   Cameron,
   Drake,
   Eaton,
   Ennett,
   Etheridge,
   Exum,
   Gavin,
   Gwynn,
   Halsey,
   Hill,

   Messrs. Holmes,
   Jeffreys,
   Melvin,
   Pasteur,
   Reich,
   Speight,
   Stullings,
   Stowe,
   Thompson, (of W.)
   Tomlinson,
   Walker,
   Wilson.—21.

Those who voted in the negative, were

Messrs. Albright,
   Bogle,
   Boyden,
   Cowper,
   Dockery,
   Edwards,
   Elliott,
   Francis,
   Halsey
   Hargrave,
   Hellen,
   Jefferson,
   Joyner, (of H.)

   Messrs. Joiner, (of P.)
   Lindsay,
   McMillan,
   Moody,
   Pharr,
   Shepard,
   Smith,
   Taylor,
   Thompson, (of B.)
   Waddell,
   Woodfin,
   Worth.—25.
Mr. Shepard moved to amend the Bill, by adding the following additional section thereto:

And be it further enacted, That the proceeds arising from the foreclosure of the Mortgage herein directed to be made, shall be paid into the public Treasury, and held as a fund, subject first to discharge all the liabilities the State has incurred under the Act, ratified January the 12th, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, “and for the relief of the same;” and the surplus, if any, shall be retained in the Public Treasury, to secure the State against the liabilities incurred under the Act passed in 1838-9, entitled an Act for the relief of the Raleigh and Gaston Rail Road Company.

Be it further enacted, That should the said Raleigh and Gaston Rail Road not sell for a sum sufficient to discharge all the liabilities incurred by the State, under the Act of January 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, “and for the relief of the same,” or should the Governor purchase the same on behalf of the State, then it shall be the duty of the Governor to take such measures under the Acts of 1838-9, and Jan. 1841, as may in his judgment best secure the other liabilities of the State.

Which was read and adopted.

Mr. Thompson, (of B.) then moved to amend the Bill, by adding the following as an additional section:

And be it further enacted, That when it shall appear that the proceeds of said Road are insufficient to keep said Road in repair, and pay all the expenses of running the same, then it shall be the duty of the Governor to stop all operations on the Road.

Which was read and also adopted.

The question was then taken on the passage of the Bill, as amended.

Which was decided in the affirmative, by the following vote,

Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Messrs. Joiner, (of P.)
Bogle,
Lindsay,
Those who voted in the negative, were

**Messrs. Biggs,**  
*Boyden,*  
*Cameron,*  
*Drake,*  
*Eaton,*  
*Ennett,*  
*Etheridge,*  
*Exum,*  
*Gavin,*  
*Gwynn,*  
*Hester,*  
*Hill,*

**Messrs. Holmes,**  
*Jeffreys,*  
*Melvin,*  
*Pasteur,*  
*Reich,*  
*Speight,*  
*Stallings,*  
*Stowe,*  
*Thompson (of W.)*  
*Tomlinson,*  
*Walker,*  
*Wilson.—24.*

Mr. Dockery moved that the vote, by which was rejected the Resolution in favor of Priscilla Goodwin, be reconsidered. Which motion did not prevail.

Mr. Boyden moved that the vote, by which was passed the Bill, entitled a Bill, to abolish the Board of Internal Improvement and for other purposes, be reconsidered. Which motion was rejected by the following vote,

Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

**Messrs. Bogle,**  
*Boyden,*  
*Dockery,*

**Messrs. Moody,**  
*Pharr,*  
*Shepard,*
Elliott, Smith,
Francis, Tayloe,
Hellen, Thompson, (of B.)
Joyner, (of H.) Waddell,
(0) Miss,
Joyner, (of P.) Woodfin,
McMillan, Worth.—18.

Those who voted in the negative, were

Messrs. Albright, Messrs. Hill,
Biggs, Holmes,
Boyd, Jefferson,
Cameron, Jeffreys,
Cowper, Lindsay,
Drake, Melvin,
Eaton, Pastor,
Edwards, Reich,
Ennett, Speight,
Etheridge, Stallings,
Exum, Stowe,
Gavin, Thompson, (of W.),
Gwynn, Tomlinson,
Halsey, Walker,
Hester, Wilson.—30.

Received from the House of Commons a message, concurring in the proposition of the Senate, to rescind the joint Resolution of both Houses, to adjourn on the sixth instant.

On motion of Mr. Moody, the Bill, entitled a Bill, to authorize the foreclosure of the Mortgage of the Raleigh & Gaston Rail Road, was taken up and read the third time.

Mr. Francis moved to amend the Bill, by striking out all after the word State, in the fourth line of the fourth section, and insert the following words:

"Such sum as he and his Council may deem advisable, upon a full investigation into the value of said Road, so far as they may be enabled to ascertain the same, having a due regard to the amount of principal and interest for which the State is now liable, as well as the value of said Road, ascertained in the manner herein prescribed."

Which was read and rejected.
The Bill then passed by the following vote,

35
Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Ennett, Etheridge, Exum, Gavin, Gwynn, Hester, Hill,


The Speaker voted in the affirmative.

Mr. Holmes moved that the Senate adjourn until to-morrow morning ten o'clock.

Which motion was decided in the negative, by the following vote,

Mr. Moody calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Exum, Francis,

Messrs. Jeffreys, Reich,

Those who voted in the negative, were


The Resolution, requesting the payment by the General Government, of the fourth instalment, due under the Deposit Act, was taken up, and on motion of Mr. Worth, laid on the table until the 4th of March next, by the following vote,

Mr. Waddell calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Edwards, Etheridge, Exum, Messrs. Jefferson, Jeffreys, Melvin, Pasteur, Reich, Speight, Stallings, Stowe,
The Bill, entitled a Bill, concerning the Agents for collection of the Cherokee Bonds, was taken up, read the second and third times and passed, and ordered to be Engrossed.

The Engrossed Resolution relating to Committee Rooms in the Capitol, was taken up, read the second and third times and passed, and ordered to be Enrolled.

The Bill concerning the Treasurer and Comptroller was taken up, read the second time, and on motion of Mr. Dockery, indefinitely postponed.

The Bill, entitled a Bill, to modify an Act concerning Slaves and free persons of color, passed in 1830, was taken up, read the third time and passed, by the following vote,

Mr. Joyner, (of H.) calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, Messrs. Joiner, (of P.)
Boyden, Moody,
Camerion, Pastor,
Dockery, Pharr,
Elliott, Smith,
Ennett, Stallings,
Francis, Tayloe,
Those who voted in the negative, were


Ordered that said Bill be Engrossed.

The Senate then took up the Bill, entitled a Bill, to incorporate the Washington Lodge No. 3; of the Independent Order of Odd Fellows, in the Town of Murfreesborough.

Which was read the second and third times, and passed, and ordered to be Engrossed.

The Bill, entitled a Bill, to amend the first section of an Act, entitled an Act; to amend the several Acts now in force, to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers, and their waters, and the Albemarle Sound, passed in the year 1824, was taken up, read the second time; and rejected.

The Bill, entitled a Bill, to amend the 10th Section of the 45th Chapter of the Revised Statutes, was taken up, read the second and third times, passed, and ordered to be Engrossed.

The Senate then took up the Engrossed Bill, entitled a Bill, to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property.

* There is evidently an error in the foregoing vote, as several gentlemen are recorded as voting both affirmatively and negatively. It is, however, according to the copy furnished, and is moreover a transcript of the Original file in the Secretary of State's Office, which was consulted for the purpose of rectifying the error.—The Publisher.
Which was read the second time.
Pending the question,
The Senate, on motion of Mr. Eaton, adjourned until to-morrow morning ten o'clock.

SATURDAY, JAN. 4, 1845.

The Senate met pursuant to adjournment.
On motion of Mr. Joyner, (of H.)

Ordered, That Messrs. Moody and Pasteur have leave of absence from the service of the Senate, from and after Monday next, the balance of the Session.

Mr. Biggs presented a paper, signed by himself and twenty-three other Senators, purporting to be a Protest against the proceedings of the Senate, in the case of William Ennett, the Senator from Onslow, which he sent to the table, with the request that it be entered upon the Journal.

The paper was read to the Senate by the Clerk.

The Speaker, upon objections being raised by Mr. Shepard, as to the character of the paper, entertained the opinion that it contained disrespectful matter, impugning the character of himself and a large number of the members of the Senate; and believing that the Senate should permit nothing to go upon its Journal, that cast censure upon its decisions or its members, submitted the question to the decision of the Senate.

Upon this question, Mr. Dockery demanded the Yeas and Nays.

Which was seconded.

The Speaker then put the question—"Shall the paper be entered upon the Journal of the Senate?"
Whereupon, a large number of Senators retired without the bar of the Senate, but remained within the Chamber; and others declined answering to their names.

On ascertaining the result, it was found that no one voted in the affirmative, and twenty-three in the negative.

Those who voted in the negative, were

Messrs. Albright, Messrs. Lindsay,
Bogle, McMillan,
Boyden, Moody,
Cowper, Pharr,
Dockery, Shepard,
Elliott, Smith,
Francis, Taylor,
Halsey Thompson, (of B.)
Hellen, Waddell,
Jefferson, Woodfin,
Joiner, (of P.)

Question decided in the negative.

Mr. Hargrave presented a petition from sundry citizens of the County of Davidson, praying the Legislature to repeal an Act of the General Assembly, passed in the years 1842-'43, to keep people from fishing by fire-light in Hambie's Creek; which was read, and on his motion referred to the Committee on Propositions and Grievances.

Mr. Exum presented a Bill, entitled a Bill, to authorize the removal of the County seat in Wayne County, from the Town of Waynesboro' to the Village of Goldsboro', in said County of Wayne.

Which was read the first time and passed.

Mr. Gwynn, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Rutherford County, praying for the erection of a new County by the name of Lafayette, reported the same to the Senate, and asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Gwynn, from the same Committee, to whom was referred the memorial of the Magistrate of Police and Commissioners of the Town of Fayetteville, asking the extension of the Western
boundary of said Town, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Gwynn, from the same Committee, to whom was referred the petition for the division of Orange County, reported the same to the Senate, and asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Cameron presented a Bill, entitled a Bill, to incorporate Pine Encampment Lodge No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville.

Which was read the first time and passed.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Resolution, directing them to enquire into the expediency of amending the law in regard to the laying off of the dower of Widows, with the view of saving cost therein, reported that no legislation on the subject is necessary, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Dockery presented a Bill, entitled a Bill, to revive and continue in force an Act, entitled an Act, to incorporate the Raleigh and Columbia Rail Road Company.

Which was read the first time and passed.

Mr. Waddell presented a Bill, entitled a Bill, to make Surveyors act as Processioners in certain cases.

Which was read the first time and passed.

Mr. Biggs presented the following Resolution:

Resolved, That the Public Treasurer pay to William Ennett the sum of twenty-five dollars, for carrying a Writ of Election to the County of Onslow, to supply the vacancy in the Senate, occasioned by the expulsion of the Senator from Onslow; and that the Public Treasurer be allowed the same in the settlement of his Public Accounts.

Which was read the first time and passed.

Mr. Stowe presented a Bill, entitled a Bill, to authorize the holding of two additional terms of the Court of Pleas and Quarter Sessions, in and for the County of Catawba, at which there shall be no Jury Trials.

Which was read the first time and passed.

Mr. Stowe presented a Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton.
Which was read the first time and passed.

Mr. Jefferson presented a Bill, entitled a Bill, to amend an Act, entitled an Act, to authorize the laying out and establishing a Turnpike Road from the South Carolina line, at some point near the Block House in Rutherford County, to Cain Creek Bridge, in Buncombe County.

Which was read the first time and passed.

Mr. Tayloe, from the Joint Select Committee to whom was referred the Resolution to examine into the condition of the furniture in the residence of the Governor, reported the following Resolution:

Resolved, That the sum of One Thousand Dollars be, and is hereby appropriated to the purchase of Furniture for the Governor's residence—the purchase of said Furniture to be made under the direction of the Governor.

Which was read the first time and passed.

On motion of Mr. Exum, the Senate took a recess until three o'clock, P. M.

THREE o’CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Boyden presented a Bill, entitled a Bill, supplemental to an Act passed the present Session of the General Assembly, entitled an Act to amend an Act, to incorporate the President, Directors and Company of the Yadkin Toll Bridge.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

The Senate took up the unfinished business of yesterday, to-wit: the Bill, entitled a Bill, to amend the 123d Chapter of an Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property; and on motion of Mr. Hellen, was laid on the table.

On motion of Mr. Jefferson, the Bill, entitled a Bill, to incorporate the North Carolina Mining, Manufacturing and Land As-
sociation, was taken up, and on motion of Mr. Worth, laid on the table.

On motion of Mr. Pasteur, the Bill, entitled a Bill, to amend the 123d Chapter of an Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property, was taken up, read the second and third times, passed, and ordered to be Enrolled.

On motion of Mr. Lindsay, the Bill, entitled a Bill, to consolidate and amend the Acts heretofore passed on the subject of Common Schools, was taken up, read the second time, and amended on motion of Mr. Eaton.

Mr. Boyden moved to amend the first section of the Bill, by striking out the word "Federal," and inserting the word "White" in lieu thereof.

Mr. Wilson called for a division of the question, to strike out, which was decided in the negative, by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Elliott,
Francis,
Hargrave,
Jefferson,

Messrs. McMillan,
Pharr,
Stowe,
Walker,
Woodfin,
Worth.—12.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Boyd,
Cameron,
Cowper,
Dockery,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Melvin,
Moody,
Pasteur,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Tayloe,
Thompson, (of B.)
Mr. Shepard moved to amend the Bill, by adding the following as an additional Section:

*Be it further enacted, That a General Superintendent of the Schools of the State be elected by a joint ballot of the two Houses, whose duty it shall be to visit the several Counties of the State, and to report to each Legislature the condition of the Schools, and to suggest such alterations as he may think proper; and that the salary of such Superintendent shall be — dollars.*

Which was read and rejected.

Mr. Hellen moved to amend the Bill, in the 24th section thereof, by striking out the word “five,” and inserting the words—“two and a half.”

Which was adopted by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

**Messrs. Albright,**
Biggs,
Bogle,
Boyd,
Boyden,
Cowper,
Eaton,
Exum,
Francis,
Gavin,
Hargrave,
Hellen,
Hester,
Jefferson,
Joyner, (of H.)
Joiner, (of P.)

**Messrs. McMillan,**
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Waddell,
Wilson,
Woodfin,
Worth.—31.
Those who voted in the negative, were


The Bill then passed, as amended.
On motion of Mr. Jefferson, the Senate adjourned until Monday morning ten o'clock.

Monday, Jan. 6, 1845.

The Senate met according to adjournment.
Mr. Biggs presented the resignation of William Gray, a Justice of the Peace for the County of Martin.
Which was read and accepted, and sent to the House of Commons.

Mr. Dockery presented a Bill, entitled a Bill, to prevent Free Negroes and Mulattoes from trafficking in ardent spirits.
Which was read the first time and passed.

Mr. Walker presented a Bill, entitled a Bill, to regulate the 70th and 71st Regiments of North Carolina Militia.
Which was read the first time and passed.

Mr. Thompson, (of B.) presented a Bill, entitled a Bill, making further compensation to the Jurors of the County of Northampton.
Which was read the first time and passed.

Mr. Cowper presented a Bill, entitled a Bill, to amend an Act of the General Assembly of North Carolina, passed at its Session
of 1824-25, to amend the several Acts to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, and their waters, and the Albemarle Sound, so far as extends to the Cashie River.

Which was read the first time and passed, and on motion of Mr. Thompson, (of B.) referred to a Select Committee of five.

Mr. Tayloe moved that the vote by which was passed the Engrossed Bill, entitled a Bill, to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property, be reconsidered.

Which motion was agreed to.

The Bill was then laid on the table.

The Senate took up the Bill, entitled a Bill, to consolidate and amend the Acts heretofore passed on the subject of Common Schools.

Which was read the third time.

Mr. Drake moved to amend the sixth section thereof, by striking out the words, "are hereby authorized and empowered," and inserting the words, "may in their discretion."

Which was read and agreed to.

Mr. Boyd moved to amend the eighth section thereof, by striking out the word "Monday," and inserting the word "Saturday" in lieu thereof.

Which was also agreed to.

Mr. Francis moved to amend the eleventh section, by adding the words "or receive by donation."

Which was also agreed to.

Mr. Edwards then moved to amend the Bill, by adding the following Proviso to the fourth section:

Provided, That the children in any one District may, by the consent of one or more Superintendents, attend the Schools in any adjoining District.

Which was read and agreed to.

Mr. Boyd moved that the vote by which was passed an amendment to the eighth section, be reconsidered.

Which was agreed to.

He then moved to amend the Bill, by striking out in the third line, the words "the first Monday of October," and inserting the words, "the last Saturday of September."

Which was also agreed to.
Mr. Worth moved to amend the Bill, in the sixteenth section and third line, by striking out all after the word "District," to the word "and" in the fifth line.

Which motion did not prevail.

Mr. Tayloe moved to amend the Bill, by adding the following section thereto:

*And be it further enacted, That it shall be the duty of the Chairman of the Board of Superintendents to give notice, by written publication, at the Court House door of each County; which publication shall be made soon after the money is first received.*

Which was read and adopted.

Mr. Shepard moved to amend the Bill, by adding the following section thereto:

*Be it further enacted, That a General Superintendent of Common Schools shall be appointed by the Literary Board, whose duty it shall be to visit annually each County in the State, and examine the condition of the Schools therein, and to report to the Governor their condition, suggesting in said report, such improvement and alteration of the existing law as his experience may suggest. It shall be the duty of said Superintendent, under the direction of the Literary Board, to procure the best Elementary School Books and furnish the several Schools with them in such quantities as said Board may direct; and the Governor shall lay before the Legislature at the commencement of its Session, the reports herein made. And the Superintendent shall be allowed — dollars per annum, to be paid out of the Literary Fund.*

Which was read and rejected by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

**Those who voted in the affirmative, were**

Messrs. Albright, Boyden, Cowper, Dockery, Edwards, Elliott, Ennett, Francis, Halsey, Hargrave, Hellen,    

Those who voted in the negative, were

Messrs. Biggs, Bogle, Boyd, Cameron, Drake, Etheridge, Exum, Gavin, Gwynn, Hester, Hill, Holmes,


The Bill then passed by the following vote, Mr. Boyden calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Biggs, Bogle, Boyd, Cameron, Cowper, Dockery, Drake, Eaton, Edwards, Elliott, Ennett, Etheridge, Exum, Francis, Gavin, Gwynn, Halsey, Hargrave, Hellen, Hester, Hill,

Those who voted in the negative, were


Ordered that said Bill be Engrossed.
On motion of Mr. Edwards, the Senate adjourned until half-past three o'clock, P. M.

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Half-past three o'clock, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate:

A Bill to prevent obstructions in Hitchcock's Creek in the County of Richmond;
A Bill to incorporate Dunn Faison Academy, in the County of Duplin;
A Bill to improve the navigation of Cypress Creek, in the County of Bladen;
Which 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 and Resolution, in which they ask the concurrence of the Senate:

A Bill to incorporate a Corps of Cavalry in the County of Chowan;
Resolution in relation to the fourth Instalment;
A Bill for the relief of Samuel Lowers;
A Bill to amend the eighth section of the fiftieth chapter of the Revised Statutes, entitled an Act concerning frauds and fraudulent conveyances.
A Bill concerning the Superior Courts of Cleaveland County;
Resolution in favor of William Davidson;
A Bill to amend the 58th Section of the Revised Statutes, entitled Courts—County and Superior;
A Bill to divide the Militia of the County of Anson into two Regiments.

Said Bills and Resolutions were severally read the first time and passed.

Mr. Joyner, (of P.) moved that the vote by which was passed the Bill, entitled a Bill to consolidate and amend the Acts heretofore passed on the subject of Common Schools, be reconsidered.

Which motion prevailed by the following vote,

Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyden, Cowper, Dockery, Edwards, Elliott, Francis, Hill, Jefferson,


Those who voted in the negative, were

Messrs. Biggs, Cameron, Drake, Etheridge, Exum, Gavin, Gwynn, Hargrave, Hester,


Mr. Joiner, (of P.) then moved that the vote by which was rejected the amendment of Mr. Shepard, proposing the appointment of a Superintendant of Common Schools, be reconsidered.

Which was agreed to.

Mr. Exum moved that the Bill and amendment be laid on the table.
Which motion was rejected by the following vote, Mr. Exum calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were


The question was then taken on the amendment of Mr. Shepard. Which was decided in the negative, by the following vote, Mr. Speight calling for the Yeas and Nays:

Those who voted in the affirmative, were

Those who voted in the negative, were

Messrs. Biggs, Messrs. Hill,
Bogle, Holmes,
Boyd, Jeffreys,
Cameron, Melvin,
Drake, Reich,
Eaton, Speight,
Ennett, Stallings,
Etheridge, Stowe,
Exum, Thompson, (of W.)
Gavin, Tomlinson,
Gwynn, Walker,
Hester, Wilson.—24.

The Bill then passed the third time, and was ordered to be Engrossed.

The Engrossed Bill, entitled a Bill, to attach that part of Carteret County known as Ocracoke, to Hyde County, was taken up, read the third time and passed, and ordered to be Enrolled.

The Senate then took up the Engrossed Bill, entitled a Bill, to amend an Act for the establishment and better regulation of Common Schools.

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

On motion of Mr. Woodfin, the Bill, entitled a Bill, to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, thence to the line of the State of Georgia, was taken up and read the second time.

Mr. Albright moved to amend the Bill, by striking out that portion of the first section, providing for a branch of the Road from Fayetteville to some eligible point of the proposed Turnpike Road, East of the Yadkin.

Which motion was decided in the negative, by the following vote,

Mr. Cameron calling for the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Albright, Messrs. Hester,
Biggs,
Boyd,
Cowper,
Drake,
Eaton,
Ennett,
Exum,
Gwynn,
Halsey,

Messrs. Hellen,
Hester,
Jeffreys,
Joyner, (of H.)
Shepard,
Speight,
Stowe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson.—20.

Those who voted in the negative, were

Messrs. Bogle,
Boyden,
Cameron,
Dockery,
Edwards,
Elliott,
Etheridge,
Francis,
Gavin,
Hargrave,
Hill,
Holmes,
Jefferson,
Joiner, (of P.)
Messrs. Lindsay,
Melvin,
McMillan,
Pharr,
Reich,
Smith,
Stallings,
Taylor,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—27.

The Bill was then rejected by the following vote,
Mr. Cowper calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Joyner, (of H.)
Bogle,
Boyden,
Cameren,
Dockery,
Edwards,
Elliott,
Francis, Waddell,  Waddell,
Hargrave,  Woodfin,  Woodfin,
Hellen,  Worth.—21.
Jefferson,  Worth.

Those who voted in the negative, were

Messrs. Biggs,  Messrs. Holmes,
Boyd,  Jeffreys,
Cowper,  Joiner, (of P.)
Drake,  Shepard,
Eaton,  Speight,
Ennett,  Stallings,
Etheridge,  Stowe,
Exum,  Thompson, (of B.)
Gavin,  Thompson, (of W.)
Gwynn,  Tomlinson,
Halsey,  Walker,
Hester,  Wilson.—25.
Hill,

Mr. Albright presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of the Legislature adjourn sine die on Thursday next, the 9th of January.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. C. L. Payne, Nixon, Haughton and Wilder form their Committee on Enrolled Bills the present week.

Whereupon, the Speaker announced to the Senate that Messrs. Lindsay and Jeffreys compose the Committee on the part of the Senate, on Enrolled Bills, the present week; and the House of Commons was informed thereof by message.

The Speaker presented to the Senate a message from His Excellency, the Governor, therein transmitting to the Legislature a communication of the President of the Dismal Swamp Canal Company, alleging that the navigation of Roanoke river has been obstructed by the erection of a Bridge across said River, by the Petersburg Rail Road Company.
Which was read, and on motion of Mr. Shepard, ordered to be sent to the House of Commons, with a proposition to print.

The Speaker announced to the Senate, that Messrs. Biggs, Thompson, (of B.) Joyner, (of H.) Cowper and Stallings form the Committee on the Bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers, and their waters, and the Albemarle Sound.

On motion of Mr. Albright, the Senate took a recess until half-past six o'clock.

Half past 6 o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Francis presented a Bill, entitled a Bill, to provide for connecting Cherokee County with the other portions of North Carolina, by means of a Road, which can be travelled over with safety to the lives of its citizens.

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 allow the Justices of the Peace of Hyde County to lay a tax, for the purpose of purchasing the Mattamuskeet and Rosebay Turnpike;

A Bill to incorporate the Town of Pittsboro', in the County of Chatham;

A Bill providing for the re-organization of the Portsmouth and Roanoke Rail Road Company;

Which were severally read the first time and passed.

Received from the House of Commons a message, stating that they concur in the amendment of the Senate, to the Engrossed Bill, entitled a Bill, concerning the Superior Court of Currituck County.

They also concur in the amendment of the Senate, to the Engrossed Bill to authorize the foreclosure of the Mortgage of the Raleigh & Gaston Rail Road.
Received from the House of Commons a message, stating that they do not concur in the amendments of the Senate to the Engrossed Bill, entitled a Bill, providing for the appointment of Engrossing Clerks.

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

Received from the House of Commons, the resignation of John Pholur, a Justice of the Peace for the County of Wilkes.

Which was read and accepted.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate:

A Bill to establish a new Regiment out of the Militia in the County of Union;

A Resolution in favor of Thomas W. Rooker;

A Bill to amend the Revised Statutes, entitled an Act concerning Legacies, Filial Portions, and Distributive Shares, and the Revised Statute—"Descents;"

A Bill to incorporate the Trustees of Bethania Society and Academy, in Stokes County.

Said Bills were severally read the first time and passed.

The Resolution was read the first, second and third times and passed, and ordered to be Enrolled.

Received from the House of Commons, the following resignations of Justices of the Peace:

Alexander Cunningham, a Justice of the Peace for the County of Person;

William Ennett, a Justice of the Peace for the County of Onslow;

Which were severally read and accepted.

Mr. Thompson, (of B.) presented a Bill, entitled a Bill, to locate the residence of the Judges hereafter to be elected.

Which was read the first time and passed.

The Bill, entitled a Bill, to amend the 103d Chapter of the Revised Statutes, entitled an Act concerning the improvement of Rivers and Creeks, and to prevent obstruction to their navigation; and the Bill, entitled a Bill, to authorize the Sheriff of Gates County to collect arrearages of Taxes, were taken up.

The first named Bill was read the second and third times and passed, and ordered to be Engrossed.

The last named Bill was read the second time and rejected.
The Bill, entitled a Bill, to authorize the payment of Tales Jurors in the County of Stokes, was taken up, read the second and third times and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, to amend the 6th Section of an Act, entitled an Act concerning the Powers and Jurisdiction of Justices of the Peace;

A Resolution in relation to the obstruction to the navigation of Pungo River, occasioned by the opening of Pungo Canal.

Which were read the second time and rejected.

The Bill, entitled a Bill, declaratory of the meaning of the Act, entitled an Act to aid the Internal Improvements of this State; the Bill, entitled a Bill, to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, Section 1, as to the time and manner of electing Wardens of the Poor, so far as relates to the County of Northampton, were taken up, read the second and third times and passed, and ordered to be Engrossed.

The Engrossed Bill, entitled a Bill, to secure to the citizens of this State the right of fishing in the navigable waters of this State, was taken up, read the second time, and on motion of Mr. Francis, laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill, to appoint Commissioners to view and lay off a Road in the County of Ashe.

Which was read the second and third times, amended on motion of Mr. McMillan, and passed, and sent to the House of Commons for their concurrence.

The Engrossed Bill, entitled a Bill, assenting to the purchase by the United States, of certain Land in the Town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain conditions and limitations therein contained, was taken up, read the second and third times, passed, and ordered to be Enrolled.

The Senate then took up the Bill, entitled a Bill; to alter the time of holding the Superior Courts of Law and Equity for the Counties of Rockingham and Guilford; and a Bill, entitled a Bill, concerning the return of civil process before Magistrates.

The first named Bill was read the second and third times, passed, and ordered to be Engrossed.

The last named Bill was read the second time, and on motion of Mr. Halsey, indefinitely postponed.
The Engrossed Bill, entitled a Bill, concerning Passengers in Vessels coming to the ports of this State, was taken up, read the second time, and on motion of Mr. Hellen, laid on the table.

The Engrossed Bill, entitled a Bill, to compel the entry-taker of Union County to keep his office at the Court House of said County, was taken up, read the second time, and on motion of Mr. Walker, indefinitely postponed.

The Senate took up the Engrossed Bill, entitled a Bill, supplemental to an Act passed in the year 1838, entitled an Act supplemental to an Act passed in the year 1834, to lay off and establish a Road from Morganton to the Tennessee line.

Which was read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to provide for the opening and clearing out of Muddy Creek, and its branches, in Stokes County, was taken up, read the second and third times and passed, and ordered to be Enrolled.

On motion of Mr. Halsey, the Engrossed Bill, entitled a Bill, to secure to the citizens of this State the right of fishing in the navigable waters of the State, was taken up, read the second time, and passed.

The Bill was then read the third time and passed, by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boyd, Cameron, Cowper, Drake, Eaton, Edwards, Elliott, Enett, Etheridge, Exum, Francis, Gavin, Jefferson, Jeffreys, Joyner, (of H.), Joiner, (of P.), Lindsay, Melvin, Speight, Stallings, Stowe, Tayloe, Thompson, (of B.), Thompson (of W.), Tomlinson,
Those who voted in the negative, were

Messrs. Boyden,
Dockery,
Hellen,

Messrs. Pharr,
Smith.—5.

Received from the House of Commons a message, stating that they concur in the amendments of the Senate, to the Engrossed Bill, entitled a Bill, to appoint Commissioners to view and lay off a Road in the County of Ashe.

The Bill, entitled a Bill, to incorporate the Lake Drummond and Orapeak Canal Company, was taken up, read the second and third times, passed, and ordered to be Engrossed.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, to print the accompanying Message of his Excellency, the Governor, and accompanying documents.

The Resolution in favor of J. W. Rowland, Sheriff of Robeson, was taken up, read the second time, and rejected.

The Engrossed Resolution in favor of Thomas Wilson, Sheriff of Yancy County, was taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, to loan to the North Carolina Military Academy at Raleigh, for the use of the Cadets thereof, the necessary Military arms and equipments, was taken up, and read the second and third times.

Mr. Joyner, (of H.) moved to amend the Bill, by inserting after the word "Raleigh," in the title of the Bill, the words, "and Raleigh Academy."

Mr. Eaton moved to amend the amendment of Mr. Joyner, by adding the words, "Academy at Henderson."

Which was rejected.

The question was then taken on the amendment of Mr. Joyner. Which was also rejected.

The Bill then passed, and was ordered to be Enrolled.
The Bill, entitled a Bill, to authorize the removal of the County seat in Wayne County, from the Town of Waynesborough to the Village of Goldsboro', in said County of Wayne, in the event the people of said County shall vote for such removal, was taken up, read the second and third times, passed, and ordered to be Engrossed.

The Resolution directing the Literary Board to lend Fifteen Hundred Dollars to the Asheville Female Boarding House Company, was taken up, and read the second and third times.

Mr. Tomlinson moved that the Resolution be indefinitely postponed.

Which motion was rejected by the following vote:

Those who voted in the affirmative, were

Messrs. Albright,    Messrs. Hester,
    Boyd,           Melvin,
    Cameron,       Reich,
    Drake,         Speight,
    Eaton,         Stowe,
    Exum,          Tomlinson,
    Gavin,         Walker.—15.
    Gwynn,

Those who voted in the negative, were

    Bogle,         Joiner, (of P.)
    Boyden,        Lindsay,
    Cowper,        Pharr,
    Dockery,       Smith,
    Edwards,       Tayloe,
    Elliott,       Thompson, (of W.)
    Ennett,        Wilson,
    Francis,       Woodfin,
    Halsey,        Worth.—21.
    Hellen,

The Resolution then passed, and was ordered to be Engrossed.

The Bill, entitled a Bill, to authorize the holding of two additional Terms of the Court of Pleas and Quarter Sessions, in and
for the County of Catawba, at which there shall be no Jury trials, was taken up, read the second and third times, passed, and was ordered to be Engrossed.

The Senate took up the Bill, entitled a Bill, to revive and continue in force an Act, entitled an Act, to incorporate the Raleigh and Columbian Rail Road Company.

Which was read the second time,

And on motion of Mr. Biggs, was laid on the table.

The Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton;

The Bill, entitled a Bill, for the more speedy administration of Justice;

Were taken up. The first named Bill was read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to make County Surveyors act as Processioners in certain cases;

The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill, entitled a Bill, to make County of Catawba, at which there shall be no Jury trials, was taken up, read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to make County Surveyors act as Processioners in certain cases;

The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton;

The Bill, entitled a Bill, for the more speedy administration of Justice;

Were taken up. The first named Bill was read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

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The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton;

The Bill, entitled a Bill, for the more speedy administration of Justice;

Were taken up. The first named Bill was read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

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The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton;

The Bill, entitled a Bill, for the more speedy administration of Justice;

Were taken up. The first named Bill was read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to make County Surveyors act as Processioners in certain cases;

The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton;

The Bill, entitled a Bill, for the more speedy administration of Justice;

Were taken up. The first named Bill was read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to make County Surveyors act as Processioners in certain cases;

The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton;

The Bill, entitled a Bill, for the more speedy administration of Justice;

Were taken up. The first named Bill was read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to make County Surveyors act as Processioners in certain cases;

The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton;

The Bill, entitled a Bill, for the more speedy administration of Justice;

Were taken up. The first named Bill was read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to make County Surveyors act as Processioners in certain cases;

The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;
And the Bill, entitled a Bill, concerning the Superior Courts of Cleveland County;
Were taken up, read the second and third times, passed, and ordered to be Enrolled.
The Senate then took up the Bill, entitled a Bill, to regulate the 70th and 71st Regiment of North Carolina Militia;
And the Bill making further compensation to the Jurors of the County of Northampton;
Which were severally read the second and third times, passed, and ordered to be Engrossed.
The Bill, entitled a Bill, to prevent Free Negroes and Mulattoes from trafficking in ardent spirits, was taken up, read the second and third times, amended on motion of Mr. Stallings, passed, and ordered to be Engrossed.
The Senate then took up the Engrossed Bill, entitled a Bill, to amend the 58th Section of the Revised Statutes, entitled Courts—County and Superior.
Which was read the second time, amended, and then rejected.
The Engrossed Bill, entitled a Bill, for the relief and benefit of Orphans, was taken up, read the second time and rejected.
On motion of Mr. Drake, the Senate adjourned until to-morrow morning ten o’clock.

Tuesday, Jan. 7, 1845.

The Senate met according to adjournment.

Mr. Gwynn, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the Counties of Edgecomb and Pitt, praying the Legislature to pass an Act preventing the fishing with seines and nets from Randolph’s Mill, on Great Conetoe, reported adversely thereto, and asked to be discharged from its further consideration.
They were discharged accordingly.

Mr. Gwynn, from the same Committee, to whom was referred the petition of sundry citizens of Davidson County, praying for the repeal of an Act of the General Assembly, passed at the Session of 1842-43, preventing fishing by fire-light in Hamburge's Creek, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Biggs, from the Committee to whom was referred a Bill, to amend an Act of the General Assembly of North Carolina, passed at its Session of 1824-25, to amend the several Acts to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, and their waters, and the Albemarle Sound, so far as extends to the Cashie river, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Dockery presented a Bill, entitled a Bill fixing the Tolls in future, for crossing Davis' Bridge, over Rockfish Creek, on the line between the Counties of Robeson and Cumberland.

Which was read the first time and passed.

Mr. Eaton presented the following Preamble and Resolution:

Whereas, It appears from the report of the Public Treasurer, made to the Senate in pursuance of a Resolution of this body, per Comptroller's Report, made the 20th of December, 1842, and Document No. 41, and report of the Governor on expenses of Literary and Internal Improvement Boards, to this General Assembly, that His Excellency, John M. Morehead, has received from the Public Treasury, the sum of Nine Hundred and Seventy-five Dollars, for per diem services as President ex officio of the Literary and Internal Improvement Boards, without the authority of Law, as appears from the opinion of the Attorney General, transmitted with said Report. Therefore,

Be it Resolved, That His Excellency, John M. Morehead, be requested by the Public Treasurer, to pay into the Public Treasury, the said sum of Nine Hundred and Seventy-five Dollars, and upon the refusal of the said John M. Morehead to pay the said sum of Nine Hundred and Seventy-five Dollars, that the Attorney General of the State be, and he is hereby directed, to institute suit against the said John M. Morehead, for the recovery of the amount aforesaid.

Which was read the first time and passed.
Mr. Woodfin presented the following Preamble and Resolution:

WHEREAS, the duties of the Comptroller's Office have increased fourfold since the salary was fixed by Law, and extra labor without compensation is thrown upon the Department, and no provision is made for the unavoidable absence, from sickness or otherwise, of the Comptroller from the Office. Therefore,

Resolved, That the Comptroller of Public Accounts of this State be allowed the sum of Five Hundred Dollars annually, for the purpose of compensating a Clerk to aid in discharging the duties of said Department, and that the same be paid on the Warrant of the Governor, quarterly.

Which was read the first time and passed.

On motion of Mr. Waddell, the Engrossed Resolution in favor of William Davidson, was taken up, read the second and third times, and passed by the following vote,

Mr. Melvin calling for the Yeas and Nays:

Those who voted in the affirmative, were

 Messrs. Bogle, Messrs. Joyner, (of H.)
    Boyden, McMillan,
    Cameron, Pharr,
    Cowper, Reich,
    Dockery, Smith,
    Elliott, Stowe,
    Etheridge, Tayloe,
    Halsey, Walker,
    Heflin, Wilson,
    Hester, Woodfin,
    Hill, Worth. — 23.
    Jefferson,

Those who voted in the negative, were

 Messrs. Boyd, Messrs. Holmes,
    Drake, Jeffreys,
    Eaton, Joiner, (of P.)
    Edwards, Speight,
Ordered that said Resolution be Enrolled.

The Bill, entitled a Bill, to lay off and establish a new County by the name of Jefferson, was taken up, read the second time, and on motion of Mr. Boyden, indefinitely postponed by the following vote,

Mr. Reich calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Boyd,
Boyden,
Cowper,
Dockery,
Drake,
Eaton,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Stallings,
Thompson, (of B.),
Thompson, (of W.),
Tomlinson.—16.

Those who voted in the negative, were

Messrs. Halsey,
Hill,
Joyner, (of H.),
Joiner, (of P.),
Lindsay,
Melvin,
Speight,
Stallings,
Tayloe,
Thompson, (of B.),
Thompson, (of W.),
Tomlinson,
Woodfin.—27.

Received from the House of Commons a message, proposing that both Houses of this General Assembly adjourn sine die on Thursday, the 9th instant; and that the Clerks make up the estimates to that time.
Which was read and agreed to.

Mr. Cameron presented a Bill, entitled a Bill, to repeal an Act passed in the year 1835, concerning Fire Companies in the Town of Fayetteville.

Which was read the first time and passed.

The Bill, entitled a Bill, proposing an amendment to the Constitution of the State, was taken up, read the second time, and on motion of Mr. Drake, postponed until the 4th of March next, by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Holmes,
Boyd, Jeffreys,
Cameron, Melvin,
Drake, Reich,
Eaton, Shepard,
Edwards, Speight,
Enever, Stallings,
Etheridge, Stowe,
Exum, Thompson, (of W.)
Gavin, Tomlinson,
Gwynn, Walker,
Hester, Wilson.—25.
Hill,

Those who voted in the negative, were

Messrs. Albright, Messrs. Joiner, (of P.)
Bogle, Lindsay,
Boyden, McMillan,
Cowper, Pharr,
Dockery, Smith,
Elliott, Taylor,
Halsey, Thompson, (of B.)
Helen, Waddell,
Jefferson, Woodfin,

On motion of Mr. Tayloe, the Engrossed Bill, entitled a Bill, to amend the 123d Chapter of the Acts of the Revised Statutes,
entitled an Act concerning Wrecks and Wrecked Property, was taken up, and on his motion amended, passed the third time, and ordered to be sent to the House of Commons for their concurrence.

Mr. Jeffreys moved that the vote by which was rejected the Engrossed Bill, to amend the 58th Section of the Revised Statutes, entitled Courts—County and Superior, be reconsidered.

Which motion was agreed to.

The Bill was then, on his motion, laid on the table.

Mr. Boyden, from the Committee to whom was referred so much of the Governor's Message as relates to Asylums, reported a Bill, entitled a Bill, to provide for the education and maintenance of the poor and destitute Deaf Mutes and Blind persons in this State.

Which was read the first time and passed.

On motion of Mr. Dockery, the Report in relation to Asylums was ordered to be printed.

The Bill, entitled a Bill, for the more speedy and equitable settlement of the estates of deceased persons, was taken up, and on motion of Mr. Edwards, laid on the table.

Mr. Joyner, (of P.) presented a Bill, entitled a Bill, to authorize the Court of Pleas and Quarter Sessions of Pitt County to appoint special Justices of the Peace, and making compensation to said Justices, for certain services.

Which was read the first time and passed.

On motion of Mr. Francis, the Bill, entitled a Bill, for laying taxes to meet the extraordinary demands upon the Treasury of the State, was taken up, and read the second time.

Mr. Shepard moved that the Bill be laid on the table.

Which motion was rejected by the following vote:

Those who voted in the affirmative, were

Messrs. Albright, Bogle, Boydce, Cowper, Dockery, Edwards, Elliott,

Mesers. Joiner, (of P.).. Lindsay, McMillan, Melvin, Reich, Shepard, Smith,
Ennett, 
Gavin, 
Joyner, (of H.)

Tayloe, 
Thompson, (of B.) 
Worth.—20.

Those who voted in the negative, were

Messrs. Biggs, 
Boyd, 
Cameron, 
Drake, 
Eaton, 
Etheridge, 
Exum, 
Francis, 
Gwynn, 
Halsey, 
Helen, 
Hester,

Messrs. Holmes, 
Jefferson, 
Jeffreys, 
Pharr 
Speight, 
Stallings, 
Stowe, 
Thompson, (of W.) 
Tomlinson, 
Walker, 
Wilson, 
Woodfin.—24.

Mr. Worth then moved that the Bill be indefinitely postponed.
Which motion prevailed by the following vote,
Mr. Francis calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, 
Bogle, 
Boyden, 
Cameron, 
Cowper, 
Dockery, 
Eaton, 
Edwards, 
Elliott, 
Ennett, 
Gavin, 
Halsey,

Messrs. Joyner, (of H.) 
Joiner, (of P.) 
Lindsay, 
Melvin, 
McMillan, 
Pharr, 
Reich, 
Shepard, 
Smith, 
Tayloe, 
Thompson, (of B.) 
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs, 
Boyd,

Messrs. Jeffreys, 
Speight,
Drake,  
Exum,  
Francis,  
Gwynn,  
Hellen,  
Hester,  
Holmes,  
Jefferson,  
Stallings,  
Stowe,  
Thompson, (of W.)  
Tomlinson,  
Walker,  
Wilson,  
Woodfin.—19.

The Resolution, appropriating one thousand dollars for purchase of Furniture for the Governor’s House, was taken up and read the second time.

Mr. Thompson, (of B.) moved to amend the Resolution, by striking out “one thousand,” and inserting in lieu thereof, “two thousand.”

Which motion was rejected by the following vote,

Mr. Speight calling for the Yeas and Nays:

Those who voted in the affirmative, were

**Messrs.** Boyd,  
Cowper  
Dockery,  
Elliott,  
Halsey,  
Hellen,  
Joyner, (of H.)  
Lindsay,  
Pharr,  
Shepard,  
Smith,  
Tayloe,  
Thompson, (of B.)  
Woodfin,  
Worth.—15.

Those who voted in the negative, were

**Messrs.** Albright,  
Biggs,  
Bogle,  
Boyd,  
Cameron,  
Drake,  
Eaton,  
Edwards,  
Ennett,  
Exum,  
Gavin,  
Gwynn,  
Hester,  
Holmes,  
Jefferson,  
Jeffreys,  
Joiner, (of P.)  
Melvin,  
McMillan,  
Reich,  
Speight,  
Stallings,  
Stowe,  
Thompson, (of W.)  
Tomlinson,  
Wilson.—26.
The Resolution was then read the third time, passed, and ordered to be Engrossed.

The Bill, entitled a Bill, to provide for holding a Session of the Supreme Court once a year in the Western part of the State, was taken up, and on motion of Mr. Jeffreys, laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill, to revive and continue in force an Act passed in the year 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County.

Which was read the second time, and on motion of Mr. Holmes, postponed until the 4th March next, by the following vote:

Those who voted in the affirmative, were

**Messrs.** Albright, Messrs. Hester,
Biggs, Holmes,
Boyd, Jeffreys,
Cameron, Melvin,
Cowper, Reich,
Drake, Speight,
Eaton, Stallings,
Ennett, Stowe,
Etheridge, Thompson, (of W.)
Exum, Tomlinson,
Gavin, Walker,
Gwynn, Wilson.—25.
Halsey,

Those who voted in the negative, were

**Messrs.** Bogle,
Boyden, Messrs. Lindsay,
Dockery, McMillan,
Edwards, Pharr,
Elliott, Shepard,
Hellen, Smith,
Jefferson, Taylor,
Joynor, (of H.) Thompson, (of B.)
Joiner, (of P.) Woodfin,

The Engrossed Bill, entitled a Bill, providing for the re-organ-
ization of the Portsmouth and Roanoke Rail Road Company, was taken up, and read the second time.

Mr. Speight moved that the Bill be laid on the table.

Which motion was rejected by the following vote:

Those who voted in the affirmative, were


Those who voted in the negative, were


Mr. Biggs moved to amend the Bill, by adding to the fourth section the following Proviso:

And provided further, That so much of the Charter heretofore granted to the Portsmouth and Roanoke Rail Road Company, as authorizes the President and Directors of the said Company, by themselves, their officers, agents, or servants, to enter upon any Lands adjacent to the line of said Road, without the consent of the proprietor thereof, and take therefrom, wood, stone, gravel, or earth, for the repairing and keeping up the said Road, shall not be in force by virtue of this Act; but such entry and taking of timber, stone, gravel, or earth, shall only be allowed to the Company hereby created, upon the license of the owner for that purpose first had, and obtained by the Company.
Which was read and adopted.

Mr. Biggs moved further to amend the Bill, by adding the following Section:

Be it further enacted, That if any Judgment or decree shall be at any time obtained before any competent Tribunal in this State against the Company hereby created, and the same shall not be paid by the Company, it shall be lawful for the Plaintiff in such Judgment or decree, to sue out a fieri facias, and cause to be seized and sold by the Officer, to whom the same is directed, any Locomotive, Engine, Car, Coach, or other goods and chattels that may be found; and if not a sufficiency thereof to satisfy such execution, then, and in such case, it shall be the duty of the Officer having such execution, to levy the same upon any or all of the said Rail Road, lying within his County, and the same to sell to the highest bidder, together with all the fixtures and Machinery pertaining, or in any wise belonging thereto. Such sale of said Road to be made (after forty days public notice,) on said Road, or within view of some point thereof.

Which was read.

Pending the question,

The Senate, on motion of Mr. Edwards, adjourned until half past three o'clock, P. M.

Half past 3 o'clock, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, concurring in the amendments of the Senate, to the Engrossed Bill, entitled a Bill, to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property;

Also, in the amendments to a Bill, entitled a Bill, to prevent obstructions in Hitchcock's Creek, in the County of Richmond;

And in the amendments to the Bill, entitled a Bill, to secure to the citizens of this State, the right of fishing in the navigable waters of this State.
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 amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots;

A Bill to amend the Revised Statutes, entitled Rivers and Creeks;

Resolution in favor of Door-keepers;
Resolution relating to the interchange of documents;
Resolution relating to the Statue of Washington;

Said Bills and Resolutions were severally read the first time and passed.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate:

Resolution in favor of Michael Francis;

A Bill, to give to the County Courts for the County of Stanly, two Jury terms;
A Bill to authorize Wm. Bland, of the County of Chatham, to construct a Dam across Haw river, and to erect a mill thereon;
A Bill to provide a suitable punishment for owners or occupiers of houses burning the same, under the circumstances therein mentioned;
A Bill making compensation to Tales Jurors, in the County of Person;
A Bill to change the place of holding the County Courts of McDowell County;
A Bill to lay off a Public Road in Cherokee County, and to make an appropriation for the same;
A Bill concerning Sheriffs and Constables;

Said Bills and 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 to incorporate the Trustees of the Morganton Academy;
A Bill to incorporate a Volunteer Infantry Company, in Washington, Beaufort County;
A Bill to amend the Revised Statutes, entitled Religious Societies;
A Bill to make a Canal from Cape Fear to Lumber River;
A Bill to authorize the making a Turnpike Road in Wilkes County, and to incorporate a Company for that purpose;

Said Bills were severally read the first time and passed.

Received from the House of Commons a message, informing the Senate that they have passed the Engrossed Bill, entitled a Bill, to repeal part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, Section 1, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Northampton, and have amended the same by striking out Northampton County, and inserting Yancy County.

Which was read and concurred in.

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 relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties;

A Bill to open the Pedee and Yadkin Rivers;

A Bill to incorporate a Corps of Cavalry, in the County of Perquimons;

A Bill to cede a portion of Rutherford County to the County of Cleaveland;

A Bill to incorporate the Fayetteville Library Institute;

A Bill to amend an Act ratified the 26th day of January 1843, entitled an Act to punish the default of Returning Officers, in the election of Electors for President and Vice President of the United States;

A Bill to amend the Act of 1792, and other subsequent Acts, relative to the Charter of the City of Raleigh.

A Bill to exempt Justices of the Peace from working on the Public Highways.

Said Bills were severally read the first time and passed.

Received from the House of Commons the resignation of Timothy Moser, a Justice of the Peace for the County of Catawba.

Which was read and accepted.

Mr. Boyden presented a Bill, entitled a Bill, for the establishment of a Lunatic Asylum.

Which was read the first time and passed.

The Senate then took up the unfinished business of the morning, to-wit: the Bill, entitled a Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

The question was on the amendment proposed by Mr. Biggs.
Which was decided in the negative, by the following vote, 
Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Holmes,

Messrs. Jeffreys,
Melvin,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson,
Walker,
Wilson.—21.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Edwards,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Hill,
Jefferson,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—25.

Mr. Biggs then moved to add the following section thereto:

Be it further enacted, That the Portsmouth and Roanoke Rail Road Company shall pay into the Treasury of this State, an annual tax of twenty-five cents for each person who may travel across their Bridge at Weldon; and it shall be the duty of the President of said Company, annually to report to the Treasurer the number of persons who have travelled over the said Bridge.
Mr. Shepard moved to amend the amendment of Mr. Biggs, by adding the following, to-wit:

"Which tax shall not be paid by the Company, unless the Petersburg Rail Road Company accept the amendment to their charter, granted at this Session, by which a similar tax was to be paid by that Company."

Which was read and adopted.
The question was then taken on the amendment, as amended.
Which was decided in the negative, by the following vote,
Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

<table>
<thead>
<tr>
<th>Messrs. Biggs,</th>
<th>Messrs Jefferson,</th>
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<tr>
<td>Boyd,</td>
<td>Jeffreys,</td>
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<td>Cameron,</td>
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<td>Etheridge,</td>
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<td>Exum,</td>
<td>Thompson, (of W.)</td>
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<tr>
<td>Gavin,</td>
<td>Tomlinson,</td>
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<tr>
<td>Gwynn,</td>
<td>Walker,</td>
</tr>
<tr>
<td>Holmes,</td>
<td>Wilson.—22.</td>
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</table>

Those who voted in the negative, were

<table>
<thead>
<tr>
<th>Messrs. Albright,</th>
<th>Messrs. Joiner, (of P.)</th>
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</thead>
<tbody>
<tr>
<td>Bogle,</td>
<td>Lindsay,</td>
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<td>Boyden,</td>
<td>McMillan,</td>
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<td>Cowper,</td>
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<td>Taylor,</td>
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<tr>
<td>Francis,</td>
<td>Thompson, (of B.)</td>
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<td>Hargrave,</td>
<td>Waddell,</td>
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<td>Hellen,</td>
<td>Woodfin,</td>
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<tr>
<td>Hill,</td>
<td>Worth.—23.</td>
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<tr>
<td>Joyner, (of H.)</td>
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</table>
The Bill then passed by the following vote,  
Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Ennett, Etheridge, Exum, Francis, Gavin, Gwynn, Holmes,


The Speaker voted in the affirmative.

The Bill was then taken up.
Mr. Cameron moved that the Bill be laid on the table. Which motion was decided in the negative, by the following vote,
Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Holmes,
Boyd, Jeffrey,
Cameron, Melvin,
Drake, Reich,
Eaton, Speight,
Ennett, Stallings,
Etheridge, Stowe,
Exum, Thompson, (of W.)
Francis, Tomlinson,
Gavin, Walker,
Gwynn, Wilson.—22.

Those who voted in the negative, were

Messrs. Albright, Messrs. Joyner, (of H.)
Bogle, Joiner, (of P.)
Boyden, Lindsay,
Cowper, McMillan,
Dockery, Pharr,
Edwards, Shepard,
Elliott, Smith,
Halsey, Taylor,
Hargrave, Thompson, (of B.)
Hellen, Waddell,
Hill, Woodfin,
Jefferson, Worth.—24.

Mr. Holmes moved that the Senate adjourn until half-past six o'clock.
Which motion was decided in the negative, by the following vote:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Holmes,
Boyd, Jeffrey,
Cameron, Melvin,
Drake, Reich,
Eaton, Speight,
Ennett, Stallings,
Exum, Stowe, (of W.)
Francis, Thompson, (of W.)
Gavin, Tomlinson,
Gwynn, Walker,
Halsey, Wilson.—22.

Those who voted in the negative, were

Messrs. Albright, Messrs. Joyner, (of H.)
Bogle, Joiner, (of P.)
Boyden, Lindsay,
Cowper McMillan,
Dockery, Pharr,
Edwards, Shepard,
Elliott, Smith,
Etheridge, Tayloe,
Hargrave, Thompson, (of B.)
Hellen, Waddell,
Hill, Woodfin,
Jefferson, Worth.—24.

The Bill was then read the third time and passed, by the following vote,
Mr. Tomlinson demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Joyner, (of H.)
Bogle, Joiner, (of P.)
Boyden, Lindsay,
Cowper McMillan,
Dockery, Pharr,
Edwards, Shepard,
Elliott, Smith,
Halsey, Tayloe,
Hargrave, Thompson, (of B.)
Hellen, Waddell,
Hill, Woodfin,
Jefferson, Worth.—24.

Those who voted in the negative, were

Messrs. Biggs, Messrs. Holmes,
Boyd, Jeffreys,
Ordered that said Bill be Enrolled.
On motion of Mr. Joyner, (of H.)

Ordered, That Mr. Albright have leave of absence from the service of the Senate, from and after to-morrow, the balance of the Session.

On motion of Mr. Dockery, the Senate took a recess until quarter after seven o'clock, P. M.

QUARTER PAST 7 O'CLOCK, P. M.

The Senate met pursuant to adjournment,
And took up the Engrossed Bill, entitled a Bill, for the relief of Samuel Lowers.
Which was read the second and third times, passed, and ordered to be Enrolled.
The Engrossed Bill, entitled a Bill, to amend the 8th Section of the 50th Chapter of the Revised Statutes, entitled an Act concerning Frauds and Fraudulent Conveyances;
And the Bill, entitled a Bill, to establish a new Regiment out of the Militia in the County of Union;
Were taken up, read the second and third times, passed, and ordered to be Enrolled.
The Bill, entitled a Bill, to amend the Revised Statutes, entitled an Act concerning Legacies, Filial Portions and Distributive
Shares; and the Revised Statutes—"Descents," were taken up, read the second and third times, passed, and ordered to be Enrolled.

Mr. Waddell, from the Joint Select Committee to whom was referred the Message of His Excellency, Governor Morehead, in relation to the compensation of the Governor, as President ex officio of the Literary and Internal Improvement Boards, made a report on the subject referred to them.

Which was read, and on motion of Mr. Dockery, ordered to be sent to the House of Commons.

Mr. Biggs, from the minority of said Committee, made a counter report thereon.

Which was read, and ordered to be sent to the House of Commons.

The Engrossed Bill, entitled a Bill, to incorporate Bethania Academy and Society, in the County of Stokes, was taken up, read the second and third times, passed, and ordered to be Enrolled.

Mr. Thompson, (of W.) presented the following Resolution:

Resolved, That R. W. Ashton be, and he is hereby authorized to enclose with a rail fence, a certain lot of land belonging to the State, in the Eastern part of the City of Raleigh, known by the name of the Barringer lot.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

On motion of Mr. Biggs, the Bill, entitled a Bill, to amend an Act, entitled an Act to provide for the collection and management of a revenue for this State, was taken up, read the third time and passed, by the following vote,

Mr. Francis calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Halsey,
Biggs, Jefferson,
Bogle, Jeffreys,
Boyd, Joyner, (of H.)
Boyden, Melvin,
Cameron, Smith,
Cowper, Taylor,
Dockery, Thompson, (of B.)
Those who voted in the negative, were

Messrs. Francis,  Messrs. Speight,  
Gwynn,  Stallings,  
Hellen,  Stowe,  
McMillan,
Which was read, and not agreed to.

The Bill, entitled a Bill, to incorporate the Town of Pittsboro', in the County of Chatham, was taken up, read the second and third times; passed, and ordered to be Enrolled.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, concerning a Penitentiary, with the amendment marked A, in lieu of the fourth section.

Which was read, and concurred in.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to make Real Estate Assets, in which they ask the concurrence of the Senate.

Which was read the first time and passed.

On motion of Mr. Boyden, the Bill to alter the times of holding Courts, was taken up, and on his motion made the order of the day for to-morrow, at 11 o'clock.

The Engrossed Bill, entitled a Bill, relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties; and a Resolution relating to the interchange of Documents, were taken up, and read the second and third times.

The Resolution was amended, on motion of Mr. Francis, and passed.

Ordered that said Bill be Enrolled.

The Senate then took up the Engrossed Bill, to change the place of holding the County Courts of McDowell County.

Which was read the second and third times, amended on motion of Mr. Boyden, passed, and ordered to be sent to the House of Commons for their concurrence.

The Resolution relating to the Statue of Washington;

The Bill, entitled a Bill, to give to the County Courts of Stanly County, two Jury terms;

Were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots;

The Engrossed Resolution in favor of Michael Francis;

And the Engrossed Bill, making compensation to Tales Jurors in the County of Person;

Were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Senate took up the Engrossed Bill, entitled a Bill, to exempt Justices of the Peace from working on the public highways.
Which was read the second and third times, amended on motion of Mr. Dockery, and on motion of Mr. Biggs, laid on the table.

The Engrossed Bill, entitled a Bill, to cede a portion of Rutherford County to the County of Cleaveland;

The Bill, entitled a Bill, to incorporate the Fayetteville Library Institute;

And the Bill, entitled a Bill, to incorporate a Corps of Cavalry in the County of Perquimons;

Were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Resolution in favor of the Door-keepers; and the Resolution in favor of the Commissioners of Raleigh, were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to amend the Act of 1792, and other subsequent Acts, relative to the charter of the City of Raleigh, was taken up, read the second time, and on motion of Mr. Thompson, (of W.) indefinitely postponed.

The Engrossed Bill, entitled a Bill, to amend the Revised Statutes, entitled Rivers and Creeks, was taken up, read the second time, and on motion of Mr. Melvin was laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill, to incorporate a Volunteer Infantry Company, in Washington, Beaufort County;

The Bill, entitled a Bill, to incorporate the Trustees of the Morganton Academy;

Which were severally read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to authorize William Bland, of the County of Chatham, to construct a dam across Haw river, and to erect a Mill thereon, was taken up, read the second time, and on motion of Mr. Waddell, was postponed indefinitely.

The Bill, entitled a Bill, to authorize the Court of Pleas and Quarter Sessions of Pitt County, to appoint special Justices of the Peace, and making compensation to said Justices, for certain services;

And the Bill, entitled a Bill, fixing the Tolls in future for crossing Davis' Bridge over Rock Fish Creek on the line between the Counties of Robeson and Cumberland;

Were taken up, read the second and third times, passed, and ordered to be Engrossed;
The Engrossed Bill, entitled a Bill, to amend an Act ratified the 26th day of January 1843, entitled an Act to punish the default of returning Officers in the election of Electors for President and Vice President of the United States, was taken up, and read the second time, and on motion of Mr. Francis was laid on the table.

The Bill, entitled a Bill, to authorize the making a Turnpike Road in Wilkes County, and to incorporate a Company for that purpose, was taken up, read the second time, amended on motion of Mr. McMillan, and on his motion was laid on the table.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill from the Senate, with an amendment: "Add to the 13th section the words, and no Committee man, whilst acting as such, shall be a Teacher in any Common School."

Which was read and concurred in.

The Engrossed Bill, entitled a Bill, to incorporate the Carthage Male and Female Academies, in the County of Moore, was taken up, read the second and third times, passed, and was ordered to be Enrolled.

The Senate then took up the Engrossed Bill, entitled a Bill, to provide a suitable punishment for owners or occupiers of Houses, burning the same under the circumstances therein mentioned.

Which was read the second time, and on motion of Mr. Hellen was laid on the table.

The Engrossed Bill, entitled a Bill, concerning Sheriffs and Constables, was then taken up, and on motion of Mr. Exum was laid on the table.

The Senate took up the Bill, entitled a Bill, to open Pedee and Yadkin Rivers.

Which was read the second and third times, passed, and was ordered to be Enrolled.

The Bill, entitled a Bill, to amend an Act of the General Assembly of North Carolina, passed at its session of 1824-25, to amend the several Acts to prevent the obstruction of Fish passing up the Roanoke and Cashie Rivers and their waters, and the Albemarle Sound, so far as extends to the Cashie river, was taken up, read the second time, and on motion of Mr. Hellen, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to repeal an Act passed in the year 1825, concerning Fire Companies in the Town of Fayetteville.
Which was read the second and third times, passed, and was ordered to be Engrossed.
On motion of Mr. Biggs, the Senate adjourned until to-morrow morning ten o'clock.

WEDNESDAY, JAN. 8, 1845.

The Senate met according to adjournment.
Mr. Dockery, from the Committee to whom was referred a Resolution, relative to the amount of service rendered by the Clerk appointed by the Treasurer to the Board of Internal Improvement, made a Report on the subject.
Which was read.
Received from the House of Commons a message, insisting upon their refusal to concur in the amendments of the Senate, to the Engrossed Bill, entitled a Bill, providing for the appointment of Engrossing Clerks, and proposing that two on the part of each House be appointed a Committee of Conference on said Bill.
Which was read and agreed to.
Whereupon, the Speaker announced to the Senate that Messrs. Francis and Biggs form the Committee on the part of the Senate, on said conference; and the House of Commons was informed thereof by message.
Mr. Jefferson presented a Bill, entitled a Bill; to amend an Act to incorporate the Town of Shelby.
Which was read the first, second and third times, passed, and ordered to be Engrossed.
Mr. Dockery presented the following Preamble and Resolution:

WHEREAS, it is made the duty of the Public Treasurer, by law, to keep the account of the Board of Internal Improvements, and for this
special purpose he is authorized to employ a Clerk, whose pay shall not exceed three dollars per day, for the time he may be so engaged: And whereas, the Public Treasurer has charged in his account against the said Board of Internal Improvements, the sum of three hundred dollars, for the hire of a Clerk to keep the accounts of the said Board for the last year, when in the opinion of this General Assembly, the employment of a Clerk for — days was more than sufficient for that purpose. Therefore,

Resolved, by the General Assembly of the State of North Carolina, That Charles L. Hinton, Public Treasurer elect, be, and he is hereby directed to call upon Jno. H. Wheeler, Public Treasurer, to refund the sum of two hundred and twenty dollars, improperly charged by him as Clerk hire, for keeping the accounts of the said Board for the last year, when in the opinion of this General Assembly, the employment of a Clerk for — days was more than sufficient for that purpose.

Which was read the first time and passed.

Mr. Joyner, (of H.) presented the following Resolution:

Resolved, That the Governor be, and he is hereby authorized and requested to employ additional Counsel, in all cases wherein the State is a party, whenever, in his opinion, the public interest shall require the same; and the compensation of the Attorney General, and such additional Counsel as the Governor may employ, shall hereafter be determined by the General Assembly.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

Mr. Woodfin presented a Bill, entitled a Bill, to provide for the making a survey from Raleigh and Fayetteville, West, to the Georgia line.

Which was read the first time and passed.

On motion of Mr. Jeffreys, the Engrossed Bill, entitled a Bill to revive and continue in force an Act passed in the year 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch’s, in Rutherford County, to the Widow Sails’, in Buncombe County, was taken up, read the second and third times, amended on motion of Mr. Jefferson, passed, and ordered to be sent to the House of Commons for their concurrence.

On motion of Mr. Jeffreys, the Engrossed Bill, entitled a Bill, to amend the 58th Section of the Revised Statutes, entitled Courts
—County and Superior, was taken up, read the second and third times, amended on motion of Mr. Halsey, passed, and ordered to be Enrolled.

On motion of Mr. Bogle, the Bill, entitled a Bill, to lay off and establish a County by the name of Gaston, was taken up, read the second time, and rejected by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

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<th>Those who voted in the affirmative, were</th>
<th>Those who voted in the negative, were</th>
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On motion of Mr. Dockery, the Engrossed Resolution concerning the Public Treasurer was taken up, and read the second time. Mr. Biggs moved to amend the same, as follows:

Resolved, That the Attorney General be instructed to investigate the matter, and take such steps as he may think best for the recovery of the same.
Which was read and adopted, by the following vote, Mr. Dockery calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were


The Resolution was then read the third time. Mr. Thompson, (of B.) moved to amend the Resolution, by striking out all after the Preamble, and inserting the following:

Resolved, That Charles L. Hinton, the Treasurer elect, submit the original papers and books on file in the Comptroller's Office, and a copy of the depositions in this case, taken by the Committee of Finance, to the Attorney General; and that he take the proper steps to recover the amount improperly paid out of the Public Treasury.

Which was read and adopted.
The Resolution then passed as amended, and was ordered to be sent to the House of Commons for their concurrence.

The Bill, entitled a Bill, to alter times of holding Courts, was taken up, read the second and third times, amended on motion of Mr. Bogle, passed, and ordered to be Engrossed.

On motion of Mr. Cameron, the Bill, entitled a Bill, to provide for making a survey from Raleigh and Fayetteville, West to the Georgia line, was taken up, read the second time, amended and passed by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,  
Boyden,  
Cameron,  
Cowper,  
Dockery,  
Elliott,  
Ennett,  
Francis,  
Halsey,  
Hargrave,  
Hellen,  
Jefferson,  

Messrs. Joyner, (of H.)  
Joiner, (of P.)  
Lindsay,  
McMillan,  
Pharr,  
Smith,  
Tayloe,  
Thompson, (of B.)  
Waddell,  
Woodfin,  
Worth.—23.

Those who voted in the negative, were

Messrs. Biggs,  
Boyd,  
Drake,  
Eaton,  
Exum,  
Gavin,  
Gwynn,  
Hester,  
Hill,  
Holmes,  

Messrs. Jeffreys,  
Melvin,  
Reich,  
Speight,  
Stallings,  
Stowe,  
Thompson, (of W.)  
Tomlinson,  
Walker.—19.

The Bill was then read the third time, passed, and ordered to be Engrossed.
Mr. Francis, from the Committee of Conference, to whom was referred the amendments to the Engrossed Bill, entitled a Bill, providing for the appointment of Engrossing Clerks, reported that they recede from the amendment marked B, which is as follows:

"Provided, That one of the said Clerks shall receive more than three dollars per day, as compensation for his services."

But agree to the amendment marked A, to-wit:

"Strike out Principal Clerks, and insert, Speakers of both Houses."

Which was read and concurred in.

On motion of Mr. Hellen, the Engrossed Bill, entitled a Bill, to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots, was taken up, read the second time, and on motion of Mr. Holmes, was laid on the table by the following vote:

Those who voted in the affirmative, were

Messrs. Albright, Messrs. Holmes,
Biggs, Jeffreys,
Bogle, Melvin,
Boyd, Reich,
Cameron, Shepard,
Cowper, Smith,
Dockery, Speight,
Elliott, Stallings,
Ennett, Stowe,
Etheridge, Thompson, (of B.)
Exum, Thompson, (of W.)
Gavin, Tomlinson,
Gwynn, Walker,
Hester, Wilson.—29.
Hill,

Those who voted in the negative, were

Messrs. Boyden, Messrs. Joyner, (of H.)
Drake, Joiner, (of P.)
Halsey,
Hellen,
Jefferson,
McMillan,
Pharr,
Worth.—10.
The Resolution relative to His Excellency, John M. Morehead, was taken up, and on motion of Mr. Wilson, was laid on the table. Mr. Hellen presented a Bill, entitled a Bill, supplemental to an Act passed by the present General Assembly, entitled an Act to attach that part of Carteret County, known as Ocracoke, to Hyde County.

Which was read the first and second times and passed.

The Bill, entitled a Bill, to provide for the education and maintenance of the poor and destitute Dumb Mutes and Blind persons in this State, was taken up, and read the second time.

Mr. Holmes moved that the Bill be laid on the table. Which motion was rejected by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright, Biggs, Boyd, Drake, Eaton, Ennett, Etheridge, Exum, Gavin, Hester,


Those who voted in the negative, were

Messrs. Bogle, Boyden, Cameron, Cowper, Dockery, Elliott, Gwynn, Halsey, Hellen, Jefferson,


The Speaker voted in the negative.
The question was then on the passage of the Bill.
Pending the question,
The Senate, on motion of Mr. Speight, adjourned until three o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

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 amend the seventh Section of the Revised Statutes, entitled "Guardian and Ward."
A Resolution in favor of Justin Martindale;
A Resolution in favor of Reeder & Lougee;
A Bill to repeal the eighth Section of the Revised Statutes, entitled an Act concerning Inspectors of Flour;
A Resolution directing the collection of Bonds due the President and Directors of the Literary Fund;

Said Bills and Resolutions were severally read the first time and passed.

On motion of Mr. Shepard,

Ordered, That a Message be sent to the House of Commons, proposing that the two Houses adjourn sine die to-morrow morning at 7 o'clock.

The Senate took up the unfinished business of the morning, to-wit: a Bill, entitled a Bill, to provide for the education and maintenance of the poor and destitute Deaf Mutes and Blind persons in this State.

The question was on the passage of the Bill.
Which was decided in the affirmative, by the following vote,
Mr. Jefferson calling for the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Bogle, Messrs. Lindsay, Boyden, McMillan,
Cameron, Pharr,
Dockery, Reich,
Elliott, Shepard,
Ennett, Smith,
Etheridge, Taylor,
Francis, Waddell,
Gwynn, Woodfin,
Jefferson Worth.—21.
Joyner, (of II.)

Those who voted in the negative, were

Messrs. Biggs, Messrs. Jeffreys, Boyd, Melvin,
Cowper, Speight,
Drake, Stallings,
Eaton, Stowe,
Exum, Thompson, (of W.)
Gavin, Tomlinson.—15.
Hellen,

The Bill was then read the third time, amended on motion of Mr. Hellen, passed, and was ordered to be Engrossed.

Received from the House of Commons a message, stating that they recede from their disagreement to the amendments of the Senate, marked A, to the Engrossed Bill, supplemental to an Act passed at the General Assembly of 1842-43, entitled an Act to lay off and establish a County by the name of McDowell.

They also recede from their amendment of the Senate, to the Bill, entitled a Bill, to prevent the levying of executions upon Growing Crops, until said Crops are matured.

They concur in the amendment of the Senate, to the Bill, entitled a Bill to change the place of holding the County Courts of McDowell County.

They also concur in the Senate’s amendments to the Resolution relating to the interchange of documents.

They also concur in the amendment of the Senate, to the Bill to revive and continue in force an Act passed in the year 1841,
entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County.

Received from the House of Commons a message, informing the Senate that they have passed the Engrossed Resolution relative to the re-building of the Branch Mint at Charlotte, with an amendment marked A.

Which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to alter the time of holding the Superior Courts of Law and Equity for the Counties of Rockingham and Guilford; and have made the amendments to the same, marked A and B.

Which were read and agreed to.

The Bill, entitled a Bill, to provide for connecting Cherokee County with the other portions of North Carolina, by means of a Road which can be travelled over with safety to the lives of its citizens, was taken up, read the second time and rejected.

The Senate took up the Engrossed Bill, entitled a Bill, to authorize the making a Turnpike Road in Wilkes County, and to incorporate a Company for that purpose.

Which was read the second and third times, passed, and was ordered to be Enrolled.

The Bill concerning Sheriffs and Constables was taken up, read the second and third times, passed, and ordered to be Enrolled.

Mr. Francis presented a Preamble and Resolution, to ascertain the voice of the people of Western North Carolina, on the subject of a cession of territory for a new State.

Which was read the first time and passed.

The Resolution in favor of the Comptroller was taken up, read the second time, and amended on motion of Mr. Jeffreys.

Mr. Boyd then moved that the Resolution be postponed indefinitely.

Which motion was decided in the negative, by the following vote:

Those who voted in the affirmative, were

Messrs. Bigge,             Messrs. Joyner, (of II.)
Boyd,                    Melvin,
Boyden,                  Reich,
Drake,
Eaton,                     Speight, 
Ennett,                    Stallings,  
Exum,                      Stowe, 
Gavin,                     Thompson, (of W.)  
Gwynn,                     Walker, 
Hester,                    Wilson.—21.
Jefferson,                 

Those who voted in the negative, were

Messrs. Bogle,                 Messrs Jeffreys, 
Cameron,                     Lindsay, 
Cowper,                      Pharr, 
Elliott,                     Shepard, 
Etheridge,                   Taylor, 
Francis,                     Thompson, (of B.) 
Halsey,                      Tomlinson, 
Hellen,                      Waddell, 
Hill,                        Woodfin, 
Holmes,                      Worth.—20.

The Speaker voted in the negative.  
The question was then taken on the passage of the Resolution,  
Which was decided in the negative.  
Received from the House of Commons a message, stating that  
they have passed the Engrossed Resolution in favor of the Com-  
missoners of the Town of Wilmington and others, in which they  
ask the concurrence of the Senate.  
Which was read the first time and passed.  
The Engrossed Bill, entitled a Bill, for a Canal from Cape Fear  
to Lumber river, was taken up, and read the second time.  
Mr. Dockery moved to strike out the section next to the last  
section—"binding the private property of the Stockholders;"  
Which motion was rejected by the following vote,  
Mr. Melvin calling for the Yeas and Nays:  
Those who voted in the affirmative, were

Messrs. Bogle,               Messrs. Joiner, (of P.)  
Boyden,                      Lindsay,  
Dockery,                     McMillan, 
Elliott,                     Pharr,  

Those who voted in the negative, were

Messrs. Biggs, Messrs. Hill,
Boyd, Holmes,
Cameron, Jeffreys,
Drake, Melvin,
Eaton, Speight,
Ennett, Stallings,
Etheridge, Stowe,
Exum, Thompson, (of W.)
Gavin, Tomlinson,
Gwynn, Walker,
Hester, Wilson.—22.

The Bill then passed the second time.
Whereupon, it was read the third time and passed, and was ordered to be Enrolled.

Mr. Joyner, (of H.) presented the following Resolution:

Resolved, That the Engrossing Clerks be, and they are hereby authorized to employ, one or more assistants, as may be found necessary, to aid in Engrossing and Enrolling Bills, passed by the present General Assembly; and that the said Assistant or Assistants, be allowed the same compensation per day, as is allowed the Engrossing Clerks.

Which was read and adopted.

Received from the House of Commons a message, concurring in the amendments of the Senate to the Bill, entitled a Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Received from the House of Commons a message, informing the Senate, that they have passed the Engrossed Resolution in favor of Thomas M. Cash, in which they ask the concurrence of the Senate.
Which was read the first, second, and third times, passed, and was ordered to be Enrolled.

The Senate then took a recess until 7 o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Joyner, (of H.) presented a Resolution, authorizing the Governor to foreclose the Mortgages executed by the Club Foot and Harlow's Creek Canal Company.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

Mr. Biggs presented to the Senate the following Protest:

The undersigned most solemnly protest against the decision of the Speaker of this body, on the 4th instant, in refusing to place upon the Journals a Protest, signed by twenty-four Senators, namely: Whitmel Stallings, Weldon N. Edwards, Louis D. Wilson, Robert Melvin, William A. Jeffreys, George C. Eaton, Robert H. Hester, Caleb Etheridge, John Reich, Owen Holmes, Larkin Stowe, George W. Thompson, E. C. Gavin, Thomas N. Cameron, James K. Hill, John Walker, Geo. D. Boyd, L. A. Gwynn, John Exum, James Tomlinson, Asa Biggs, E. G. Speight, Jno. H. Drake, Jr. and Thomas J. Pasteur, in which Protest, the said Senators express their dissent, (and give their reasons therefor,) to the Resolutions passed by the Senate, expelling from his seat William Ennett, the Senator from Onslow, because any and every Senator has the Constitutional right "to dissent from, and protest against "any act or resolve which he may think injurious to the public, or any "individual, and have the reasons of his dissent entered on the Journals"; because, by refusing to enter the Protest on the Journals, a palpable violation of the Constitutional rights of Senators has been committed—the power and privilege of the people, in the persons of their Representatives, denied, and a deadly stab thereby given to Constitutional government and the liberties of the people.

The undersigned further protest in this, that the Speaker, after refusing to enter the said Protest on the Journals, and after the adjourn-
ment of the Senate on that day, has thought proper to direct the Clerk to enter upon the Journals, (where they now are,) the reasons that influenced him in excluding it; which opinions are, "that it (the Protest,) contained disrespectful matter, impugning the character of himself, (the Speaker,) and a large number of the members of the Senate."

We protest against these reasons, for we declare the Protest was not disrespectful. In the opinion of the protestants, gross injustice had been done the Senator from Onslow, and by the conduct of the Speaker, a dangerous blow had been given to the inestimable privilege of freedom of debate; and the Protest, so alleging as to facts, contained the truth, and nothing but the truth.

We further protest in this, that the Speaker has done great injustice to the protestants, in charging them with disrespect to the Speaker and a large number of the members of the Senate, while he refuses to accompany his reasons with the Protest, whereby the people now, and posterity hereafter, through the Journals of the Senate, have no opportunity of revising his opinion.

The undersigned, therefore, most solemnly protest against the said acts and proceedings of the Speaker, as a most dangerous precedent; for the first time in the history of this State, as we believe, has a clear Constitutional right been denied to any member of the General Assembly; and if this precedent is followed, the rights of a minority, guaranteed by the Constitution, will be hereafter, as on this occasion they have been, utterly disregarded; and that minority will be prevented from speaking, unless in language that will not arraign the opinions and conduct of a majority, and such as will suit the most fastidious taste of the presiding Officer of the Senate, particularly if the acts of that Officer is called in question.

January 8, 1845.

E. C. GAVIN,  
ASA BIGGS,  
GEO. C. EATON,  
WM. A. JEFFEYS,  
THOS. N. CAMERON,  
JAMES TOMLINSON,  
JNO. H. DRAKE, Jus.  
Owen Holmes,  
C. ETHERIDGE,  
Larkin Stowe,  
GEO. W. THOMPSON,  
L. A. GWYNN,  
GEO. D. BOYD,  
LOUIS D. WILSON,  
ROBERT H. HESTER,  
JAMES K. HILL,  
E. G. SPEIGHT,  
JOHN EXUM,  
ROBERT MELVIN,  
WILLIAM STALLINGS,  
JOHN REICH,  
JOHN WALKER.

The Engrossed Bill, entitled a Bill, to amend the Revised Statutes, entitled Religious Societies, was taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to lay off a Public Road in Cherokee County, and to make an appropriation for the same, was taken up, read the second time and rejected.
The Senate took up the Engrossed Bill, entitled a Bill, to make Real Estate Assets.
Which was read the second time, and on motion of Mr. Boyden, laid on the table until the 4th March next.
The Bill, entitled a Bill, for the establishment of a Lunatic Asylum, was taken up, read the second time, and on motion of Mr. Biggs, laid on the table.
The Bill, entitled a Bill, to locate the residence of the Judges hereafter to be elected, was then taken up, read the second time, and passed by the following vote:

Those who voted in the affirmative, were

Messrs. Biggs,
Cameron,
Cowper,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,
Hill,
Holmes,
Jeffreys,

Messrs. Joiner, (of P.)
Melvin,
Reich,
Speight,
Stallings,
Stowe,
Taylor,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Woodfin.—26.

Those who voted in the negative, were

Messrs. Bogle,
Boyd,
Dockery,
Elliott,
Gwynn,
Hellen,

Messrs. Hester,
Jefferson,
Lindsay,
McMillan,
Pharr,
Smith,
Worth.—14.

The Bill was then read the third time, passed, and was ordered to be Engrossed.
The Engrossed Resolutions in relation to the fourth instalment were taken up, and read the second time,
And on motion of Mr. Biggs, was postponed until the 5th of March next, by the following vote, Mr. Joiner, (of P.) calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were


The Senate took up the Bill, entitled a Bill, fixing the time at which the Superior Courts of Law and Equity, and the non-Jury Courts of Pleas and Quarter Sessions shall be held in the Seventh Judicial Circuit.

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

The Resolution to compel the Treasurer to refund Two Hundred and Twenty-two Dollars, improperly drawn from the Treasury, was taken up, read the second time, and on motion of Mr. Speight, was postponed until the 4th of March next, by the following vote:
Those who voted in the affirmative, were

Messrs. Biggs, Boyd, Cameron, Drake, Eaton, Ennett, Etheridge, Exum, Gavin, Gwynn, Hester, Hill,


Those who voted in the negative, were

Messrs. Bogle, Cowper, Dockery, Elliott, Francis, Hellen, Jefferson, Joiner, (of P.)

Messrs. Lindsay, McMillian, Pharr, Smith, Taylor, Thompson, (of B.) Woodfin.—15.

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 Adrian H. Van Bocklin;
A Resolution concerning the Doorkeepers;
Which were read the first second and third times, passed, and were ordered to be Enrolled.

The Senate then took up the Engrossed Resolution in favor of Justin Martindale;
The Resolution in favor of Reeder and Lougee;
And the Resolution in favor of the Commissioners of the Town of Wilmington;
Which were severally read the second and third times, passed, and were ordered to be Enrolled.

The Bill, entitled a Bill, to incorporate the North Carolina Mining, Manufacturing, and Land Association, was taken up, read
the second and third times, amended, passed, and ordered to be Engrossed.

The Engrossed Resolution, directing the collection of Bonds due the President and Directors of the Literary Fund, was taken up, read the second time, and on motion of Mr. Francis, laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill, concerning Inspectors of Flour;

The Bill, entitled a Bill, to repeal the 8th Section of the Revised Statutes, entitled an Act concerning Crimes and Punishments.

Which were read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to amend the seventh Section of the Revised Statutes, entitled Guardian and Ward, was taken up, read the second and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution from the Senate, entitled a Resolution authorizing R. W. Ashton to enclose a State lot in the City of Raleigh, with the amendment marked A.

Which was read and concurred in.

They also concur in the Report of the Committee of Conference, to the Bill providing for the appointment of Engrossing Clerks.

Received from the House of Commons a message, informing the Senate that they have postponed till the 6th March next, the consideration of the Senate Bill, entitled a Bill, to locate the residence of the Judges hereafter to be elected.

Received from the House of Commons a message, stating that they have postponed the Bill from the Senate, entitled a Bill, to alter the times of holding the Superior Courts in the Sixth Judicial Circuit, &c.

The Resolution to ascertain the voice of the people of Western North Carolina, on the subject of a cession of territory for a new State, was taken up, read the second time, and on motion of Mr. Exum, laid on the table until the 10th of March next.

Mr. Biggs presented a Resolution in favor of the Students of the Raleigh Academy.

Which was read the first, second and third times, passed, and ordered to be Engrossed.
Received from the House of Commons the resignations of William Deyton and Thomas Howell, Justices of the Peace for the County of Yancey.

Which were read and accepted.

On motion of Mr. Boyden, the Bill, entitled a Bill, for the establishment of a Lunatic Asylum, was taken up, read the second time, and on motion of Mr. Speight, postponed until the 4th of March next, by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were


Hellen,

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to amend an Act passed in 1843, entitled an Act, to incorporate the Nantahala Turnpike Company;
And the Engrossed Resolution in favor of Samuel J. Finch, in which they ask the concurrence of the Senate.

Said Bill and Resolution were each read the first, second and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, informing the Senate that they adhere to their disagreement to the amendment of the Senate to the Resolution, entitled a Resolution, concerning the Public Treasurer.

Which was read; and the Senate adheres to their amendment to said Resolution; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they do not agree to the proposition of the Senate, to adjourn tomorrow morning at 7 o'clock.

Mr. Francis presented to the Senate, the Protest of the undersigned, to the Senator from Onslow being permitted to take his seat.

DISSENTIENT.

Because the said William Ennett was, by a vote of the Senate on the 21st of December last, declared guilty of having either forged a certificate of election, or procured it to be done, or of having practiced a fraud upon the Senate, by presenting as genuine such forged certificate, he being at the time aware that the same was not genuine. And was by another vote of the Senate, on the same day, expelled therefrom for his said misconduct; and because, in our judgment, no man so convicted and expelled for an infamous offence, ought to be allowed to hold a seat in the Senate.

M. FRANCIS,
I. HELLEN,
A. B. McMILLAN,
WALTER F. PHARR,
ALFRED DOCKERY,
JOSEPH HALSEY.

On motion of Mr. Exum, the Senate adjourned until to-morrow morning ten o'clock.
The Senate met pursuant to adjournment.
Mr. Joyner, (of H.) from the Select Committee, to whom was referred a memorial from sundry citizens of the County of Halifax, reported the same to the Senate, and asked to be discharged from the subject.
They were discharged accordingly.
Received from the House of Commons a message, proposing that both Houses adjourn to-morrow morning at six o'clock.
Which was read and concurred in.
Received from the House of Commons a message, stating that they have passed the Engrossed Resolution, entitled a Resolution, concerning the printing of the Inaugural Addresses of the Governors of the State, in which they ask the concurrence of the Senate. Said Resolution was read the first, second, and third times, passed, and was ordered to be Enrolled.
Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to prevent frauds in levying executions issued by a single Justice, &c. and have amended the same, by striking out all except the first section, and amending said first section. Said amendments are marked A.
Which were read and agreed to.
On motion of Mr. Jeffreys, the Bill, entitled a Bill, for the more speedy administration of Justice, was taken up, read the second time, amended and passed.
The Bill was then read the third time, and passed by the following vote,
Mr. Jefferson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Boyd, Boyden, Cowper, Dockery, Drake, Eaton, Elliott, Ennett, Exum,

Messrs. Hill, Jeffreys, Joyner, (of H.) Melvin, Pharr, Reich, Smith, Stallings, Stowe, Tayloe,
Francis, Thompson, (of W.)
Gavin, Walker,
Gwynn, Wilson,
Hellen, Woodfin.—29.
Hester,

Those who voted in the negative, were

Messrs. Bogle, Mr. Speight.—3.
Jefferson,

Ordered, that said Bill be Engrossed.

Received from the House of Commons a message, informing the Senate, that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate:

A Bill, entitled a Bill, to appoint Commissioners for the Town of Rockford, in the County of Surry;

A Bill, to repeal an Act, entitled an Act, to repeal the third section of an Act, passed in the year 1825, chapter twelve hundred and seventy-two, entitled an Act to direct the manner in which Licenses shall hereafter be issued to retailers of Spirituous Liquors so far as regards the Counties of Richmond and New Hanover.

Said Bills were severally read the first, second and third times, passed, and were ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, in addition to the Revised Statutes, entitled Wills and Testaments—to amend the same, and to repeal part of the 15th Section of the Revised Statutes, entitled Lands of Deceased Debtors, was taken up, and read the second time.

Mr. Wilson moved that the Bill be indefinitely postponed.
Which motion was decided in the negative.

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Hill,
Cameron, Melvin,
Eaton, Reich,
Ennett, Speight,
Exum, Stowe,
Gavin, Tayloe,
Gwynn, Thompson, (of W.)
Hellen, Tomlinson,
Hester, Wilson.—18.
Those who voted in the negative, were


The Speaker voted in the negative.
The Bill then passed by the following vote,
Mr. Gwynn calling for the Yeas and Nays :

Those who voted in the affirmative, were


Those who voted in the negative, were


The Bill was then read the third time, and amended on motion of Mr. Woodfin, by striking out the second section thereof.
It then passed by the following vote, Mr. Thompson, (of W.) calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were


Hellen,

The Bill was then sent to the House of Commons, asking their concurrence in the amendment. On motion of Mr. Woodfin, the Bill, entitled a Bill, to alter and amend the public Road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancey County, to the State line, was taken up, read the second time, and rejected by the following vote, Mr. Melvin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle, Boyd, Messrs. McMillan, Boyd, Pharr,

Those who voted in the negative, were

Messrs. Biggs, Messrs. Hellen,
Boyd, Hill,
Cameron, Jeffreys,
Cowper, Melvin,
Drake, Reich,
Eaton, Speight,
Ennett, Stallings,
Exum, Thompson, (of W.)
Gavin, Tomlinson.—18.

On motion of Mr. Hellen, the vote by which was rejected the Bill, entitled a Bill, to alter and amend the public road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancy County, to the State line, was reconsidered, and on motion of Mr. Biggs, laid on the table.

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 relative to Notaries;
A Resolution relating to the Cherokee Indians residing in North Carolina;
A Bill to amend the 59th Chapter of the Revised Statutes, and 49th Section of said Act;
A Bill to repeal an Act passed in the year 1842, entitled an Act to repeal an Act passed in the year 1835, entitled an Act to abolish the office of County Trustee in the County of Moore, and for other purposes;
A Bill in relation to the State Library;
Said Bills and Resolution were severally read the first, second and third times.

The second named Bill was, on motion of Mr. Exum, amended and passed; and they were ordered to be Enrolled.
Mr. Francis presented the following Resolution:

Resolved, That the Public Treasurer pay for the printing of the Report on Cherokee Land Bonds, &c., as the other printing is paid for under the order of the General Assembly.

Which was read and adopted.

On motion of Mr. Elliott, the Senate took a recess until three o'clock, P. M.

Three o'clock, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution, entitled a Resolution relating to Estimates of allowance, in which they ask the concurrence of the Senate.

Which was read the first, second, and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, stating that they agree to the amendment of the Senate, to the Bill, entitled a Bill, to amend the 59th Chapter of the Revised Statutes, and 49th Section of said Act; and further stating that they have amended the same, by adding "Craven," after the word "Wayne," inserted by the Senate, in which they ask the concurrence of the Senate.

Which was read and concurred in.

Received from the House of Commons a message, concurring in the amendments of the Senate, to the Bill, entitled a Bill, in addition to the Revised Statutes, entitled Wills and Testaments—to amend the same, and to repeal part of the 15th Section of the Revised Statutes, entitled Lands of Deceased Debtors.

Received from the House of Commons a message, stating that they have indefinitely postponed the Senate Bill, entitled a Bill, to abolish the Board of Internal Improvement, and for other purposes.
Mr. Woodfin presented a Bill, entitled a Bill, to encourage the culture and manufacture of Silk and Sugar, among the Cherokee Indians in this State.

Which was read the first time and passed.

Received from the House of Commons a message, informing the Senate, that they have passed the Engrossed Bill from the Senate, providing for the removal of the obstructions to the navigation of Roanoke river, occasioned by the erection of the Petersburg Rail Road Bridge across the same; and have amended the same by amendments marked 1, 2, 3, and by striking out the 4th section.

Which were read and concurred in, and the House of Commons was informed thereof by message.

On motion of Mr. Francis, the Senate took a recess until seven o'clock, P. M.


SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill from the Senate, entitled a Bill, to modify an Act concerning Slaves and free persons of color, passed in 1830; and have amended the whole of said Bill with the title, by striking out all, and inserting the amendment marked A.

Which was read and concurred in; and the House of Commons was informed thereof by message.

The Bill, entitled a Bill, to encourage the manufacture of Silk and Sugar among the Cherokee Indians in this State, was taken up, and read the second time.

Mr. Francis moved that the Bill be laid on the table.

Which motion was rejected by the following vote,

Mr. Woodfin calling for the Yeas and Nays:
Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Gwynn,
Boyd, Hill,
Cowper, Melvin,
Drake, McMillan,
Ennett, Reich,
Exum, Speight,
Francis, Stallings,
Gavin, Stowe.—16.

Those who voted in the negative, were

Messrs. Bogle, Messrs. Jeffreys,
Boyden, Joyner, (of H.)
Cameron, Lindsay,
Eaton, Pharr,
Elliott, Thompson (of W.)
Helen, Tomlinson,
Hester, Walker,
Jefferson, Woodfin.—16.

The Speaker voted in the negative.

The Bill then passed by the following vote,
Mr. Francis calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs, Messrs. Jeffreys,
Bogle, Joyner, (of H.)
Boyden, Lindsay,
Cameron, Melvin,
Eaton, McMillan,
Elliott, Pharr,
Ennett, Reich,
Gavin, Tomlinson,
Helen, Walker,
Hester, Woodfin.—21.
Those who voted in the negative, were


The Bill was then read the third time, amended on motion of Mr. Francis, passed, and ordered to be Engrossed.

Received from the House of Commons a message, stating that they have passed the following Bills and Resolution, in which they ask the concurrence of the Senate:

A Bill to prevent obstructions to the passage of fish up Fishing Creek;
A Bill to prevent fraudulent voting;
A Bill, to amend an Act passed at the last Session of the General Assembly, entitled an Act, to amend an Act concerning Coroners, Revised Statutes, Chapter 25, Section 4;
Resolution relating to the History of the State;
The first named Bill was read the first and second times, and on motion of Mr. Wilson, laid on the table till the 4th of March next.
The second named Bill was then read the first, second and third times, and passed by the following vote,
Mr. Exum calling for the Yeas and Nays:

Those who voted in the affirmative, were


Those who voted in the negative, were

Messrs. Bogle, Francis, Messrs. Jefferson, Jefferys
Ordered that said Bill be Enrolled.

The other named Bill and Resolution were read the first, second and third times, the Resolution amended and passed, and ordered to be Enrolled.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bill and Resolution, in which they ask the concurrence of the Senate:

A Bill, entitled a Bill, to establish and regulate a Turnpike Road in the County of Macon, to be called the Tennessee River Turnpike Road;

A Resolution directing the collection of Bonds due the Literary Board.

The Resolution was read the first and second times, and rejected by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Exum,
Gavin,
Gwynn,
Jefferson,

Messrs. Joyner, (of H.)
Pharr,
Speight,
Wilson,
Woodfin.—11.

Those who voted in the negative, were

Messrs. Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Elliott,

Messrs. Ennett,
Francis,
Hellen,
Melvin,
Stallings,
Thompson, (of W.)
Tomlinson.—14.
The Bill was read the first and second times.
Mr. Jeffreys moved that the Bill be laid on the table.
Which motion did not prevail.
Mr. Francis calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,                           Messrs. Gwynn,
Cameron,                                Hester,
Drake,                                  Jeffreys,
Eaton,                                  Melvin,
Ennett,                                 Speight,
Gavin,                                  Tomlinson.—12.

Those who voted in the negative, were

Messrs. Bogle,                           Messrs. Joyner, (of H.)
Boyd,                                    Lindsay,
Boyden,                                  McMillan,
Cowper,                                  Pharr,
Elliott,                                 Stallings,
Exum,                                    Stowe,
Francis,                                 Thompson, (of W.)
Hellen,                                  Woodfin.—16.

The Bill then passed the second and third times, and was ordered to be Enrolled.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution, directing the Secretary of State to receive proposals for enclosing the Capitol, in which they ask the concurrence of the Senate.

Said Resolution was read the first, second and third times, passed, and ordered to be Enrolled.

On motion of Mr. Elliott, the Senate adjourned until to-morrow morning five o'clock.
The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed the following Engrossed Resolution, entitled a Resolution providing for the purchase of a Bell.

Also, a Bill to protect the Capitol Square from injury.

In which they ask the concurrence of the Senate.

The Resolution was read the first time, and on motion of Mr. Hellen, laid on the table.

The Bill was read the first, second and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, informing the Senate that they have passed the Engrossed Bill from the Senate, entitled a Bill, to encourage the culture and manufacture of Silk and Sugar among the Cherokee Indians in this State; and have amended the same, by striking out the Proviso in the same, and inserting the amendment marked A.

Which was read and concurred in.

Received from the House of Commons a message, stating that they concur in the amendment of the Senate, to the Resolution relating to the History of the State.

Mr. Woodfin, from the Committee to whom was referred the memorial of the Mecklenburg Monument Association, reported thereon.

Which was read, and laid on the table.

Received from the House of Commons a message, informing the Senate, that having passed upon all the business before them, they are now ready to adjourn without day.

Which was read.

Whereupon, the Speaker adjourned the Senate sine die.

B. S. Gaither,
Speaker of the Senate.

By order,

Thos. G. Stone, C. J.